



CITY COUNCIL MEETING AGENDA
REGULAR MEETING
TUESDAY, OCTOBER 11, 2016

CITY COUNCIL MEETING TIME: 7:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council minutes from the September 27, 2016 City Council Meeting.
 - b. Approval of Accounts Payable; Checks numbered 16540-16567.
 - For Information - Checks numbered 16534-16539 are Payroll Checks.
5. Set Agenda – Anyone Not On The Agenda Can Be Placed Under Open/Misc.
 6. Reports of Boards and Committees by Council and Staff.
 7. Orono Schools Referendum: - Presentation from Sarah Borchers and Tom Stringer regarding the proposed Orono Schools Referendum.
 8. Jay Fogelson (Applicant/Owner) requests that the City consider the following action for the property located at 4618 South Lake Sarah Drive, Independence, MN (PID No. 02-118-24-21-0005):
 - a. **RESOLUTION NO. 16-1011-01** – Considering approval of a variance to allow a reduced side yard setback on both sides of the property which would permit a home and garage addition.

9. Jim and Lynda Franklin (Applicants/Owners) request that the City consider the following action for the property located at 6615 Franklin Hills Road, Independence, MN (PID No. 15-118-24-12-0011):
 - a. **RESOLUTION NO. 16-1011-02** – Considering approval of a Conditional Use Permit to allow an accessory dwelling unit on the subject property.
10. Donna Hendley (Applicant/Owner) requests that the City consider the following actions for the property located at 4150 Lake Sarah Drive South, Independence, MN (PID No. 02-118-24-43-0003):
 - a. **RESOLUTION NO. 16-1011-03** - Considering approval of a Final Plat for a five lot subdivision of the subject property.
11. A proposed text amendment to Chapter 5, Sections 506 of the City of Independence Ordinances as follows:
 - a. **ORDINANCE 2016-05** – Considering an amendment to the Floodplain Ordinance following FEMA mapping changes made in 2016.
 - b. **SUMMARY ORDINANCE 2016-06** – Considering a summary ordinance relating to the amendment to the Floodplain Ordinance following FEMA mapping changes made in 2016.
12. Fee Schedule Update:
 - a. **RESOLUTION NO. 16-1011-04** – Considering an update to the City’s Fee Schedule.
13. Open/Misc.
14. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, SEPTEMBER 27, 2016, 2016 –7:30 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Spencer and Grotting

ABSENT: Councilor McCoy and City Attorney Vose

STAFF: City Planner & City Administrator Mark Kaltsas, City Administrative Assistant Horner,
WHPS Gary Kroells

VISITORS: Lynda Franklin, WHPS Director Gary Kroells

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council minutes from the September 13, 2016 City Council Meeting.
- b. Approval of Accounts Payable; Checks numbered 16485-16533.
 - For Information - Checks numbered 16461-16484 are Payroll Checks covering two payroll periods.
- c. Approval of One (1) New Election Judge.
- d. Approve Mayor's Attendance at the National League of Cities Annual Conference November 16-19 in Pittsburgh, Pennsylvania.

Motion by Betts, second by Grotting to approve the Consent Agenda. Ayes: Betts, Spencer and Grotting. Nays: None. Absent: McCoy. Abstain: Johnson. MOTION DECLARED CARRIED.

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Planning Commission Meeting

Grotting attended the following meetings:

- Sensible Land Use Coalition Meeting
- West Hennepin Chamber of Commerce Open House

McCoy attended the following meetings:

Betts attended the following meetings:

- Sensible Land Use Coalition Meeting

Johnson attended the following meetings:

- Northwest League of Municipalities Meeting
- Two Election Judge Training Sessions
- Metropolitan Council Land Use Advisory Meeting
- Finance Committee Meeting for Community Action Partnership
- Sensible Land Use Coalition Meeting
- Senior Community Services Board Meeting
- Orono School Board Meeting

Horner attended the following meetings:

- Planning Commission Meeting
- Three Election Judge Training Sessions

Kaltsas attended the following meetings:

- Met with Patricia Nauman of Metro Cities

7. Director Gary Kroells, West Hennepin Public Safety - Activity Report for the Month of August, 2016.

Kroells said there is an increase of 454 incidents as of this time last year. Kroells highlighted a few cases. For the full report of incidents please see the complete packet on the website.

Kroells said Officer Matt Rosati resigned as of September 21st to move into a position in Eden Prairie to be closer to home. Kroells stated he was a great officer and everyone wishes him the best in his career. Kroells stated they are in the hiring process and it is tough to get good applicants.

8. Recognition of Director Gary Kroells for Being Awarded the Distinguished Public Leadership Award from Toward Zero Deaths Program.

- a. Proclamation Recognizing Director Kroells

Johnson issued the proclamation honoring Kroells and presented him with the award.

9. Recognition of Local High School Students Derek Spencer, Nathan Moe and Cameron Baker For Painting "Buckle Up" Awareness Signs at Key Local Intersections.

- a. Proclamation Recognizing Service to Our Community

Johnson noted the recipients were not available tonight to receive this award so it would be presented at a future date. Kroells thanked Spencer for all of his work in getting this project completed from start to finish. He also noted Horner did a lot of work on the project and thanked her for her efforts as well.

10. Amendment to the City Hall/Community Center Usage Policy.

- a. **RESOLUTION NO. 16-0927-01** – Approving policy for use of the City Hall/Community Center.

Kaltsas said loopholes in the current policy came to light. New additions include renters need to be 21 years of age older and if alcohol is going to be served the applicant will have to contract with law enforcement whether it be WHPS or another entity to provide security at the event. Johnson asked about the wording and if it allowed WHPS to subcontract services if need be. Kaltsas said it would be a requirement to work with WHPS and WHPS could determine if they would subcontract it out or if they would cover it through their department and reserves. Kroells said he is comfortable with the wording and the intent is to utilize the reserve officer first before an outside company.

Motion by Spencer, second by Betts to approve RESOLUTION NO. 16-0927-01 – Approving policy for use of the City Hall/Community Center. Ayes: Betts, Spencer, Grotting and Johnson. Nays: None. Absent: McCoy. Abstain: None. MOTION DECLARED CARRIED.

11. Ordinance Amendment to Section 915 - Regulation of Lake Sarah Surface Use.

- a. **ORDINANCE 2016-05:** An amendment relating to the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence.

Johnson stated a public hearing would need to be held so this item regarding Ordinance 2016-05 would need to be tabled at this time.

Motion by Betts, second by Grotting to table ORDINANCE 2016-05: An amendment relating to the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence. Ayes: Betts, Spencer, Grotting and Johnson. Nays: None. Absent: McCoy. Abstain: None. MOTION DECLARED CARRIED.

9. Open/Misc.

10. Adjourn.

Motion by Spencer, second by Grotting to adjourn at 8:00 p.m. Ayes: Johnson, Betts, Spencer and Grotting. Nays: None. Absent: McCoy. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary

City of Independence

Request for a Variance from the Side Yard Setbacks for the Property Located at 4618 South Lake Sarah Drive

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: October 11, 2016
Applicant: Jay and Rebecca Fogelson
Owner: Jay and Rebecca Fogelson
Location: 1). 4618 South Lake Sarah Drive

Discussion:

In May of this year the applicant initially requested a 1'-2" setback on the east property line to allow for home and garage expansion. Planning Commissioners reviewed the request and did not find that it met the criteria for granting a variance. Planning Commissioners recommended that the applicant consider an alternative layout that increased the side yard setback. Commissioners were concerned that the minimum setback would not allow for access to the rear (lakeside) of the property as well as maintenance of the structure itself. In June, the applicant brought back a revised plan with a proposed setback of five (5) feet from the east property line. Commissioners reviewed the request and again found that the 5 feet was not adequate to accommodate access and maintenance of the property and structure. In August, the applicant again revised the plan and proposed an eight (8) foot setback along the east property line and a one (1) foot setback along the west property line. Commissioners were going to recommend denial of the requested variance. The applicant asked to have the item tabled again to review the plans and increase the requested setbacks.

The applicant has now revised the proposed plans and is seeking consideration of a fifteen (15) foot setback along the east property line and a 3.3 foot setback on the west property line. The City had previously granted the applicant a variance to allow a 3.3 foot setback along the east property line to construct a second story and deck using the historic house setback of 3.3 feet. The applicant is proposing to keep the driveway that provides access to the existing detached garage in the same location, one foot off of the east property line. The existing garage would be razed as a part of the proposed home expansion. The proposed expansion of the existing home towards the street will have a potential impact on the property to the west; however, the addition would align with the existing home and provide/allow access to the rear or lake side of the property as recommended by the City.

The City will have to consider if the revised plans adequately address the issues that were previously discussed. Several additional considerations that could be considered are as follows:

1. There have been several recent examples where the City granted a variance for a reduced side yard setback for properties in the shoreland district. The City previously granted a 14.7 foot variance to allow a 3.3 foot setback along the west property line. In many instances the City has provided or granted relief on one side of a property, but then maintained the requisite or near requisite setback on the opposite side of the property.
2. The adjacent property to the west received a variance to allow an addition (attached garage and bonus room) that has an 8 foot setback (10 foot variance) from the side yard setback. This property complies with applicable setbacks (18 feet) on the opposite side yard.
3. The property to the east meets the requisite side yard setback of 18 feet.
4. The building code requires a minimum of a 5 foot separation between a building and a property line (without making more onerous fire preventive building improvements).
5. The City could consider allowing a continuation of the reduced setback along the west side of the property to maintain an increased setback and access along the east side of the property.
6. The existing detached garage is located approximately 1'-10" from the east property line and can remain in its current location. The applicant could connect the existing detached garage to the existing home as long as all applicable setbacks are maintained. It appears that this connection would be possible without any variances. If this were to occur, the access to the back (lakeshore) property would be restricted.
7. The applicant will need to provide the City with an actual impervious surface calculation.
8. The applicant will need to provide the City with an engineered grading plan that depicts how the property will be graded so that no water is discharged onto the neighboring properties.
9. The home is connected to City sewer.

The Planning Commission recommended approval of the requested building addition and variances. The proposed expansion of the house and garage will provide access to the lakeshore side of the property. Historically, the City has considered granting variances which reduce the setbacks on one side of a property while maintaining the requisite setbacks on the opposite side. The existing lot is one of a handful of narrow lots in the City. The ability to improve these properties for the purpose of constructing a modern home typically requires some relief from the City's zoning ordinances. The City will need to determine if there is a hardship that warrants the requested variance and determine if it meets the criteria for granting the requested variance.

Request:

Jay and Rebecca Fogelson (Applicant) request that the City consider the following action for the property located at 4618 Lake Sarah Drive South (PID No.02-118-24-21-0005):

- a. A variance to allow a reduced side yard setback on both sides of the property which would permit a home and garage addition.

Property/Site Information:

The subject property is located at 4618 South Lake Sarah Drive. The property is a legal non-conforming property that does not meet the current lot and setback requirements. There is an existing home and detached garage on the subject property.

Property Information: ***4618 South Lake Sarah Drive***

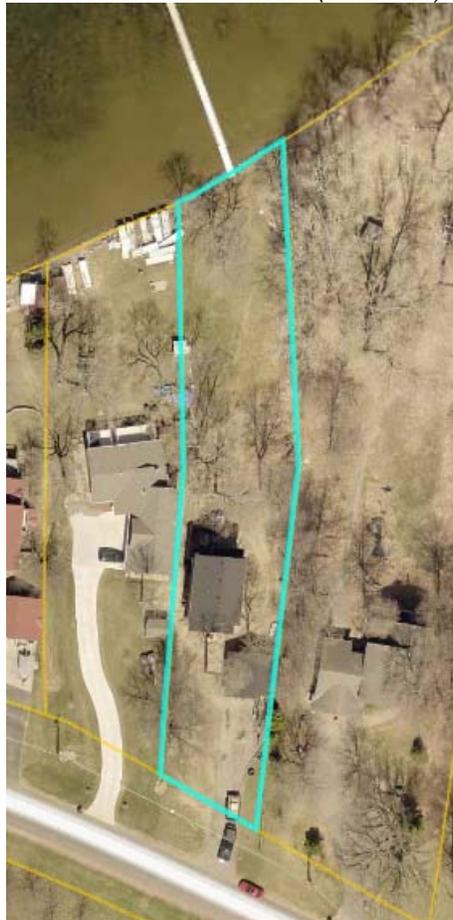
Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: *0.55 acres (23,031 square feet)*

Impervious Surface Maximum: *25% (5,757.75 square feet)*

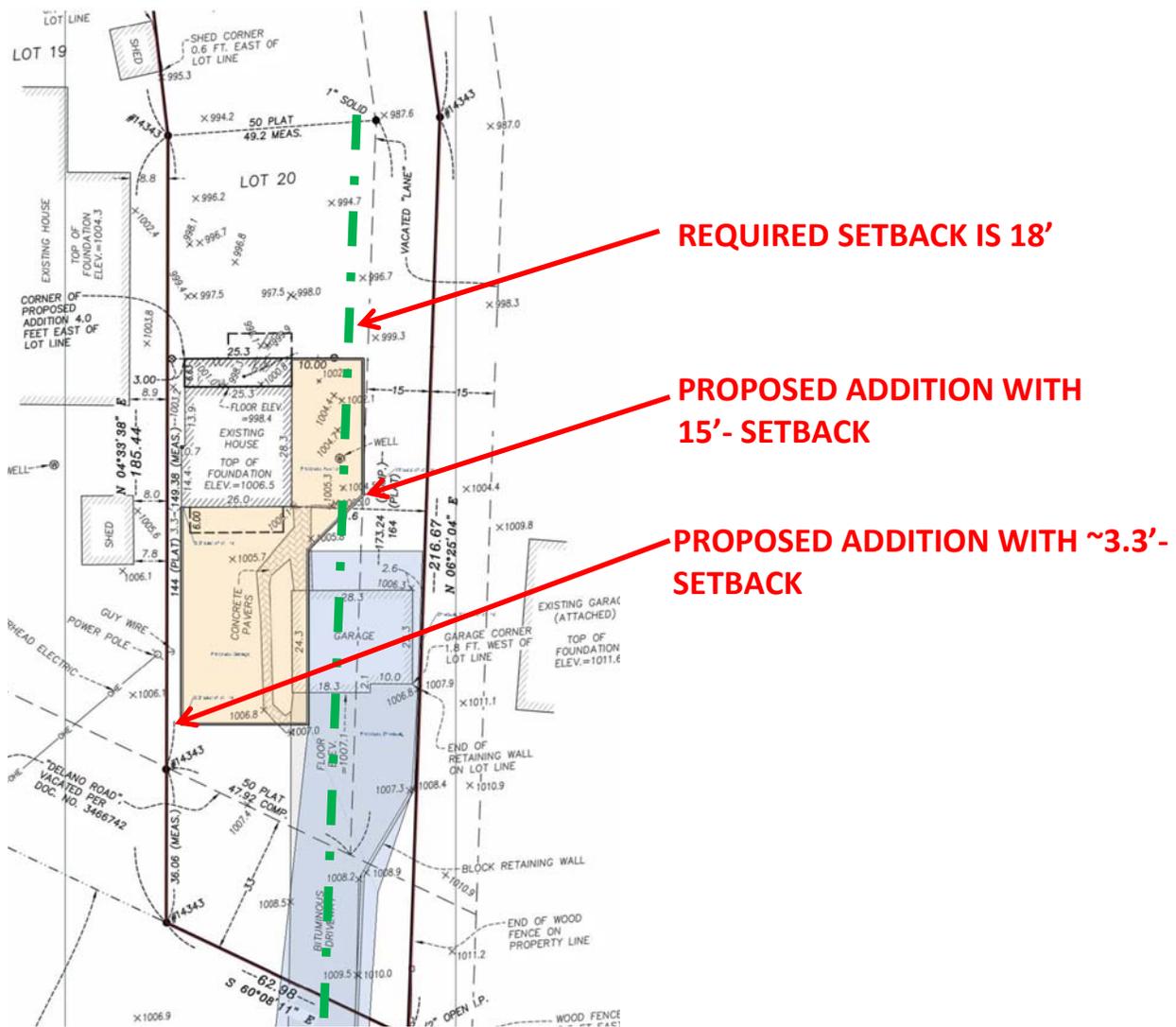
4618 South Lake Sarah Drive (blue outline)



Discussion:

The City granted a variance for this property in 2008 to allow the expansion of the existing home on the property. The variance that was previously granted, allowed the expansion of the home along the west property line, utilizing the existing 3.3 foot setback. The variance allowed the upwards expansion of the home, allowing a second story, and out (to the north) for additional space. Those improvements were made to the home in 2014 and now the applicant would like to expand the home again.

The applicant would like the City to consider granting two variances to the property. The variances requested would allow the expansion of the house and garage towards the east and west property lines. The applicant would like to expand the house and replace the existing garage. The applicant is proposing to expand the house and garage by constructing a connected garage and home addition. The applicant is proposing to setback the proposed addition 15' from the east property line and 14.7' from the west property line. The current detached garage is setback approximately 1'-10" from the east property line.



The subject property is considered a substandard lot of record in accordance with the City's Shoreland Ordinance Section 505.15.

505.15. Substandard lots. Lots of record in the office of the county register of deeds or registrar of titles prior to December 1, 1982, which do not meet the requirements of this section 505, may be allowed as building sites provided:

(a) such use is permitted in the zoning district;

(b) the lot of record is in separate ownership from abutting lands, and can meet or exceed 60% of the lot area and setback requirements of this section; and

(c) all requirements of section 705 of this code regarding individual sewage treatment systems are complied with.

Setbacks for properties located in the shoreland ordinance are as follows:

Subd. 2. Lot standards.

	Unsewered Areas			Sewered Areas		
	NE Waters	RD Waters	Tributary Streams	NE Waters	RD Waters	Tributary Streams
Lot Area	2.5 acres	2.5 acres	2.5 acres	1.0 acre	1.0 acre	1.0 acre
Water frontage and lot width at building line	200 ft	200 ft	200 ft	125 ft	100 ft	100 ft
Structure setback from ordinary high water mark	150 ft	100 ft	100 ft	150 ft	100 ft	100 ft
Structure setback from roads and highways	85 ft from centerline or 50 ft. from right-of-way, whichever is greater					
Structure height limitation	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Maximum lot area covered by impervious surface	25%	25%	25%	25%	25%	25%
Sewage system setback from ordinary high water mark	150 ft	75 ft (RR) 150 ft (AG)	75 ft (RR) 150 ft (AG)	125 ft	75 ft	75 ft

Front Yard Setback:

Required: 85 feet from centerline or 50 feet from the ROW (@ 60% = 30 feet from right of way)

Proposed: 44 feet from the right of way

Side Yard Setback (as it relates to proposed addition):

Required: 30 feet (@ 60% = 18 feet)

Provided (West): 3.3" (variance of 14.7')

Provided (East): 15' (variance of 3')

Lakeshore Setback (East Side):

Required: 100 feet from Ordinary High Water Mark (@ 60% = 60 feet)

Proposed: 100+ feet

In addition to the setback requirements, properties located in the shoreland district can have a maximum impervious surface coverage of 25%. This property can have a maximum coverage of 5,757.75 square feet. The applicant will need to provide the City with an impervious surface calculation for the proposed house and impervious site improvements to verify that it does exceed 25%. Should the proposed impervious exceed 25%; the applicant will need to reduce the width of the driveway or utilize impervious pavement options in lieu of traditional paving methods.

There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)

Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential District. The applicants are seeking a variance that exceeds the typical setback granted for properties in this area.

- b. Each property in this area is non-conforming and typically requires relief from certain setbacks. The City will need to determine if the requested variance is unique to this property.
- c. The character of the surrounding area is residential. The proposed single family home is in keeping with the City's comprehensive plan.

Planning Commission Discussion:

Commissioners have reviewed this request on several occasions. Planning Commissioners were concerned about the initial request due to the potential impacts to the adjacent property, lack of access to the lake and inability of the applicant to maintain the proposed building expansion. Commissioners recommended that the applicant maintain access to the lakeshore side of the property. Commissioners asked questions pertaining to the proposed three foot setback and staff noted that it may require additional building/fire separation related enhancements due to the close proximity to the property line (less than five feet). Commissioners discussed that the current proposal allows access to the lakeshore side of the property and maintains relative consistency with past approvals where the City allowed a reduction on one side of a property while maintaining the required setback on the opposite side. Ultimately commissioners recommended approval of the requested variances due to the unique characteristics of the property and the existing home.

Public Comments:

The City received comments from the neighboring property owner to the east. He stated that he was concerned with the proximity of proposed addition. He recommended that the City consider an increased setback from the east property line. The applicant stated that he has spoken with the property owner to the west and that he did not object to the requested variance.

Recommendation:

The Planning Commission recommended approval of the request for a variance with the following findings and conditions:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The total impervious surface coverage for this property will not exceed 25% of the total lot area. The applicant shall submit an impervious surface calculation to the City at the time of building permit application. The calculation shall be prepared by a surveyor and shown on a site survey.
3. The applicant shall submit a drainage plan to the City at the time of building permit application. The drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.

4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
5. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts. No expansion of the home or impervious areas will be permitted without an additional variance request.

Attachments:

1. Application
2. Site Plan



RESOLUTION NO. 16-1011-01

A RESOLUTION GRANTING APPROVAL OF A VARIANCE TO ALLOW A 3 FOOT REDUCTION FROM THE EAST SIDE YARD SETBACK AND A 14.7 FOOT REDUCTION FROM THE WEST SIDE YARD SETBACK FOR THE PROPERTY LOCATED AT 4618 SOUTH LAKE SARAH DRIVE

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Jay and Rebecca Fogelson (the “Applicants”) submitted a request for a variance from the side yard setbacks for the property located at 4618 South Lake Sarah Drive (PID No. 02-118-24-21-0005) (the “Property”); and

WHEREAS, the Property is zoned Rural Residential; and

WHEREAS the requested variance meets all requirements, standards and specifications of the City of Independence zoning ordinance for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on May 17, 2016 to review the application for a variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Jay

and Rebecca Fogelson and grants a variance for the Property in accordance with the City's zoning regulations and the following findings, facts and conditions:

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
 - a) The applicants are proposing to use the property in a manner consistent (single-family home) with the Rural Residential District. The properties that surround the lakes in Independence cover a broad array of types, styles, lot sizes, setbacks and unique characteristics. The applicants have attempted to locate the building to meet all other applicable setbacks for property zoned Rural Residential and under the Shoreland Overlay District. The applicants are proposing to maintain an increased setback along the east property line in order to provide access to the lakeshore side of the property.
 - b) The requested variance is unique to this property given the location of the existing structures and their proximity to the property lines and the narrow width of the property.
 - c) The character of the surrounding area is residential. The proposed single family home is in keeping with the City's comprehensive plan which guides this property for residential use.
2. The applicant shall be granted a 3 foot variance from the east property line and a 14.7 foot variance from the west property line to allow the proposed expansion of the house and garage. The variance is granted to allow the proposed home as shown and approved on the attached plans (Exhibit A). The expansion approved is for a two story structure meeting all applicable height restrictions of the City's ordinance. No further encroachment, expansion or revisions to the plans will be permitted without the review and approval of the City.
3. The total impervious surface coverage for this property will not exceed 25% of the total lot area. The applicant shall submit an impervious surface calculation to the City at the time of building permit application. The calculation shall be prepared by a surveyor and shown on a site survey.
4. The applicant shall submit a drainage plan to the City at the time of building permit application. The drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.
5. The Applicant shall pay for all costs associated with the City's review of the requested variance.
6. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.

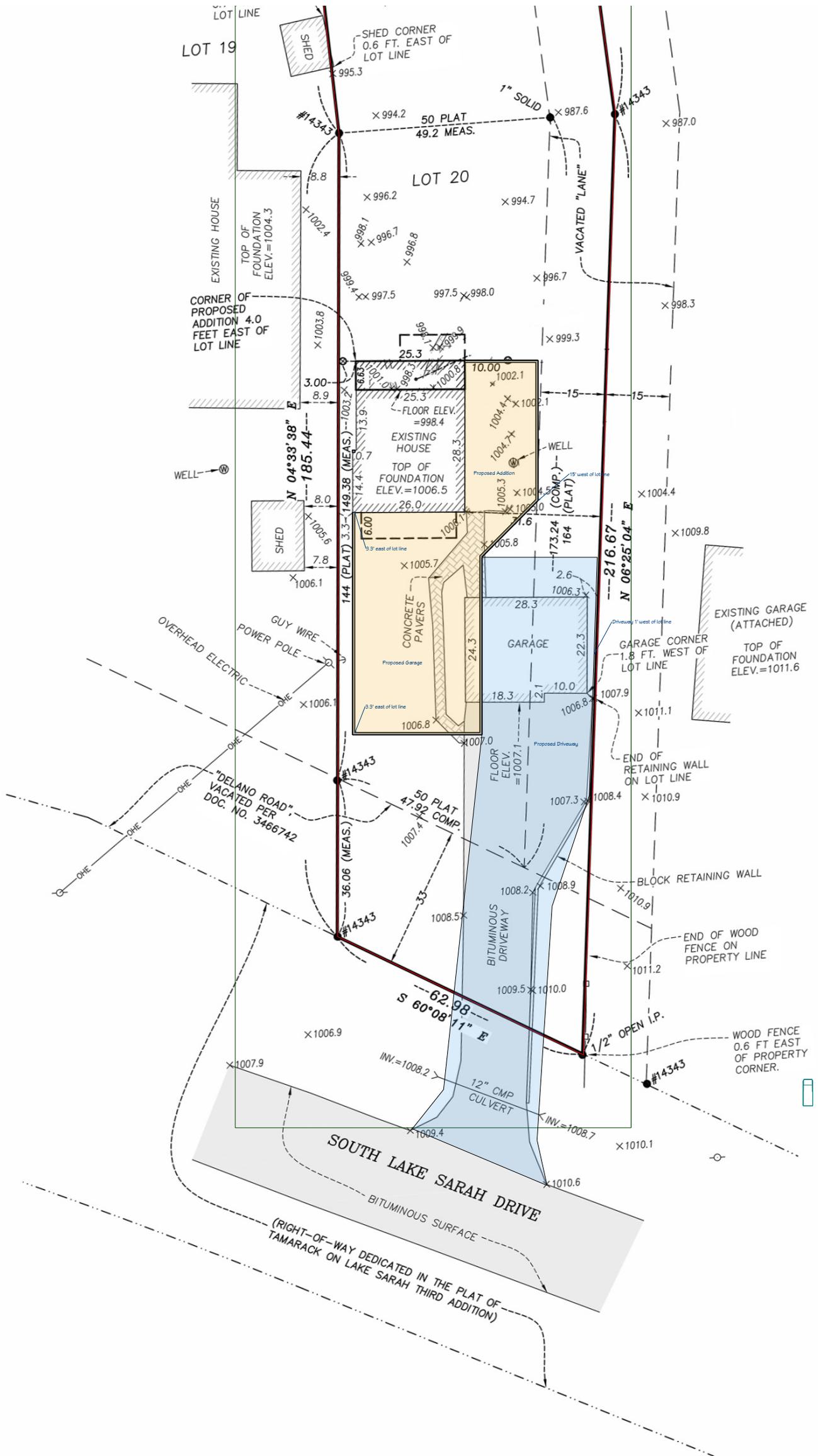
This resolution was adopted by the city council of the City of Independence on this 11th day of October, 2016, by a vote of ____ayes and ____nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

(SEAL)



LOT 19

LOT 20

SOUTH LAKE SARAH DRIVE

(RIGHT-OF-WAY DEDICATED IN THE PLAT OF TAMARACK ON LAKE SARAH THIRD ADDITION)

EXISTING HOUSE

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

WELL

OVERHEAD ELECTRIC

GUY WIRE

POWER POLE

"DELANO ROAD", VACATED PER DOC. NO. 3466742

EXISTING HOUSE
 TOP OF FOUNDATION ELEV.=1004.3
 FLOOR ELEV.=998.4

PROPOSED ADDITION
 TOP OF FOUNDATION ELEV.=1006.5
 FLOOR ELEV.=1007.1

GARAGE

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

EXISTING GARAGE (ATTACHED)

TOP OF FOUNDATION ELEV.=1011.6

END OF RETAINING WALL ON LOT LINE

BLOCK RETAINING WALL

END OF WOOD FENCE ON PROPERTY LINE

WOOD FENCE 0.6 FT EAST OF PROPERTY CORNER.

SHED

SHED

CONCRETE PAVERS

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

SHED CORNER 0.6 FT. EAST OF LOT LINE

TOP OF FOUNDATION ELEV.=1004.3

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

EXISTING HOUSE

SHED

CONCRETE PAVERS

GARAGE

BITUMINOUS DRIVEWAY

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

WELL

WELL

WELL

SHED CORNER 0.6 FT. EAST OF LOT LINE

TOP OF FOUNDATION ELEV.=1004.3

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

EXISTING HOUSE

SHED

CONCRETE PAVERS

GARAGE

BITUMINOUS DRIVEWAY

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

WELL

WELL

WELL

SHED CORNER 0.6 FT. EAST OF LOT LINE

TOP OF FOUNDATION ELEV.=1004.3

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

EXISTING HOUSE

SHED

CONCRETE PAVERS

GARAGE

BITUMINOUS DRIVEWAY

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

WELL

WELL

WELL

SHED CORNER 0.6 FT. EAST OF LOT LINE

TOP OF FOUNDATION ELEV.=1004.3

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

EXISTING HOUSE

SHED

CONCRETE PAVERS

GARAGE

BITUMINOUS DRIVEWAY

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

WELL

WELL

WELL

SHED CORNER 0.6 FT. EAST OF LOT LINE

TOP OF FOUNDATION ELEV.=1004.3

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

EXISTING HOUSE

SHED

CONCRETE PAVERS

GARAGE

BITUMINOUS DRIVEWAY

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

WELL

WELL

WELL

SHED CORNER 0.6 FT. EAST OF LOT LINE

TOP OF FOUNDATION ELEV.=1004.3

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

EXISTING HOUSE

SHED

CONCRETE PAVERS

GARAGE

BITUMINOUS DRIVEWAY

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

WELL

WELL

WELL

SHED CORNER 0.6 FT. EAST OF LOT LINE

TOP OF FOUNDATION ELEV.=1004.3

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

EXISTING HOUSE

SHED

CONCRETE PAVERS

GARAGE

BITUMINOUS DRIVEWAY

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

WELL

WELL

WELL

SHED CORNER 0.6 FT. EAST OF LOT LINE

TOP OF FOUNDATION ELEV.=1004.3

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

EXISTING HOUSE

SHED

CONCRETE PAVERS

GARAGE

BITUMINOUS DRIVEWAY

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

WELL

WELL

WELL

SHED CORNER 0.6 FT. EAST OF LOT LINE

TOP OF FOUNDATION ELEV.=1004.3

CORNER OF PROPOSED ADDITION 4.0 FEET EAST OF LOT LINE

EXISTING HOUSE

SHED

CONCRETE PAVERS

GARAGE

BITUMINOUS DRIVEWAY

BITUMINOUS DRIVEWAY

1.2" CMP CULVERT

BITUMINOUS SURFACE

WELL

WELL

WELL

WELL

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1.2" CMP CULVERT

BITUMINOUS SURFACE

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WELL

City of Independence

Request for a Conditional Use Permit to Allow an Accessory Dwelling Unit on the Property Located at 6615 Franklin Hills Road

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: October 11, 2016
Applicant: Jim and Lynda Franklin
Owner: Jim and Lynda Franklin
Location: 1). 6615 Franklin Hills Road

Request:

Jim and Lynda Franklin (Applicants/Owners) request that the City consider the following action for the property located at 6615 Franklin Hills Road, Independence, MN (PID No. 15-118-24-12-0011):

- a. A Conditional Use Permit to allow an accessory dwelling unit on the subject property.

Property/Site Information:

The property is located on Franklin Hills Road which is on the west side of CSAH 90 and south of Fogelman Road. The property has a mixture of wooded areas and upland and has several small accessory buildings.

Property Information: 6615 Franklin Hills Road

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: 17.15 *acres*



Discussion:

Several years ago, the City adopted an ordinance permitting accessory dwelling units as a conditional use in both Rural Residential and Agriculture zoning districts. The intent of the ordinance was to allow for “mother-in-law” type units to be located within the principle structure or a detached accessory building. The applicant is seeking a conditional use permit to allow a detached accessory dwelling unit to be constructed on the property. The detached accessory structure would be a standalone structure located on the property. The proposed accessory structure would be used a true “mother in law” unit allowing the homesteaded owners of the property a secondary living quarters for their use on the property.

The subject property has an existing principle home and several small accessory buildings on the property. The proposed accessory dwelling unit is comprised of one bedroom, a bathroom, a kitchen, dining and family room area. In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

IDEAWAY 1



Overall Dimensions:
20' x 40' (12,192 x 6,096 mm)

Approximately
800 sq ft

An accessory dwelling unit must meet the following criteria:

Subd. 2. "Accessory Dwelling Unit." A secondary dwelling unit that is:

- (a) *Physically attached to or within a single family dwelling unit or within a detached^a accessory building that has a principal structure on the parcel; and*

The applicant is proposing to construct the accessory dwelling unit within a new detached accessory structure.

- (b) *Subordinate in size to the single family dwelling unit; and*

The proposed accessory dwelling unit would be subordinate in size to the single family dwelling unit.

- (c) *Fully separated from the single family dwelling unit by means of a wall or floor, with or without a door; and*

The proposed accessory dwelling unit would be separated from the single family home.

- (d) *Architecturally compatible with the principal structure (using materials, finishes, style and colors similar to the principal structure); and*

The proposed accessory structure has been designed to be architecturally similar to the principal structure. The structure has siding and architectural features that complement the principle home on the property.

- (e) *The lesser of 33% of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet; and*

The principal structure has 2,425 square feet of above ground space not including the basement. 33% of 2,425 square feet equals 800 square feet. The applicant is proposing to construct an accessory structure which will total 800 square feet. The proposed square footage would be equal to the permitted maximum of 800 square feet.

- (f) *Not in excess of the maximum square footage for accessory structures as permitted in this code; and*

The maximum accessory structure size for properties zoned Agriculture is 2% of the buildable (upland) lot area up to 10 acres and then it is no longer restricted. The applicant has 17 acres and therefore would comply with applicable standards.

- (g) *Has permanent provisions for cooking, living and sanitation; and*

The applicant is proposing to construct permanent provisions for cooking; living and sanitation (see attached depiction).

- (h) *Has no more than 2 bedrooms; and*

The applicant is proposing to have one bedroom within the accessory dwelling unit.

- (i) *Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and*

The applicant is proposing that the accessory dwelling unit be occupied solely by family members.

- (j) *Uses the existing on-site septic system^b or an approved holding tank; and*

The property has an existing septic system as well as an approved holding tank. The applicant is considering using the approved holding tank initially and then possibly installing a new on-site septic for the proposed accessory dwelling unit. Any use of the existing holding tank is subject to the City's review and approval. Holding tanks also require an annual renewal and maintenance permit.

- (k) *Respectful of the future subdivision of the property and the primary and secondary septic sites. The City may require a sketch of the proposed future subdivision of a property; and*

Based on the proposed location to the east of the existing home, it appears that the proposed accessory structure will not impede the ability to subdivide the property or locate the secondary septic site.

- (l) *In compliance with the adopted building code relating to all aspects of the dwelling unit.*

The proposed accessory structure will meet all applicable building codes and will be required to obtain requisite permits.

^a On lots less than 2.5 acres, the accessory dwelling unit must be attached to the principal dwelling unit or located/constructed within an existing detached accessory structure that meets all criteria of this section.

^b The existing on-site septic system will be required to be inspected by the City to ensure compliance with all applicable standards. Any system that does not meet all applicable standards shall be brought into compliance as a part of the approval of the accessory dwelling unit.

The overall property is heavily wooded which will essentially mitigate potential visual impacts of the proposed accessory structure. The applicant is proposing to locate the structure in an existing opening in the wooded portion of the property (see below). The proposed location would meet all applicable setbacks. The proposed building would be 89 feet from the closest property line to the north. The required setback is 15 feet. The subject property is part of a larger overall development which has been incrementally developed by the owner of this property. The surrounding properties to the east and north are comprised of 3-6 acre lots. The property to the west and south are comprised of larger parcels similar in nature to the subject property. The applicant has submitted a floor plan and building elevation further detailing and depicting the proposed accessory structure. The proposed accessory structure is a single floor building. The accessory dwelling unit will need to meet all applicable building codes and building regulations. The applicant will be required to apply for and receive all applicable and requisite building permits.



As proposed, the accessory dwelling unit appears to meet all applicable criteria established in the zoning ordinance. In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

Consideration for the proposed conditional use permit should weigh the impact of having an accessory dwelling unit located on this property. The applicant is proposing to design the new structure in a manner that will complement the existing home on the property. The location of the proposed accessory dwelling unit and its compliance with all applicable setbacks appears to mitigate potential impacts resulting from the construction of the accessory dwelling unit. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

Should the CUP to allow an accessory dwelling unit be recommended for approval by the Planning Commission, it is suggested that the following conditions be noted by the City:

- The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
- The applicant will need to apply for and obtain a valid holding tank permit from the City or provide the City with appropriate documentation and application to connect to the primary on-site septic system on the subject property.

- The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.

Planning Commission Discussion:

Planning Commissioners reviewed the request for an accessory dwelling unit on the subject property. Commissioners asked questions regarding the location of the existing septic site. Commissioners noted that the subject property is isolated from the surrounding properties and the proposed structure would not be visible in the proposed location. Commissioners asked for clarification on how the square footage of the principle structure is calculated and whether or not it includes the basement. Commissioners found that the request meets the criteria for granting approval of an accessory structure ordinance and for granting a conditional use permit. Commissioners recommended approval to the City Council.

Neighbor Comments:

The City has not received any written comments regarding the proposed conditional use permit to allow an accessory dwelling unit.

Recommendation:

The Planning Commission recommended approval of the requested conditional use permit with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be issued subject to the following items being completed:
 - a. The conditional use permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
 - b. The applicant will need to apply for and obtain a valid holding tank permit from the City or provide the City with appropriate documentation and application to connect to the primary on-site septic system on the subject property.
 - c. The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
3. Prior to the City Council placing the conditional use permit into effect, the applicant shall provide the City with the following items:

- a. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Attachments:

1. Property Pictures
2. Site Plan of Proposed Accessory Structure on Property
3. Proposed Accessory Dwelling Unit Floor Plan and Building Elevations
4. Application

Attachment #1

6615 Franklin Hills Road (View from south side of property)



6615 Franklin Hills Road (View from north side of property)





RESOLUTION 16-1011-02

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT
TO ALLOW AN ACCESSORY DWELLING UNIT FOR THE PROPERTY
LOCATED AT 6615 FRANKLIN HILLS ROAD**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Jim and Lynda Franklin (the “Applicant”) submitted a request for a Conditional Use Permit to allow an accessory dwelling unit on the subject property located at 6615 Franklin Hills Road (PID No. 15-118-24-12-0011) (the “Property”); and

WHEREAS, the Property is zoned Agriculture (“AG”); and

WHEREAS, Section 530.01, Subd. 4 of the City Code provides that an “accessory dwelling unit” is a conditional use in the AG-Agriculture zoning district; and

WHEREAS the requested accessory dwelling unit, with the conditions imposed by this Conditional Use Permit, meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture property; and

WHEREAS the Planning Commission held a public hearing on September 20, 2016 to review the application for a Conditional Use Permit, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application, with the conditions noted below, is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Jim and Lynda Franklin to grant a Conditional Use Permit for the subject property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be issued subject to the following items being completed:
 - a. The conditional use permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
 - b. The applicant will need to apply for and obtain a valid holding tank permit from the City or provide the City with appropriate documentation and application to connect to the primary on-site septic system on the subject property.
 - c. The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
3. Prior to the City Council placing the conditional use permit into effect, the applicant shall provide the City with the following items:
 - a. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

This resolution was adopted by the city council of the City of Independence on this 11th day of October, 2016, by a vote of ____ ayes and ____ nays.

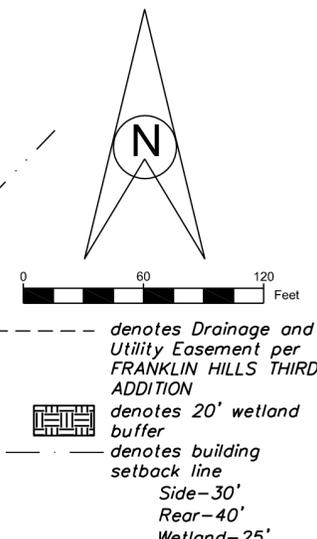
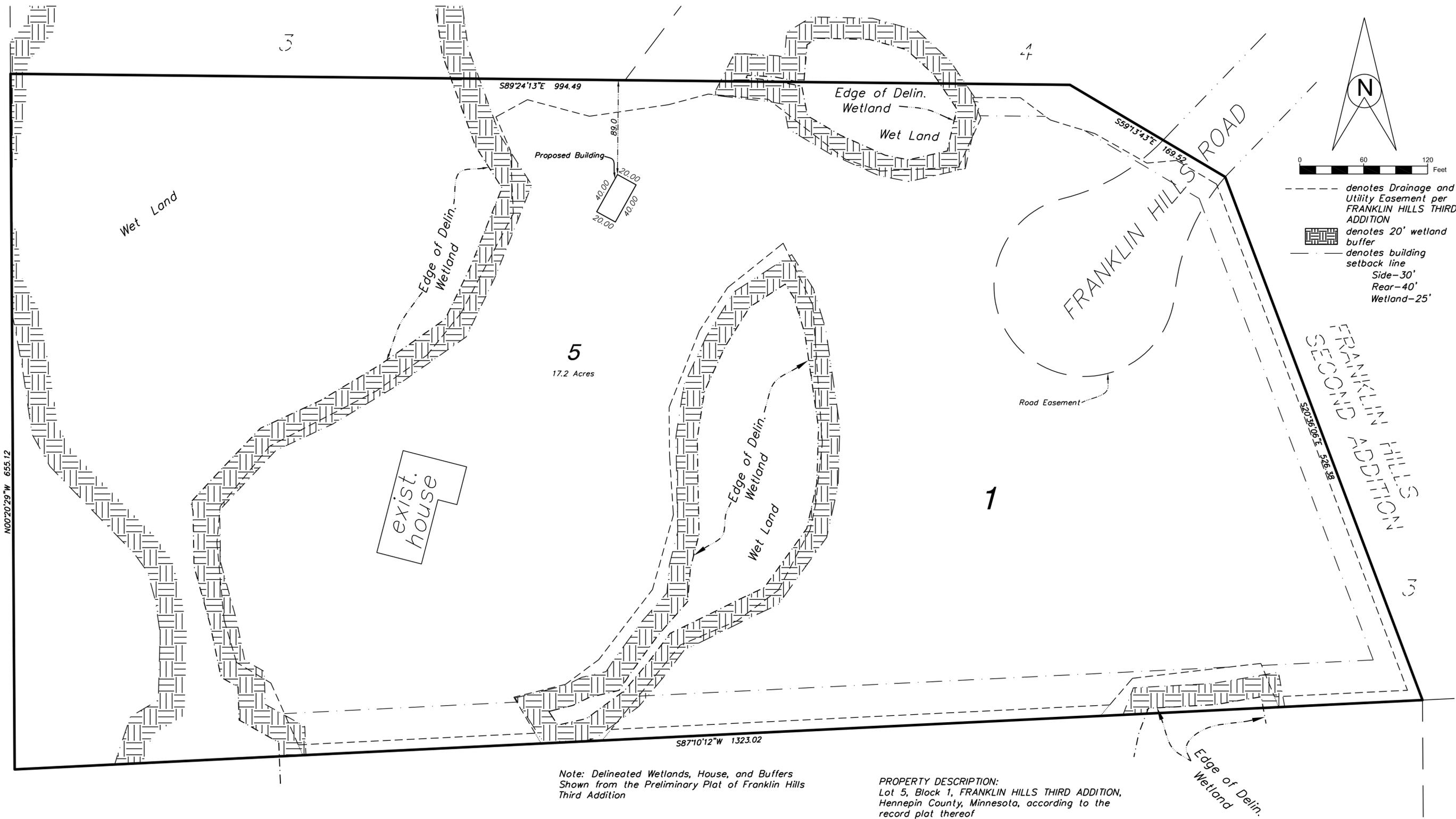
Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

(SEAL)

Site Plan



- - - denotes Drainage and Utility Easement per FRANKLIN HILLS THIRD ADDITION
- [Hatched Area] denotes 20' wetland buffer
- [Dashed Line] denotes building setback line
Side-30'
Rear-40'
Wetland-25'

Note: Delineated Wetlands, House, and Buffers Shown from the Preliminary Plat of Franklin Hills Third Addition

PROPERTY DESCRIPTION:
Lot 5, Block 1, FRANKLIN HILLS THIRD ADDITION,
Hennepin County, Minnesota, according to the
record plat thereof

Site Plan on Lot 5, Block 1, FRANKLIN HILLS THIRD ADDITION, Hennepin County, Minnesota

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Requested By:

Jim and Lynda Franklin



www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Revised:

Paul E. Otto
Paul E. Otto
License #40062 Date: 8-29-2016

Date: 08-19-16

Drawn By: S.O.S.

Scale: 1"=60'

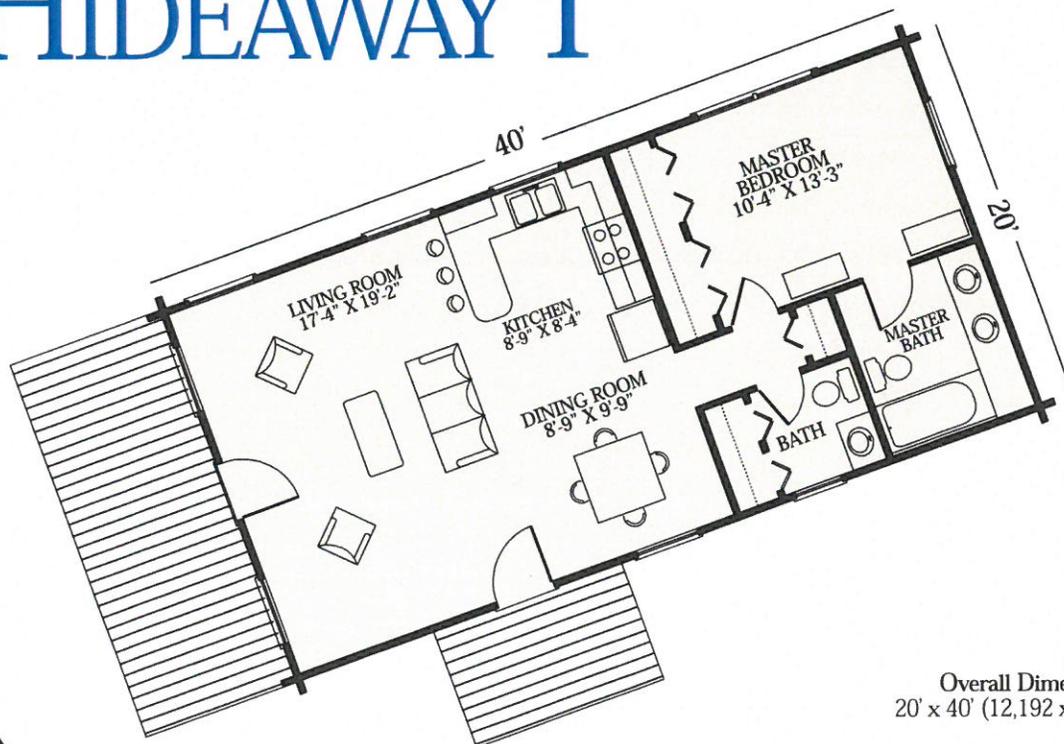
Checked By: P.E.O.

Project No. 16-0418



Artist Rendering Actual Plans May Vary

HIDEAWAY I



Overall Dimensions:
20' x 40' (12,192 x 6,096 mm)

Approximately
800 sq ft



Call Toll Free 1.800.562.2246 usa

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City of Independence

Request for a Final Plat to Permit a Five (5) Lot Subdivision on the Property located at 4150 Lake Sarah Drive South

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: October 11, 2016
Applicants: Donna Hendley
Owners: Donna Hendley
Location: 4150 Lake Sarah Drive South

Request:

Donna Hendley (Applicant/Owner) requests that the City consider the following actions for the property located at 4150 Lake Sarah Drive South, Independence (PID No. 02-118-24-43-0003):

- a. A Final Plat for a five (5) lot subdivision.

Property/Site Information:

The subject property is located at the northeast intersection of County Road 11 and Lake Sarah Drive South. The property has an existing home and several detached accessory structures. There is an existing Conditional Use Permit on the property for a Commercial Riding Stable. The property is heavily wooded with a diverse terrain and widespread wetlands. The property has the following site characteristics:

Property Information: 4150 Lake Sarah Drive South

Zoning: Rural Residential

Comprehensive Plan: Rural Residential

Acreage: 62.54 acres



Discussion:

This property was recently subdivided in 2014 in order to separate two existing homes that had historically occupied this property (One of the homes was used as a caretaker’s house - home located near the stables in the northwest corner of the property and accessed off of Lake Sarah Drive South and the other as the principal home of the owner - located in the middle of the property with access off of County Road 11). The previous subdivision was permitted under the provisions of the rural view subdivision ordinance. The applicant then made application for a preliminary plat for a five lot subdivision in January of this year. Following approval by the Planning Commission, the owner entered into a purchase agreement with a developer interested in subdividing the property into a seven lot subdivision. Planning Commissioners reviewed the request and recommended approval to the City Council. The developer eventually withdrew the application for the seven lot subdivision and the owner received City Council approval for rezoning of the property and a preliminary plat for the initial five lot development. The applicant is now seeking approval of the final plat for the five lot subdivision.

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the maximum number of lots this property could yield would be twelve (12). This number is only possible if all applicable requirements were met. It is not anticipated that this

property could realize the maximum number of lots due to the unique topography and wetlands. One factor that was considered in reviewing the preliminary is the location of the wetlands on the property. The wetlands bisect this property in a manner that appears to limit the future development potential. The City’s applicable standards are further defined as follows:

Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
7.5 acres or less	One
7.6 through 12.5 acres	Two
12.6 through 17.5 acres	Three
17.6 through 22.5 acres	Four
22.6 through 27.5 acres	Five
27.6 through 32.5 acres	Six
32.6 through 37.5 acres	Seven
37.6 through 42.5 acres	Eight
42.6 through 47.5 acres	Nine, plus one addn. lot for every five addn. acres of land.

In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

530.03. Physical Standards.

Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:

- (a) *Minimum lot area* ^a 2.50 acres buildable land
- (b) *Maximum lot area* 10 acres
- (c) *Minimum lot frontage on an improved public road or street:*

<u>Lot area</u>	<u>Minimum frontage</u>
2.50 – 3.49 acres	^b 200 feet
3.50 – 4.99 acres	^b 250 feet
5.00 – 10.00 acres	^b 300 feet

- (e) Lot depth. *The ratio of lot frontage to lot depth must be no more than 1:4.*

^a A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.

^b A waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all standards established and defined in Section 510.05, Subdivision 20 of this zoning code are met: (Amended, Ord. 2010-06)

A more detailed breakdown of the proposed individual lots is as follows:

<u>Lot No.</u>	<u>Gross Acres</u>	<u>Upland Acreage</u>	<u>Frontage</u>	<u>Lot Frontage/Depth</u>
Lot 1	7.31 acres	4.81 acres	351.97 LF	1:2
Lot 2	5.21 acres	2.56 acres	309.07 LF	1:2
Lot 3*	32.41 acres	14.57 acres	562.12/502.30 LF	N/A
Lot 4	8.81 acres	3.65 acres	300.03 LF	1:4
Lot 5	8.81 acres	7.19 acres	300.03 LF	1:4

***Existing Lot**

The proposed subdivision would create four new lots along with the existing lot. The applicant has worked to develop the property in a manner that would respect the natural topography and wetlands, capture the best building site locations and limit construction of additional public infrastructure. The 4 new lots would be similar in size and configuration to the recently subdivided 5 acre lot (4850 County Road 11) with access to County Road 11. The applicant is proposing to maintain a larger, approximately 32 acre parcel, with the existing home and barns in order to continue to accommodate the use of the barn for horses. There are approximately 30 stalls in the existing barn. Based on the City’s animal unit provisions, this property would need to be at least 31 acres to accommodate the existing barn. It is possible that the use of the barn would not be desired in the future. If the use of the barn were limited, the property could potentially yield several additional lots.

Access to Lots 1, 2 and 3 would be from Lake Sarah Drive South. All of the proposed lots along Lake Sarah Drive South meet the minimum frontage requirements. Lots 4 and 5 would be accessed off of County Road 11 and be required to share a driveway access and access easement. The proposed private access easement could serve both lots and would not trigger the need for a common driveway.



The proposed subdivision was reviewed by Hennepin County. The County recommended that the access to serve Lots 4 and 5 be located across from the existing church access driveway on the south side of County Road 11 (see image below).



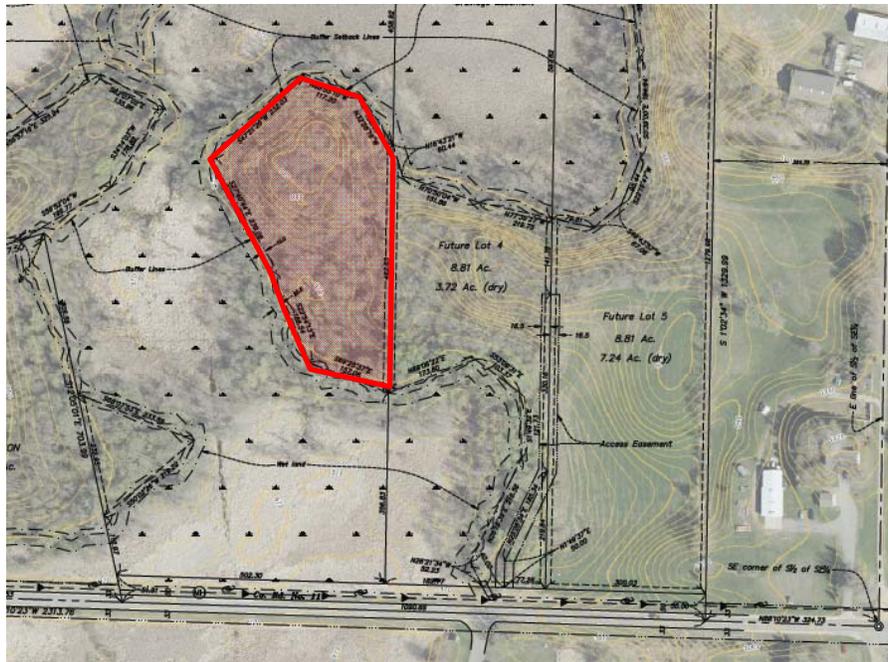
<u>Lot No.</u>	<u>Gross Acres</u>	<u>Park Dedication Amount</u>
Lot 1	7.31 acres	\$5,000
Lot 2	5.21 acres	\$3,500
Lot 3	32.41 acres	Existing Home
Lot 4	8.81 acres	\$6,500
Lot 5	8.81 acres	\$6,500

The total park dedication fee collected will be \$21,500. The park dedication fees will need to be paid prior to the City recording the subdivision.

*Park dedication fee of \$3,500 per lot up to 4.99 acres,
plus \$750 per acre for each acre over 5 acres*

Other Considerations:

1. The property has been rezoned to Rural Residential and granted preliminary plat approval.
2. The final plat is consistent with the approved preliminary plat.
3. There is a small upland portion of the property that is proposed to remain with Lot 3, but is separated from the principle portion of the property by a wetland. This upland portion may be difficult to access in the future. It would be possible to access the property from Lot 4 via an additional easement, but the City would then require a full private driveway to be constructed. At this time the applicant does not want to develop any infrastructure. This upland portion may not be developable in the future unless another means of access is provided. The City will want to note that this portion of the Lot 3 cannot be further subdivided without access that meets the City's applicable requirements.



4. The applicant has prepared a wetland delineation for this property. All wetlands and their requisite buffers will need to be located within the drainage and utility easements.
5. The applicant is providing the requisite 10 foot drainage and utility easements along all property lines.
6. The applicant shall provide and execute the necessary shared driveway easements for lots 4 and 5.
7. The City will require the applicant to enter into a Development Agreement for the proposed public sewer improvements and the costs of the park dedication. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading

Summary:

The proposed subdivision of this property appears to be in keeping with the vision of the comprehensive plan and with the character of the surrounding properties. The proposed lots conform to all applicable criteria for rural residential lots. The proposed plan is in keeping with the previously approved preliminary plat. Given the extensive wetlands on the property and its proximity to adjacent geographic features as well as the surrounding properties, there does not appear to be anything that the City would be preventing for future development. The proposed

subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Planning Commission Discussion:

Commissioners reviewed the request for a final plat to allow a five lot subdivision. Commissioners asked for clarification on the proposed sewer connection for each lot. It was noted that Lots 4 and 5 would connect directly into the force main on the north side of County Road 11. Lots 1, 2 and 3 would be connected to a new public sewer line located on the east side of Lake Sarah Drive. Commissioners clarified that the upland portion of the property that becomes isolated (separated by wetlands) could be developed if a driveway easement was provided from Lot 3. A fully developed private driveway could also provide access from Lots 4 and 5 if all easements and future right of way were provided as required. Commissioners found the proposed final plat to be consistent with the approved preliminary plat and recommended approval to the City Council.

Neighbor Comments:

The City has not received any written comments regarding the proposed subdivision.

Recommendation:

The Planning Commission recommended approval of the requested Final Plat with the following conditions and findings:

1. The Final Plat shall meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Final Plat is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the development.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Watershed District.
 - d. The Applicant shall enter into a development agreement with the City for this development.

- e. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development.
 - f. The applicant shall provide and execute the necessary shared driveway easements for lots 4 and 5.
 - g. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - h. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
 - i. All lots approved as a part of this subdivision shall be required to connect to the City's sanitary sewer system. The cost for the connections will be further defined in the development agreement for this subdivision.
 - j. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
 - k. The Applicant shall pay for all costs associated with the City's review of the final plat.
3. The Applicant shall record the final plat and associated documents to the City within one year of approval of the final plat.

Attachments:

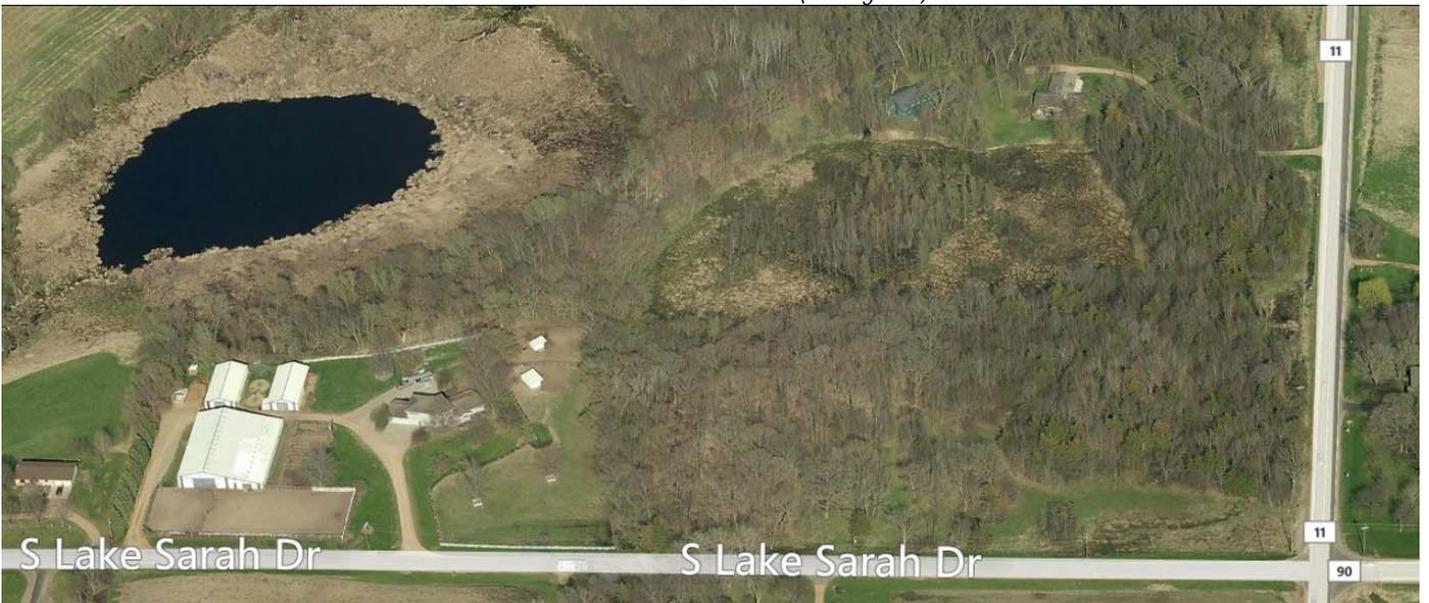
1. Property Pictures
2. Preliminary Plat
3. Proposed Final Plat
4. Proposed Sanitary Sewer Plan

Attachment #1

4150 Lake Sarah Drive South (looking north)



4150 Lake Sarah Drive South (looking east)





RESOLUTION NO. 16-1011-03

A RESOLUTION APPROVING FINAL PLAT TO ALLOW
A FIVE LOT SUBDIVISION AS REQUESTED BY DONNA HENDLEY
FOR THE PROPERTY LOCATED AT 4150 LAKE SARAH DRIVE SOUTH

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a Comprehensive Plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a Zoning and Subdivision Ordinance and other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, Donna Hendley (the “Applicant”) has submitted a request for a minor subdivision to allow the creation of a rural view lot for the property located at 4150 Lake Sarah Drive South (PID No. 02-118-24-43-0003); and

WHEREAS, the Property is zoned Rural Residential; and

WHEREAS the requested preliminary plat meets all requirements, standards and specifications of the City of Independence subdivision and zoning ordinance for Agriculture Property; and

WHEREAS the Planning Commission held a public hearing on September 20, 2016 to review the application for a final plat, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Donna Hendley for a final plat to allow a five lot subdivision per the City's subdivision and zoning regulations with the following conditions:

1. The Final Plat shall meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Final Plat is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the development.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Watershed District.
 - d. The Applicant shall enter into a development agreement with the City for this development.
 - e. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development.
 - f. The Applicant shall provide and execute the necessary shared driveway easements for lots 4 and 5.
 - g. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - h. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
 - i. All lots approved as a part of this subdivision shall be required to connect to the City's sanitary sewer system. The cost for the connections will be further defined in the development agreement for this subdivision.
 - j. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
 - k. The Applicant shall pay for all costs associated with the City's review of the final plat.

3. The Applicant shall record the final plat and associated documents to the City within one year of approval of the final plat.

This resolution was adopted by the City Council of the City of Independence on this 11th day of October, 2016, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

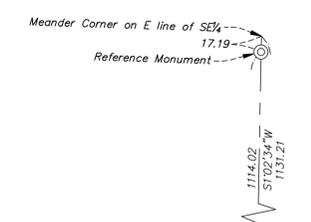
ATTEST:

Mark Kaltsas, City Administrator

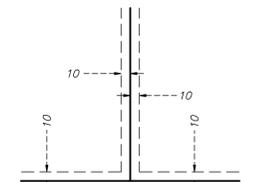
(SEAL)

HENDLEY ADDITION

C.R. DOC. NO.

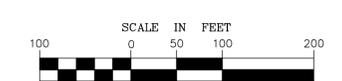
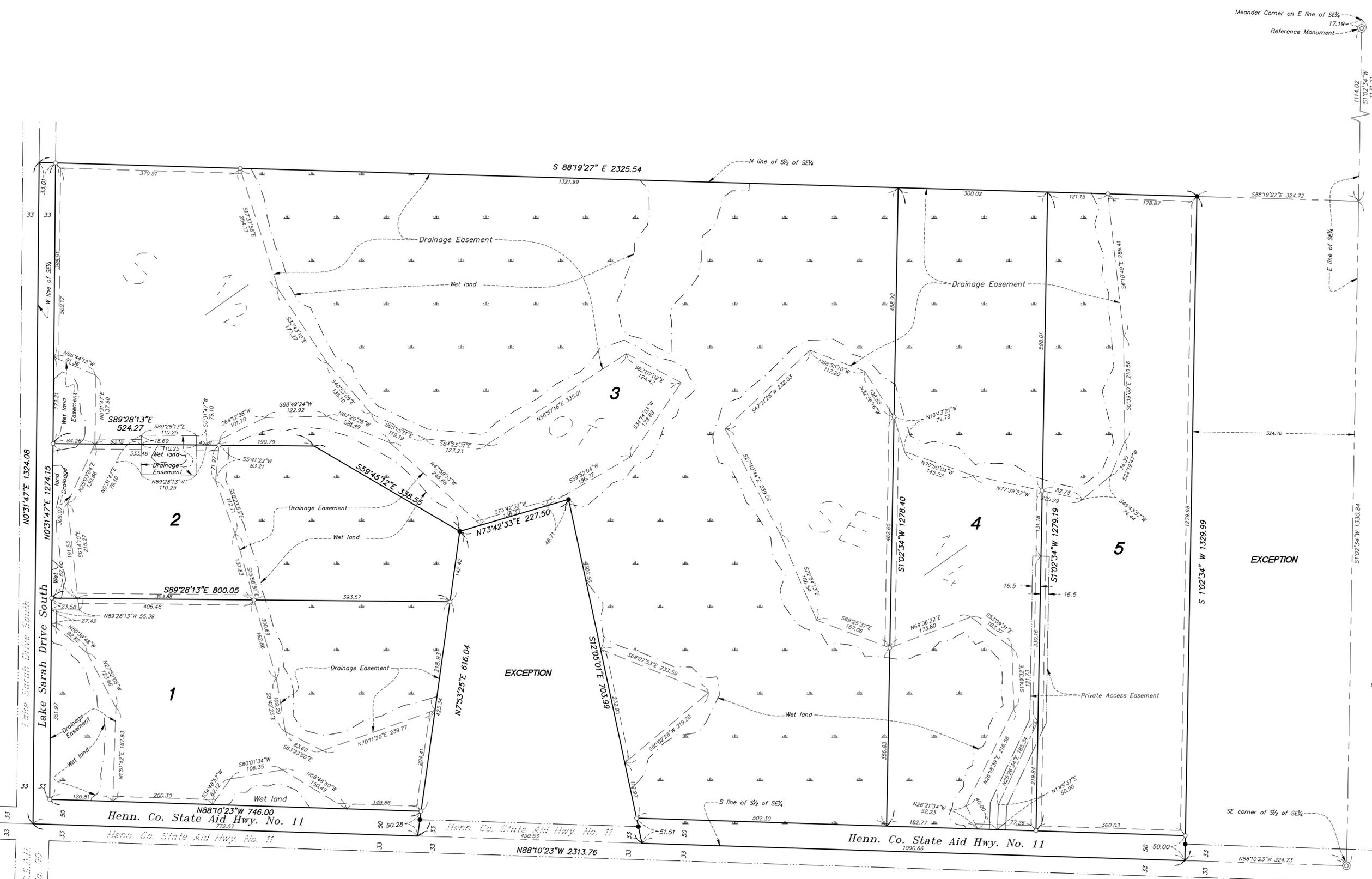


- Legend**
- Denotes monument found 1/2 inch iron pipe, unless otherwise shown.
 - Denotes 1/2 inch by 14 inch iron monument set and marked by L.S. No. 14700.
 - ⊙ Cast Iron Monument



Drainage and Utility Easements being 10 feet in width and adjoining right of way lines, and being 10 feet in width and adjoining lot lines, unless otherwise indicated.

Bearings based on Hennepin County coordinates.



**SCHOBORG
LAND SERVICES
INC.**

HENDLEY ADDITION

C.R. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Donna M. Hendley, Trustee of the Gerald A. Hendley Revocable Trust dated XXX, fee owner of the following described property:

The South Half of the Southeast Quarter of Section 2, Township 118 North, Range 24 West of the Fifth Principal Meridian, EXCEPT the East 324.70 feet thereof. ALSO EXCEPT that part described as follows:

Commencing at the Southeast corner of said Section 2; thence on an assumed bearing of North 88 degrees 10 minutes 23 seconds West, along the south line of said South Half of the Southeast Quarter, a distance of 1415.39 feet to the point of beginning of the tract to be described; thence continuing North 88 degrees 10 minutes 23 seconds West, along said south line, a distance of 450.53 feet; thence North 7 degrees 53 minutes 25 seconds East a distance of 616.04 feet; thence North 73 degrees 42 minutes 33 seconds East a distance of 227.50 feet; thence South 12 degrees 05 minutes 01 seconds East a distance of 703.99 feet to the point of beginning and there terminating.
Subject to road right of way.

Has caused the same to be surveyed and platted as HENDLEY ADDITION and does hereby dedicate to the public for public use forever the public ways and the drainage and utility easements as created by this plat.

In witness whereof said Donna M. Hendley, Trustee of the Gerald A. Hendley Revocable Trust dated XXX, has hereunto set her hand this ____ day of _____, 20____.

Donna M. Hendley, Trustee of the
Gerald A Hendley Revocable Trust dated XXX

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Donna M. Hendley, Trustee of the Gerald A. Hendley Revocable Trust dated XXX, on behalf of the trust.

Printed Notary Name

Notary Public, _____ County, Minnesota.

My Commission Expires _____

SURVEYOR'S CERTIFICATION

I, Paul B. Schoborg, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certification are shown and labeled on the plat; and that all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20____.

Paul B. Schoborg, Licensed Land Surveyor
Minnesota License No. 14700

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20____, by Paul B. Schoborg, a Licensed Land Surveyor.

Printed Notary Name

Notary Public, _____ County, Minnesota.

My Commission Expires _____

INDEPENDENCE, MINNESOTA

This plat of HENDLEY ADDITION was approved and accepted by the City Council of the City of Independence, Minnesota, at a regular meeting thereof held this ____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Independence, Minnesota

By _____ Mayor

By _____ Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that the taxes payable in 20____ and prior years have been paid for land described on this plat, dated this ____ day of _____, 20____.

Mark V. Chapin, County Auditor

By _____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MN. STAT. Sec. 38.38.565 (1969), this plat has been approved this ____ day of _____, 20____.

Chris F. Mavis, County Surveyor

By _____

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of HENDLEY ADDITION was recorded in this office this ____ day of _____, 20____, at ____ o'clock __M.

Martin McCormick, County Recorder

By _____ Deputy

City of Independence

ORDINANCE AMENDING SECTION 506 OF THE INDEPENDENCE CITY CODE RELATING TO FLOODPLAIN REGULATIONS

To: City Council
From: Mark Kaltsas, Planner
Meeting Date: October 11, 2016

Request:

A proposed text amendment to Chapter 5, Sections 506 of the City of Independence Ordinances as follows:

- a. An amendment to the Floodplain Ordinance following FEMA mapping changes made in 2016.

Discussion:

The Federal Emergency Management Agency (FEMA) has recently completed an update of the federal Flood Insurance Rate Maps (FIRMS). Along with the updated maps, the City is required to update certain local controls pertaining to the updated mapping information. The Department of Natural Resources administers the federal floodplain management regulations for the State of Minnesota.

The City has an existing Floodplain Ordinance which was adopted in 2005. There are several references and regulations in the City's ordinance that need to be updated as a result of the recent FIRM map changes. The DNR has reviewed the City's ordinance and provided recommended changes that will need to be considered. The City is obligated to have an ordinance which meets the federal guidelines prior to the maps becoming effective on November 4, 2016. Failure to adopt the requisite changes to the ordinance will cause for a City to be suspended from the National Flood Insurance Program.

Staff has reviewed the requested changes and prepared a draft of the City's ordinance for further review and consideration by the City. The changes primarily relate to the listed references of the associated floodplain maps as well as the addition of several definitions that need to be incorporated into the ordinance. Staff has taken the new floodplain mapping and overlaid it on top of the existing mapping to identify any changes. There are several areas where minor changes to the floodplain areas have occurred. The changes can be seen in the attached mapping exhibits. The City is required to notify all property owners of the mapping changes. The DNR has provided the City with a conditional approval of the Floodplain Ordinance based on the changes provided in the draft ordinance (see attached letter).

Recommendation:

Planning Commission reviewed the request and held a public hearing to consider the proposed changes. Commissioners noted that the City is obligated to amend certain provisions based on the requirements of FEMA and the DNR. Commissioners recommended approval of the ordinance amendment to the City Council.

Attachments:

1. Ordinance
2. Mapping Changes Exhibits
3. Conditional Approval Letter from DNR

**CITY OF INDEPENDENCE
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

ORDINANCE NO. 2016-05

**AMENDING SECTION 506 OF THE INDEPENDENCE CITY CODE
RELATING TO THE FLOODPLAIN ORDINANCE**

THE CITY OF INDEPENDENCE DOES ORDAIN:

Section 1. Section 506, Floodplain Ordinance, of the Independence City Code is hereby amended as follows:

Section 506 – Floodplain Ordinance

506.01. The regulations in section 505 of the Independence city code relating to the management of floodplain areas are hereby superseded in all respects by this new section 506 relating to flood plain regulations. All regulations in section 505 relating to management of shoreland shall remain in full force and effect.

506.03. Statutory authorization, findings of fact and purpose Subdivision 1. The Minnesota legislature in Minnesota Statutes, chapter 103F.101 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

Subd. 2. The flood hazard areas of the city of Independence are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Subd. 3. This section is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota department of natural resources.

Subd. 4. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

Subd. 5. It is the purpose of this section is to promote the public health, safety, and general welfare and to minimize those losses described in subdivision 2 by provisions contained herein.

506.05. General provisions. Subdivision 1. This section shall apply to all lands within the jurisdiction of the city of Independence shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway, flood fringe, or general flood plain districts.

~~Subd. 2. Establishment of Official Zoning Map. The official zoning map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this ordinance. The attached material shall include the Flood Insurance Study, Volume 1 of 2 and Volume 2 of 2, Hennepin County, Minnesota, All Jurisdictions and the Flood Insurance Rate Map panels numbered 27053C0109 E, 27053C0117 E, 27053C0119 E, 27053C0128 E, 27053C0129 E, 27053C0134 E, 27053C0135 E, 27053C0136 E, 27053C0137 E, 27053C0138 E, 27053C0139 E, 27053C0141 E, 27053C0142 E, 27053C0143 E, 27053C0144 E, 27053C0257 E, 27053C0276 E, 27053C0280 E, and 27053C0285 E for the City of Independence, dated September 2, 2004, as developed by the Federal Emergency Management Agency. The official zoning map shall be on file in the office of the city clerk administrator and zoning administrator.~~

The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the city clerk-administrator and zoning administrator.

Effective Flood Insurance Rate Map panels: 27053C0109F, 27053C0117F, 27053C0119F, 27053C0128F, 27053C0129F, 27053C0134F, 27053C0135F, 27053C0136F, 27053C0137F, 27053C0138F, 27053C0139F, 27053C0141F, 27053C0142F, 27053C0143F, 27053C0144F, 27053C0257F, 27053C0276F, 27053C0280F, 27053C0285F.

Subd. 3. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the city council and shall not be deemed a limitation or repeal of any other powers granted by state law.

Subd. 4. The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the board of adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the board and to submit technical evidence.

Subd. 5. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.

Subd. 6. This section does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This section shall not create liability on the part of the city of Independence or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

Subd. 7. If any clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

506.07. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application.

Subd. 1. "Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Subd. 2. "Base Flood Elevation" – The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

Subd. 23. "Basement" means any area of a structure, including crawl spaces, having its floor or base below ground level on all four sides, regardless of the depth of excavation below ground level.

Subd. 34. "Conditional use" means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (1) certain conditions as detailed in the zoning ordinance exist and (2) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

Subd. 5. "Development" – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Subd. 46. "Equal degree of encroachment" means a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Subd. 57. "Flood" means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Subd. 8. Flood Insurance Rate Map – an official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Subd. 69. "Flood frequency" means the frequency for which it is expected that a specific flood stage or discharge may be equalled or exceeded.

Subd. 710. "Flood fringe" means that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for the city of Independence.

Subd. 811. "Flood plain" means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Subd. 912. "Flood-proofing" means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Subd. 1013. "Floodway" means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

Subd. 1114. Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

Subd. 1215. Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

Subd. 16. "New Construction" - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

Subd. 1617. "Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Subd. 1418. "Principal use or structure" means all uses or structures that are not accessory uses or structures.

Subd. 1519. "Reach" means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Subd. 1620. "Recreational Vehicle" means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

Subd. ~~17~~21. "Regional flood" means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance study.

Subd. ~~18~~22. "Regulatory flood protection elevation" means an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Subd. 23. "Special Flood Hazard Area" – a term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

Subd. 24. "Start of Construction" – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Subd. ~~19~~25. "Structure" means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in subsection 506.21 of this section and other similar items.

Subd. ~~20~~26. Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Subd. ~~21~~27. Substantial Improvement. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued

designation as an “historic structure.” For the purpose of this ordinance, “historic structure” shall be as defined in Code of Federal Regulations, Part 59.1.

Subd. ~~2228~~. "Variance" means a modification of a specific permitted development standard required in an official control, including this section, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

506.09. Establishment of zoning districts

Subd. 1. The following zoning districts are hereby established:

- (a) Floodway district. The floodway district shall include those areas designated as floodway on the flood boundary and floodway map adopted in subsection 506.05.
- (b) Flood fringe district. The flood fringe district shall include those areas shown on the Flood Insurance Rate Map as adopted in Section 506.05 as being within Zone AE, Zone A0, or Zone AH but being located outside of the floodway.
- (c) General flood plain district. The general flood plain district shall include those areas shall include those areas designated as Zone A or Zones AE, Zone A0, or Zone AH without a floodway on the Flood Insurance Rate Map adopted in Section 506.05.

Subd. 2. No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this section and other applicable regulations which apply to uses within the jurisdiction of this section. Within the floodway, flood fringe and general flood plain districts, all uses not listed as permitted uses or conditional uses herein, shall be prohibited.

Subd. 3.

- (a) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this section;
- (b) Modifications, additions, structural alterations, normal maintenance and repair or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this section; and
- (c) As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this section

506.11. Floodway district (FW) Subdivision 1. Permitted uses. The following shall be permitted uses within the floodway district:

- (a) general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;
- (b) industrial-commercial loading areas, parking areas, and airport landing strips;
- (c) private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails; and
- (d) residential lawns, gardens, parking areas, and play areas.

Subd. 2. The following standards shall apply for floodway permitted uses:

- (a) the use shall have a low flood damage potential;
- (b) the use shall be permissible in the underlying zoning district; and
- (c) the use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

Subd 3. Conditional uses. The following shall be uses allowed only by conditional use permit within the floodway district:

- (a) structures accessory to the uses listed as permitted or conditional uses;
- (b) extraction and storage of sand, gravel, and other materials;
- (c) marinas, boat rentals, docks, piers, wharves, and water control structures;
- (d) railroads, streets, bridges, utility transmission lines, and pipelines;
- (e) storage yards for equipment, machinery, or materials;
- (f) recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of subsection 506.21 of this section; and
- (g) structural works for flood control, such as levees, dikes and flood walls, constructed to any height where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.

Subd. 4. The following standards shall apply for floodway conditional uses:

- (a) No filling is allowed within the floodway.
- (b) No structure, temporary or permanent, deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of

the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;

- (c) All floodway conditional uses shall be subject to the procedures and standards contained in subsection 506.15 of this section;
- (d) The floodway conditional use shall be permissible in the underlying zoning district; and
- (e) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan. As an alternative, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the city council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the county recorder.

Subd. 5. The following standards shall apply to all accessory structures:

- (a) Accessory structures shall not be designed for human habitation;
- (b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures; and
- (c) Accessory structures shall structurally dry flood proof in accordance with the FP-1 or FP-2 flood proofing classifications in the state building code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the state building code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed.
 - (3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest

adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

Subd. 6. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city council.

Subd. 7. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

Subd. 8. A levee, dike or flood wall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

Subd. 9. Floodway development must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of an tributary watercourse or drainage system.

506.13. Flood fringe district (FF). Subdivision 1. Permitted uses. Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning district(s).

Subd. 2. The following standards shall apply for flood fringe permitted uses:

- a) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon;
- (b) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with subsection 506.13;
- (c) The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with this section;
- (d) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation; and
- (e) The provisions of subsections 506.13 and 506.15 of this section shall also apply to uses within the flood fringe district.

Subd. 3. Conditional uses. Any structure that is not elevated on fill or flood proofed in accordance with this section or any use of land that does not comply with the standards in this section shall only be

allowable as a conditional use. An application for a conditional use permit shall be subject to the standards and criteria and evaluation procedures specified in subsection 506.15.

Subd. 4. The following standards shall apply for flood fringe conditional uses:

- (a) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if the enclosed area is above-grade on at least one side of the structure, it is designed to internally flood and is constructed with flood resistant materials and it is used solely for parking of vehicles, building access or storage. The alternative elevation methods are subject to the following additional standards:
 - (1) The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding; and
 - (2) Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate the following:
 - (a) The minimum area of "automatic" openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - (b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles or storage;
- (b) Basements shall be subject to the following:
 - (1) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

- (2) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with this section.
- (c) All areas of non residential structures, including basements to be placed below the regulatory flood protection elevation, shall be flood proofed in accordance with the structurally dry flood proofing classifications in the state building code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted; and
- (c) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city council.

Subd. 5. The following additional standards shall apply for all flood fringe uses:

- (a) Any activities that impact the storage volume of the flood plain shall be prohibited unless compensatory flood plain mitigation is provided at a one-to-one ratio by volume and it is demonstrated that the obstruction will not impact the elevation of the regional flood.
- (b) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the board of adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist;
- (c) Commercial accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation only if there exists a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood;
- (d) Measures shall be taken to minimize interference with normal manufacturing and industrial operations, especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations, subject to requirements set out above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas;
- (e) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The federal emergency management agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation.

FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested;

- (f) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map; and
- (g) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

506.15. General flood plain district. Subdivision 1. Permissible uses. All uses permitted in the floodway district shall be permitted uses within the general flood plain district. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to this section.

Subd. 2. The following procedures shall be used for floodway and flood fringe determinations within the general flood plain district.

- (a) Upon receipt of an application for a conditional use permit for a use within the general flood plain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the zoning administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe district:
 - (1) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information;
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type; and
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development;
- (b) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective department of natural

resources' area hydrologist prior to commencing the analysis. The designated engineer or expert shall:

- (1) Estimate the peak discharge of the regional flood;
 - (2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas; and
 - (3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries; and
- (c) The zoning administrator shall present the technical evaluation and findings of the designated engineer or expert to the city council. The city council must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The city council, prior to official action, may submit the application and all supporting data and analyses to FEMA or the Minnesota department of natural resources for review and comment. Once the floodway and flood fringe boundaries have been determined, the city council shall refer the matter back to the zoning administrator who shall process the permit application consistent with the applicable provisions of this section.

506.17 Subdivisions. Subdivision 1. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this section and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labelled on all required subdivision drawings and platting documents.

Subd. 2. In the general flood plain district, applicants shall provide the information required in subsection 506.15 of this section to determine the 100-year flood elevation, the floodway and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.

Subd. 3. FEMA has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Subd. 4. If a subdivision proposal or other proposed new development is in a flood fringe prone area, any such proposal must be reviewed to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area.
- (b) All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and
- (c) Adequate drainage is provided to reduce exposure of flood hazard.

Subd. 5. Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

- (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Constructed with materials and utility equipment resistant to flood damage;
- (c) Constructed by methods and practices that minimize flood damage, and;
- (d) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

506. Public utilities, railroads, roads, and bridges. The following shall apply to public utilities, railroads, roads, and bridges with the floodway, flood fringe and general flood plain districts:

Subd. 1. All public utilities and facilities, such as gas, electrical, sewer, and water supply systems, to be located in the flood plain shall be flood-proofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.

Subd. 2. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with subsections 506.11 and 506.13 of this section. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

Subd. 3. Where public utilities are not provided, on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

506.21. Manufactured homes and manufactured home parks and placement of recreational vehicles.
Subdivision 1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by subsection 506.17 of this section.

Subd. 2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with subsection 506.13 of this section. If vehicular road access for pre-existing manufactured home parks is not provided, then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the city council.

Subd. 3. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

Subd. 4. Recreational vehicles that do not meet the exemption criteria specified in subdivision 5 below shall be subject to the provisions of this section and as specifically spelled out in this section.

Subd. 5. Recreational vehicles are exempt from the provisions of this section if they are placed in any of the areas listed in subdivision 6 below and further meet the following criteria:

- (a) Have current licenses required for highway use;
- (b) Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the recreational vehicle has no permanent structural type additions attached to it; and
- (c) The recreational vehicle and associated use must be permissible in any preexisting, underlying zoning use district.

Subd. 6. The following areas are exempted for placement of recreational vehicles:

- (a) individual lots or parcels of record;
- (b) existing commercial recreational vehicle parks or campgrounds; and
- (c) existing condominium type associations.

Subd. 7. Recreational vehicles exempted in subdivision 5 lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in subsection 506.13 of this section. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

Subd. 8. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:

- (a) Any new or replacement recreational vehicle will be allowed in the floodway or flood fringe districts provided said vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with subsection 506.13 of this section. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood; and
- (b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of subsection 506.15 of this section:
 - (1) The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation; and
 - (2) All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with subsection 506.13 of this section.

506.23. Administration. Subdivision 1. A zoning administrator or other official designated by the city council shall administer and enforce this section. If the zoning administrator finds a violation of the provisions of this section, the zoning administrator shall notify the person responsible for such violation.

Subd. 2. A permit issued by the zoning administrator in conformity with the provisions of this ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

Subd. 3. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

Subd. 4. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

Subd. 5. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this section

Subd. 6. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 520.31 of this Ordinance.

Subd. 7. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

Subd. 8. The zoning administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The zoning administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.

Subd. 9. The zoning administrator shall notify, in riverine situations, adjacent communities and the commissioner of the department of natural resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the commissioner of natural resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

Subd. 10. Notification must be provided to FEMA when physical changes increase or decrease the 100-year flood elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the zoning administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

Subd 11. The board of adjustment shall hear requests for variances and appeals from the decisions of the zoning administrator regarding this section as in the case of such appeals involving Section 520 . The board of adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the board of adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this ordinance, any other applicable zoning regulations, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (a) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the

applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Subd. 12. The board of adjustment shall submit by mail to the commissioner of natural resources a copy of the application for a proposed variance sufficiently in advance so that the commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within ten days of such action.

Subd. 13 The planning commission shall hear and decide applications for conditional use permits under this section as in the case of such applications under Section 520, except that the commissioner of the Minnesota department of natural resources must receive ten-days notice of any hearing. In passing upon conditional use applications, the planning commission shall consider all relevant factors specified in other sections of this Ordinance, and:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood

waters expected at the site.

- (l) Such other factors which are relevant to the purposes of this ordinance.

Subd. 14. Upon consideration of the factors listed above and the purpose of this ordinance, the planning commission shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Flood proofing measures, in accordance with the state building code and this ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

Subd. 15. A structure or the use of a structure or premises which was lawful before the passage or amendment of this section but which is not in conformity with the provisions of this section may continue to be used as in the case of a non-conforming use under Section 515.07 of this Ordinance. Historic structures, as defined in subsection 506.07 of this section, shall be subject to the provisions of subdivisions 13 and 14 above.

- (a) Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in subsections (b) and (d) below.
- (c) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of subsections 506.11 or 506.13 of this ordinance for new structures depending upon whether the structure is in the floodway or flood fringe district, respectively.

- (d) If any nonconforming use or structure is substantially damaged, as defined in this section, it shall not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in subsections 506.11, 506.13 or 506.15 will apply depending upon whether the use or structure is in the floodway, flood fringe or general flood plain district, respectively.
- (e) If a substantial improvement occurs, as defined in this section, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition (as required by (b) above) and the existing nonconforming building must meet the requirements of subsections 506.11 or 506.13 of this section for new structures, depending upon whether the structure is in the floodway or flood fringe district, respectively.

Subd. 16. The flood plain designation on the official zoning map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Amendments shall be processed as in the case of zoning amendments under Section 520. All amendments to this section, including amendments to the official zoning map, must be submitted to and approved by the commissioner of the Minnesota department of natural resources prior to adoption. Changes in the official zoning map must meet the requirements of FEMA. The commissioner of the Minnesota department of natural resources must be given ten-days written notice of all hearings to consider an amendment to this section and said notice shall include a draft of the ordinance amendment or technical study under consideration.

Section 2. This ordinance shall take effect upon the day of publication.

Adopted this 11th day of October, 2016.

Marvin D. Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

(Seal)

**CITY OF INDEPENDENCE
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

SUMMARY ORDINANCE NO. 2016-06

**AMENDING SECTION 506 OF THE INDEPENDENCE CITY CODE
RELATING TO THE FLOODPLAIN ORDINANCE**

THE CITY OF INDEPENDENCE DOES ORDAIN:

NOTICE IS HEREBY GIVEN that on October 11, 2016, Ordinance No. 2016-05, was adopted by the City Council of the City of Independence, Minnesota.

NOTICE IS FURTHER GIVEN that, because of the lengthy nature of Ordinance No. 2016-05, the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the City Council amends Section 506 of the Independence Ordinance, "Floodplain Ordinance" by updating the ordinance requirements to be consistent with the newly adopted FEMA maps and the language prescribed by the Department of Natural Resources. The ordinance more clearly defines certain flood plain criteria and updates references to the newly adopted FEMA maps. The ordinance amendment adds provisions for alternative methods of construction within a flood plain.

A printed copy of the entire ordinance is available for inspection by any person during the City's regular office hours at the City of Independence City Hall.

APPROVED for publication by the City Council of the City of Independence, Minnesota on this 11th day of October 2016.

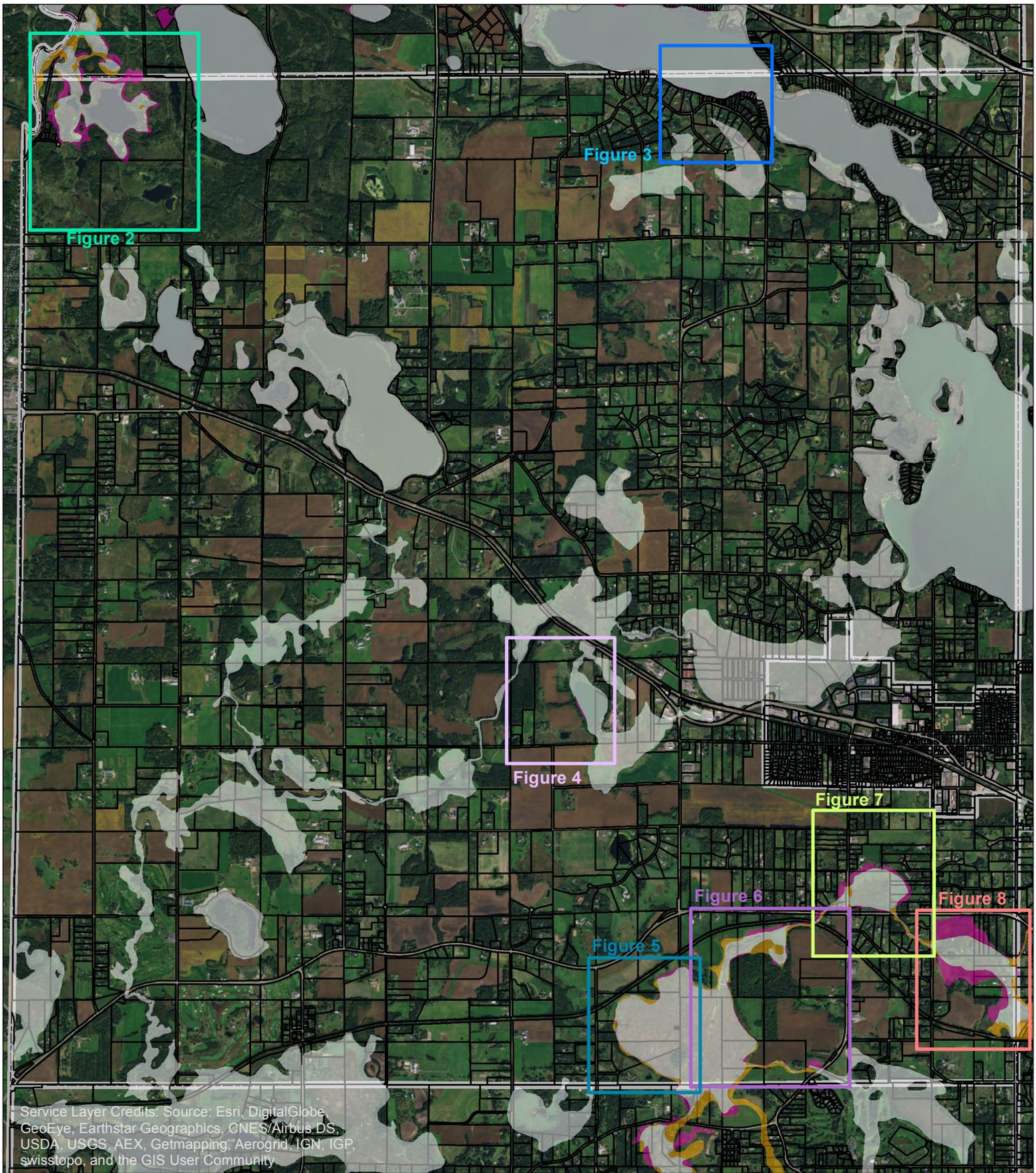
CITY OF INDEPENDENCE

Marvin D. Johnson, Mayor

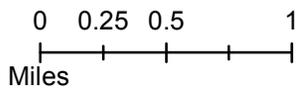
ATTEST:

Mark Kaltsas, Interim City Administrator

(Seal)



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Legend

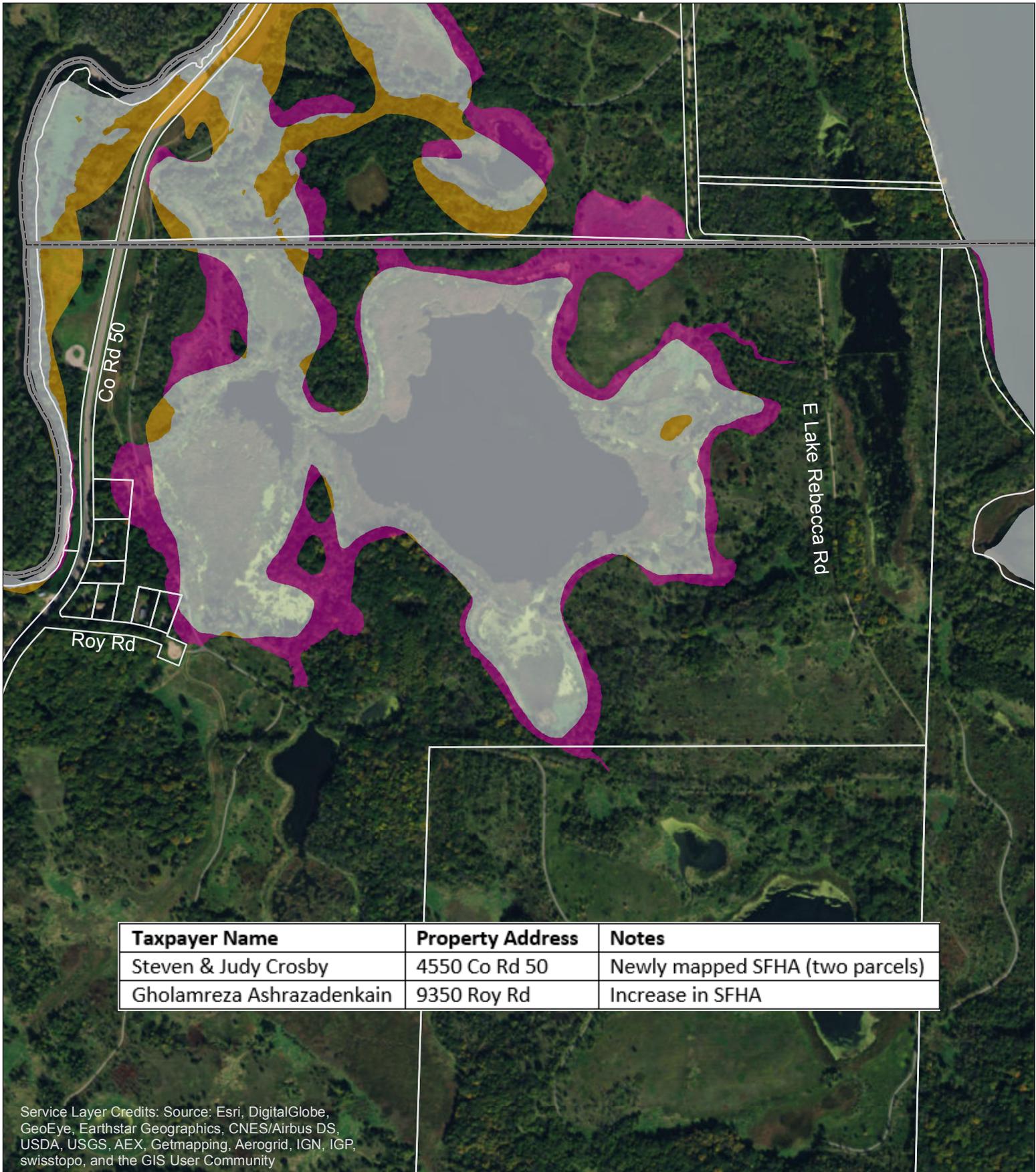
-  City Boundary
-  Parcels

Changes Since Last FIRM

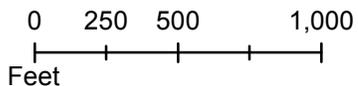
-  Decrease in SFHA
-  Increase in SFHA
-  No Change in SFHA

Figure 1.

City of Independence
FEMA Map Changes



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Legend

- City Boundary
- Parcels

Changes Since Last FIRM

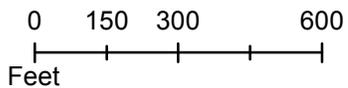
- Decrease in SFHA
- Increase in SFHA
- No Change in SFHA

Figure 2.

City of Independence
FEMA Map Changes



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Legend



City Boundary



Parcels

Changes Since Last FIRM



Decrease in SFHA



Increase in SFHA

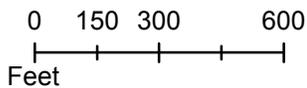
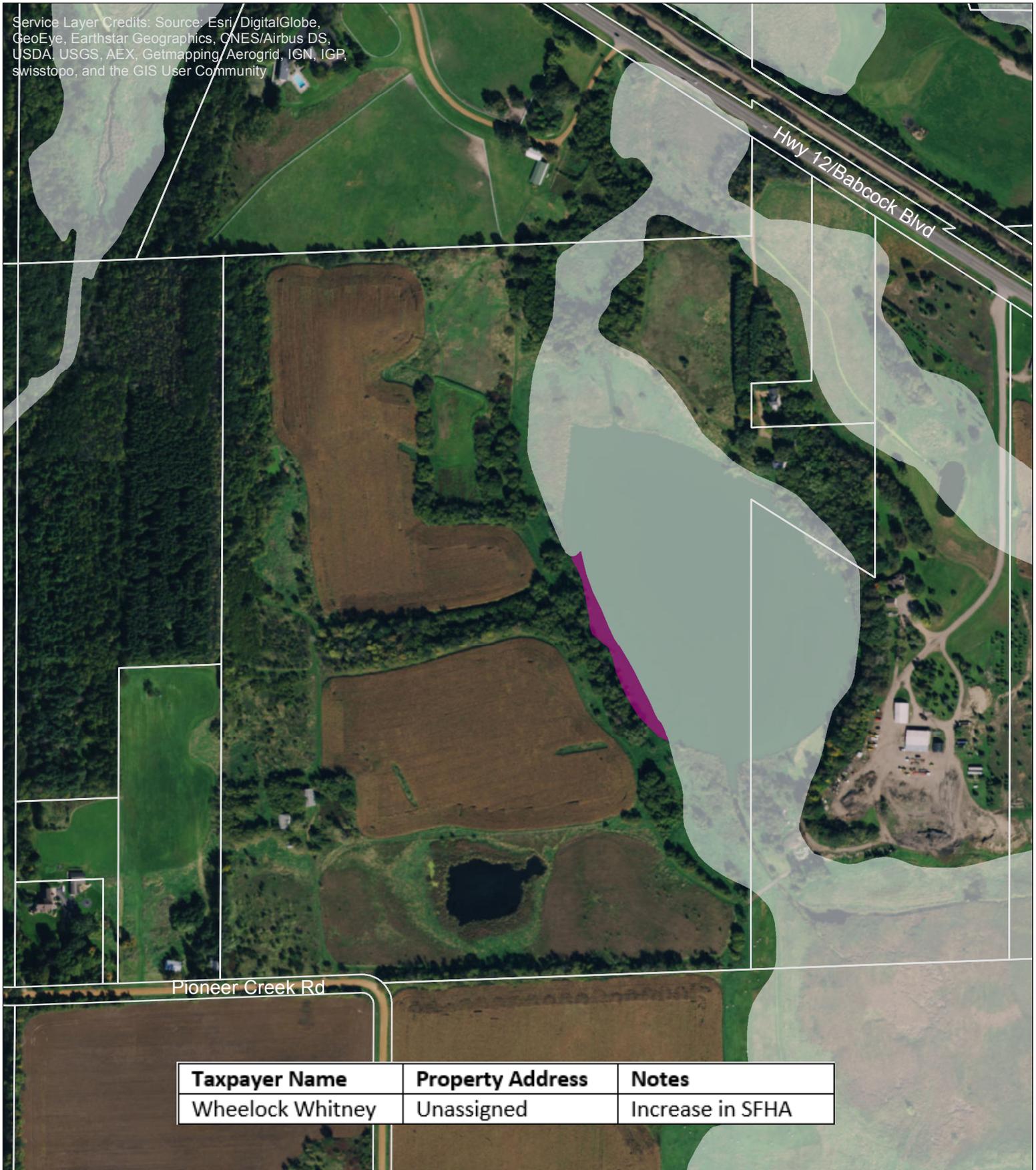


No Change in SFHA

Figure 3.

City of Independence
FEMA Map Changes

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Legend

- City Boundary
- Parcels

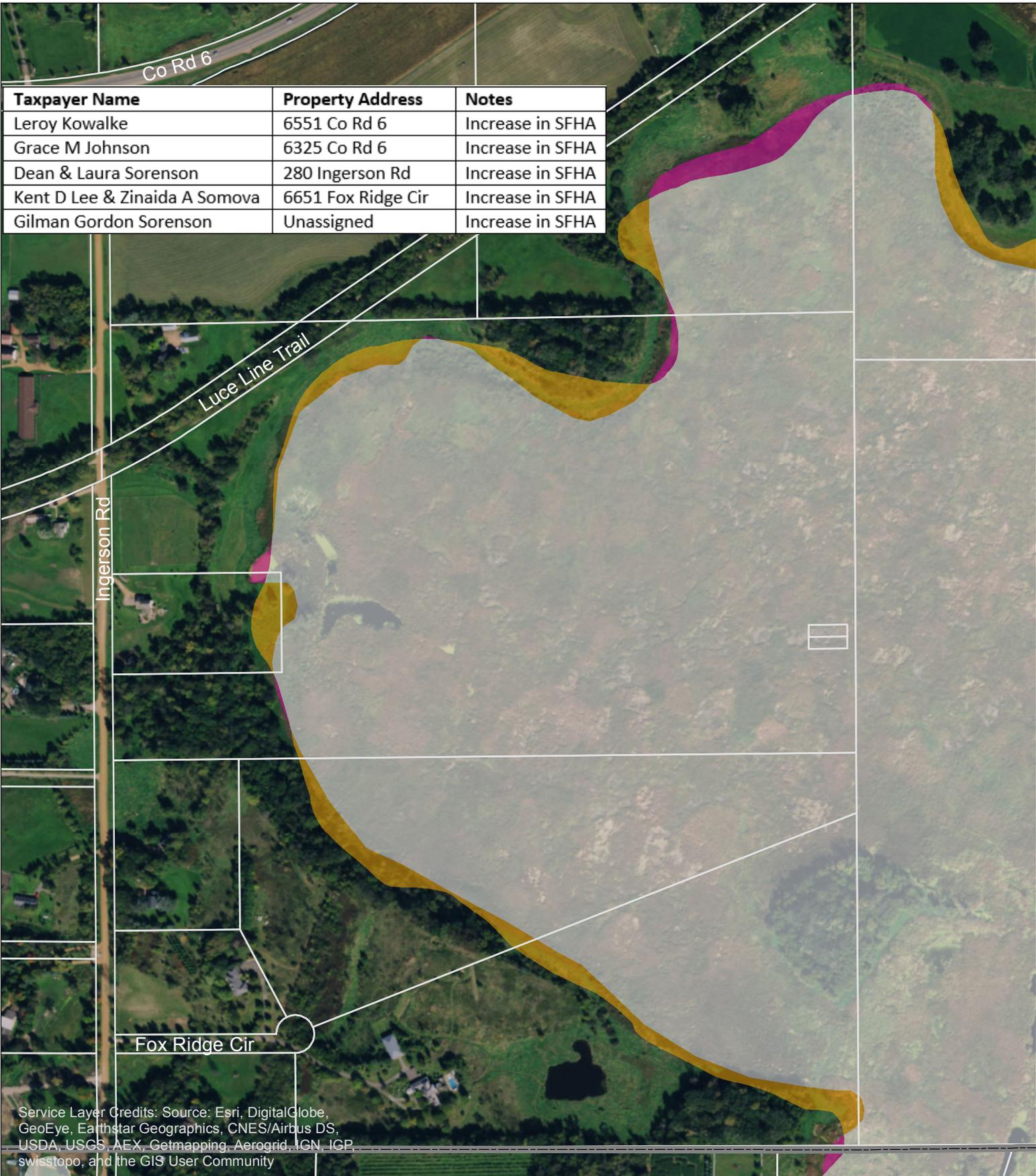
Changes Since Last FIRM

- Decrease in SFHA
- Increase in SFHA
- No Change in SFHA

Figure 4.

City of Independence
FEMA Map Changes





Taxpayer Name	Property Address	Notes
Leroy Kowalke	6551 Co Rd 6	Increase in SFHA
Grace M Johnson	6325 Co Rd 6	Increase in SFHA
Dean & Laura Sorenson	280 Ingerson Rd	Increase in SFHA
Kent D Lee & Zinaida A Somova	6651 Fox Ridge Cir	Increase in SFHA
Gilman Gordon Sorenson	Unassigned	Increase in SFHA

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 150 300 600
Feet

Legend

- City Boundary
- Parcels
- Changes Since Last FIRM**
- Decrease in SFHA
- Increase in SFHA
- No Change in SFHA

Figure 5.
City of Independence
FEMA Map Changes

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Co Rd 6

Luce Line Trail

Taxpayer Name	Property Address	Notes
Donald B Hamilton	5687 Co Rd 6	Increase in SFHA
Joshua & Ashley Sammons	5983 Co Rd 6	Newly mapped in SFHA
Dean & Dawn Mooney	6165 Co Rd 6	Increase in SFHA
P R Hamilton	385 Co Rd 110 N	Increase in SFHA
Marvin D Johnson	87 Co Rd 110 N	Increase in SFHA
Marvin D Johnson	Unassigned	Increase in SFHA (three parcels)
Hamilton Bros Inc	Unassigned	Increase in SFHA
Hilltop Farm Inc	Unassigned	Increase in SFHA

Co Rd 110

0 200 400 800
Feet

Legend

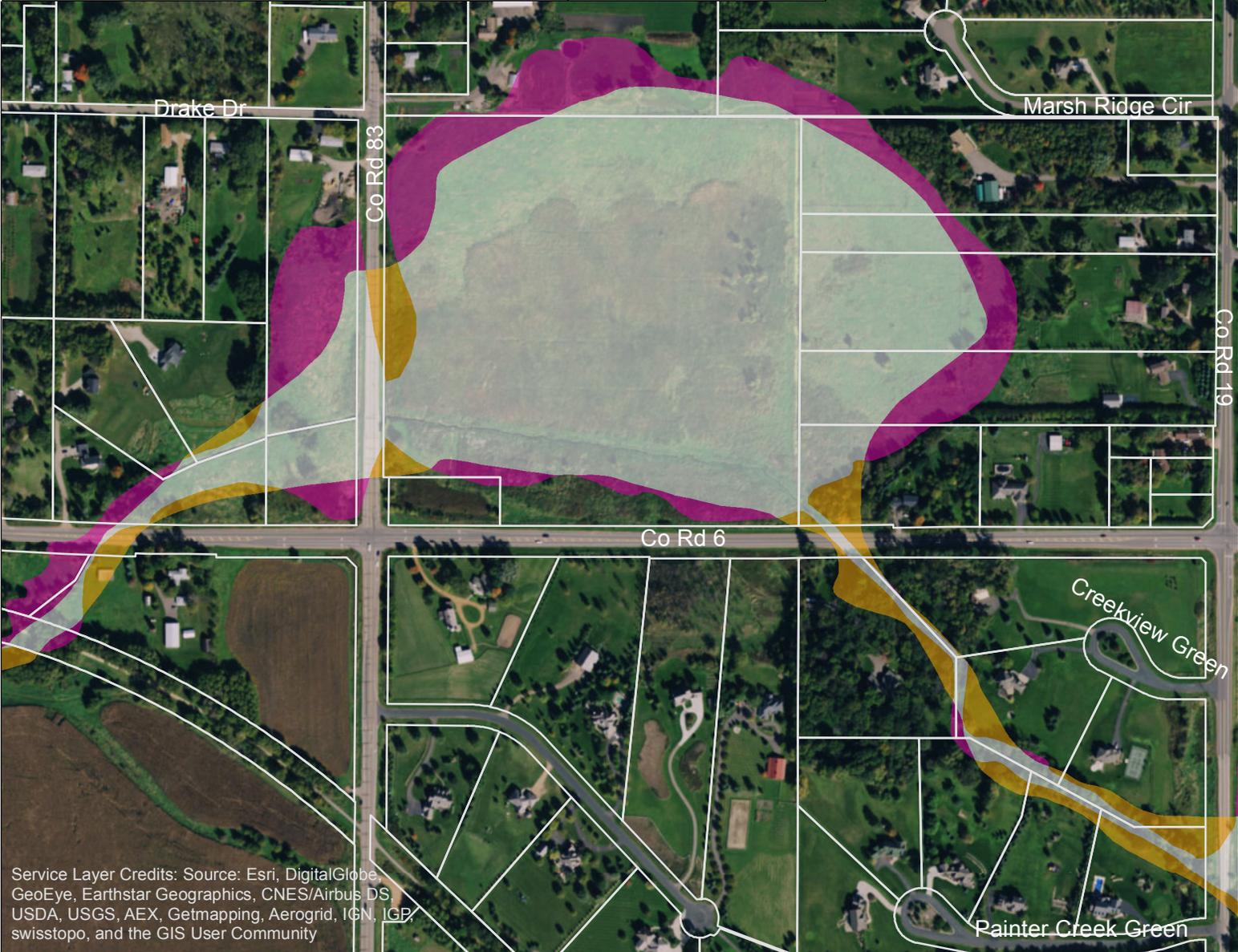
-  City Boundary
-  Parcels
- Changes Since Last FIRM**
-  Decrease in SFHA
-  Increase in SFHA
-  No Change in SFHA

Figure 6.

City of Independence
FEMA Map Changes



Taxpayer Name	Property Address	Notes
Marion Elizabeth Hayes	5629 Drake Dr	Increase in SFHA
Robert Volkenant	1030 Co Rd 83	Increase in SFHA; Accessory structure in SFHA
Laura Lee Stovner	5350 Co Rd 6	Increase in SFHA
Heidi & Thomas Niccum	5353 Co Rd 6	Increase in SFHA
Derek & Cami Dahlstrom	5742 Co Rd 6	Increase in SFHA
Brette Esterbrooks & Pragya Chan	5754 Co Rd 6	Increase in SFHA
S R & M J Thompson	885 Co Rd 19 N	Increase in SFHA
Dominic Wharram	909 Co Rd 19 N	Increase in SFHA
John & Margaret Gerhardson	951 Co Rd 19 N	Increase in SFHA
Stephen Eugene Curtis	971 Co Rd 19 N	Increase in SFHA
R R & B G McGinty	1075 Marsh Ridge Cir	Increase in SFHA; Accessory structure in SFHA
Kevin & Joyce Trio	5303 Creekview Green	Increase in SFHA
Michael & Kirsten Thelander	5300 Painter Creek Green	Increase in SFHA
Scott R Erickson	Unassigned	Increase in SFHA



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 150 300 600
Feet

Legend

City Boundary

Parcels

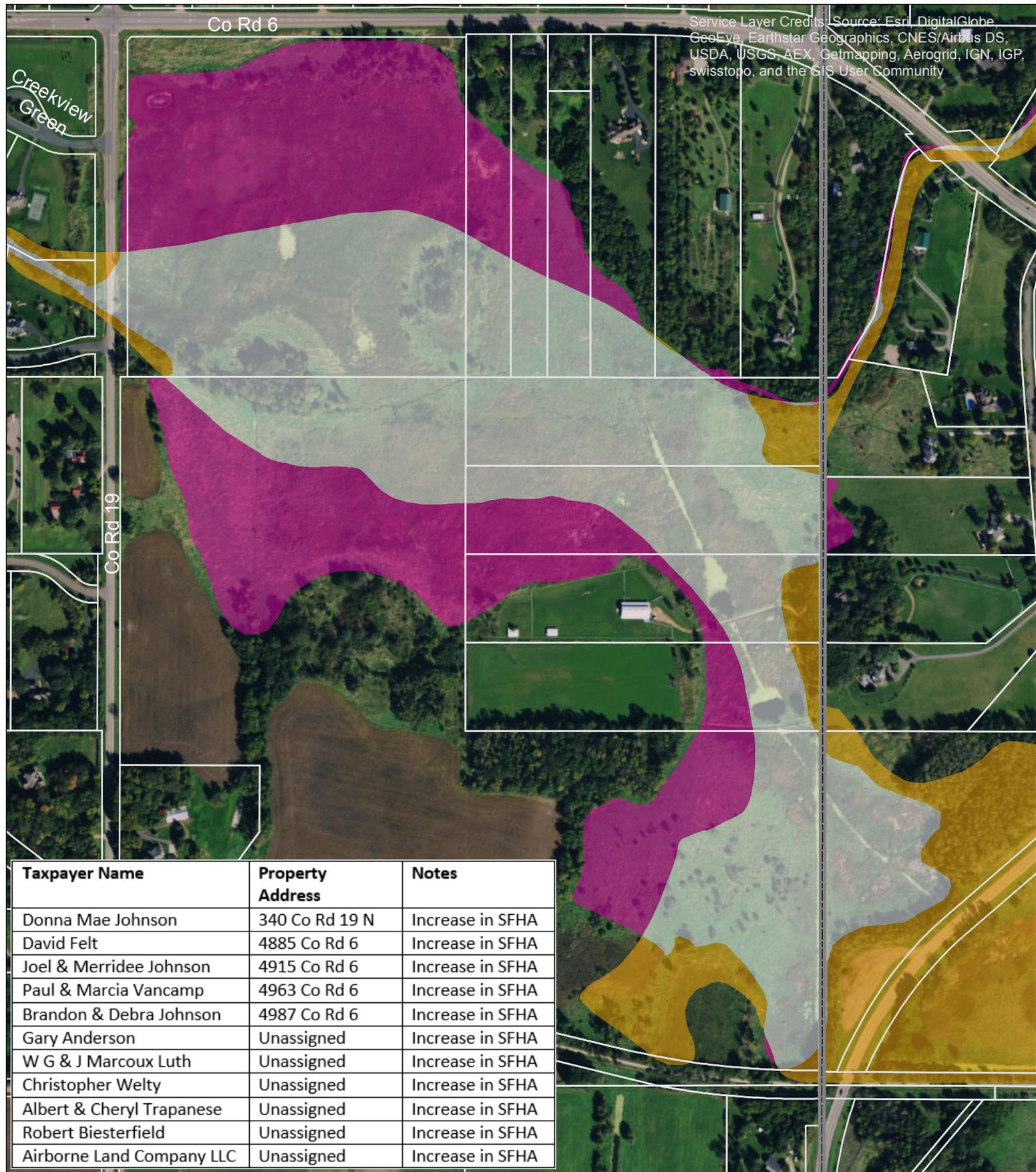
Changes Since Last FIRM

Decrease in SFHA

Increase in SFHA

No Change in SFHA

Figure 7.
City of Independence
FEMA Map Changes



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community

Taxpayer Name	Property Address	Notes
Donna Mae Johnson	340 Co Rd 19 N	Increase in SFHA
David Felt	4885 Co Rd 6	Increase in SFHA
Joel & Merridee Johnson	4915 Co Rd 6	Increase in SFHA
Paul & Marcia Vancamp	4963 Co Rd 6	Increase in SFHA
Brandon & Debra Johnson	4987 Co Rd 6	Increase in SFHA
Gary Anderson	Unassigned	Increase in SFHA
W G & J Marcoux Luth	Unassigned	Increase in SFHA
Christopher Welty	Unassigned	Increase in SFHA
Albert & Cheryl Trapanese	Unassigned	Increase in SFHA
Robert Biesterfield	Unassigned	Increase in SFHA
Airborne Land Company LLC	Unassigned	Increase in SFHA

0 150 300 600
Feet

Legend

City Boundary

Parcels

Changes Since Last FIRM

Decrease in SFHA

Increase in SFHA

No Change in SFHA

Figure 8.
City of Independence
FEMA Map Changes

City of Independence

UPDATE TO CITY'S FEE SCHEDULE

To: City Council
From: Mark Kaltsas, Interim City Administrator
Meeting Date: October 11, 2016

Request:

Staff has been discussing the fee schedule relating to planning and zoning applications internally for several months. Historically, the City has received feedback relating to confusion in understanding the fees associated with various land use applications. The primary issue that has been identified is that the City charges an application fee and then also requires an escrow fee for every application. Applicants have misunderstood that the application fee does not cover the costs for consultant fees associated with reviewing an application. The City has utilized the application fee to cover the administrative costs associated with processing an application. The initial fee for most applications is \$500. The City historically has utilized the escrow to pay for consultant fees associated with processing an application. Typical administrative costs include:

1. Newspaper publication (\$35)
2. Administrative staff time to prepare mailing labels and send notices (1-2 hours -\$100)
3. Administrative staff time to prepare Planning commission and City Council packets (2 hr. each - \$200)
4. Administrative staff time involving correspondence, filing and miscellaneous (2-4 hours - \$20)

In an effort to ensure that the City recaptures the actual costs of reviewing and processing planning and zoning applications, the City would recommend that the fees be updated.

The City currently charges approximately \$500 for most planning applications and then requires an escrow fee which ranges between \$1,000 and \$1,500. In order to simplify the fee schedule, staff has looked at increasing the application fee to cover the typical consultant cost for reviewing an application and then in turn reducing the amount of escrow required. The overall amount charged to an applicant would remain approximately the same. The typical cost associated with the consultants (planning, water resources/engineering, legal) review of an application ranges between \$500 and \$750 for a standard planning application.

In order to understand how Independence compares to surrounding communities, staff reviewed several fee schedules from surrounding cities (see attached). The fees vary amongst the cities; however, all cities tend to charge a base fee and then state that applicants will be charged for the actual costs charged by the cities consultants for reviewing the application. Based on the fees charged by surrounding cities, it appears that Independence is consistent with or often charges less for similar applications.

Discussion:

By simplifying the application and establishing a higher base application fee, staff believes that the applicants will better understand the actual costs associated with processing an application. Staff has reviewed the fee schedule and is proposing to make the following changes to the fee schedule:

ZONING FEES

Conditional Use Permit (CUP)	
Agricultural	\$ 500
+ \$1500 escrow	
Residential	\$ 500
+ \$1500 escrow	
Institutional	\$ 500
+ \$1500 escrow	
Guest/Bunk House	\$ 500
+ \$1500 escrow	
Non conforming Use	\$ 750
+ \$1500 escrow	
Commercial/Light Industrial	\$ 750
+ \$2000 escrow	
CUP Amendment	\$ 500
+ \$1500 escrow	
Interim Use Permit	\$ 750
+ \$1,500 escrow	
Commercial Kennel License	\$ 500
+ \$1500 escrow	
Extension	\$ 250
Appeal Admin. Decision	\$ 750
Move Building	\$ 175
Vacate Right of way/Easement	\$ 300
Right-of-way permit	\$ 75
Preliminary plat	\$ 750
+ \$1500 escrow	
Final Plat	\$ 750
+ \$1500 escrow	
Site Plan Review:	\$ 500
+ \$1500 escrow	
Subdivision 2 lots or less	\$ 750
+ \$1500 escrow	
Subdivision 3 lots or more	\$ 1500
+ \$3000 escrow + \$100/lot	
Consolidate lots	\$ 500

~~+ \$500 escrow~~
 Lot line rearrangement ————— \$ 500
~~+ \$1000 escrow~~

Planning Application Type I - Application Fee: \$1,250/Escrow \$750

- Minor Subdivision (Lot Line Rearrangement, Lot Consolidation)
- Rezoning
- Conditional Use Permit (residential)
- Interim Use Permit (residential)
- Right of Way or Easement Vacation
- Concept Plan

Planning Application Type II - Application Fee: \$1,750/Escrow \$1,500

- Subdivision (3 lots or more)
- Preliminary Plat (plus \$250 per lot)
- Final Plat (plus \$250 per lot)
- Conditional Use Permit (commercial)
- Interim Use Permit (commercial)
- Site Plan Review
- Comprehensive Plan Amendment
- Zoning Text Amendment

In addition to the planning and zoning fees, staff is also recommending that we update non-resident rates for the community center rental. The proposed changes are as follows:

COMMUNITY ROOM RENTAL

(maximum 200 guests)

Non-Profit	\$ 75
Security /Damage Deposit	\$ 650
False Fire Alarm	\$ 350
Organizations regular mtgs.	\$ 100
Events under 50 – resident	\$ 150
Events under 50 – <i>non-resident</i>	\$ 200 \$250
Events 50 – 100 – resident	\$ 200
Events 50 – 100 – <i>non-resident</i>	\$ 300 \$400
Events 101 – 150 – resident	\$ 300
Events 101 – 150 – <i>non-resident</i>	\$ 400 \$500
Events 151 – 200 – resident	\$ 400
Events 151 – 200 – <i>non-resident</i>	\$ 500 \$750
Funeral – resident	\$ 50
Funeral – <i>non-resident</i>	\$ 100
Wedding – resident	\$ 400
Wedding – <i>non-resident</i>	\$ 600 \$1,000

Recommendation:

Staff is seeking consideration from Council relating to the adoption of Resolution No. 16-1011-04 approving an update to the Fee Schedule.

Attachments:

1. Fee Schedule



RESOLUTION NO. 16-1011-04

A RESOLUTION APPROVING AN UPDATE TO THE
FEE SCHEDULE

WHEREAS, the City of Independence (the "City") is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City has adopted a Fee Schedule to set forth fees for certain services provided by the City;

AND WHEREAS, the Fee Schedule is referred to in the City's Code of Ordinances and determined to be necessary to ensure that the City is reimbursed for the cost of providing the services.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INDEPENDENCE, MINNESOTA:

1. The Fee Schedule is hereby adopted.

This resolution was adopted by the City Council of the City of Independence on this 11th day of October, 2016, by a vote of ___ ayes and ___ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

(SEAL)

LIQUOR LICENSES

Wine, on sale	\$ 600
On-sale intoxicating	\$5500
Off-sale intoxicating	\$ 240
Sunday On-sale	\$ 200
Beer Off-sale	\$ 50
Beer On-sale	\$ 500
Setup	\$ 500
Investigation fee	\$ 500
Temporary liquor (1-4 days)	\$ 100/day

DOG LICENSES

Lifetime License	\$ 20
Replacement tag	\$ 2
Dangerous Dog annual fee	\$ 500
Dog Impound Fee 1 st Violation	\$ 35
2 nd Violation	\$ 70
3 rd Violation	\$ 105

SERVICE FEES

Address Labels	\$ 50
Address List	\$ 30
Copies 8 ½ x 11	\$.25
Copies, Oversize	\$.50
Copies: City Code Book	\$ 60
Copies: Subdivision Ordinance	\$ 15
Copies: Zoning Ordinance	\$ 15
Copies: Shoreland Ordinance	\$ 15
Copies: City Comp. Plan	\$ 40
Copies: Park Comp. Plan	\$ 15
Copies: Audit Book	\$ 45
City Address Map	\$ 8
Zoning Map (color)	\$ 3
Land Use Map (color)	\$ 3
Assessment Search written req.	\$ 25
Flood Zone Search written req.	\$ 25
Ag Preserve Application	\$ 50
Ag Preserve Expiration	\$ 50
NSF Check	\$ 30
Special Council Meeting fee	\$ 250
Election Filing fee	\$ 2

SIGN PERMIT

Temporary (administrative)	\$ 100
Permanent Sign/Site Plan Review	\$ 250

ZONING FEES

Conditional Use Permit (CUP)	
Agricultural	\$ 500
+ \$1500 escrow	
Residential	\$ 500
+ \$1500 escrow	
Institutional	\$ 500
+ \$1500 escrow	
Guest/Bunk House	\$ 500
+ \$1500 escrow	
Non-conforming Use	\$ 750
+ \$1500 escrow	
Commercial/Light Industrial	\$ 750
+ \$2000 escrow	
CUP Amendment	\$ 500
+ \$1500 escrow	
Interim Use Permit	\$ 750
+ \$1,500 escrow	
Commercial Kennel License	\$ 500
+ \$1500 escrow	
Extension	\$ 250
Appeal Admin. Decision	\$ 750
Move Building	\$ 175
Vacate Right-of-way/Easement	\$ 300
Right-of-way permit	\$ 75
Preliminary plat	\$ 750
+ \$1500 escrow	
Final Plat	\$ 750
+ \$1500 escrow	
Site Plan Review:	\$ 500
+ \$1500 escrow	
Subdivision 2 lots or less	\$ 750
+ \$1500 escrow	
Subdivision 3 lots or more	\$ 1500
+ \$3000 escrow + \$100/lot	
Consolidate lots	\$ 500
+ \$500 escrow	
Lot line rearrangement	\$ 500
+ \$1000 escrow	
After-the-fact fees	double
Variance	\$ 500
+ \$1000 escrow	
Road Frontage Variance	\$ 200
+ \$250 escrow	
Comp. Plan Amendment	\$ 1500
+ \$500 escrow	
Zoning Text Amendment	\$1,000
Zoning appeal	\$ 500

+ \$500 escrow	
Rezoning	\$ 500
+ \$500 escrow	

Grading Permit (100 cu yd or more)	\$ 500
(if less than 100 cu. yd, no permit required.)	

Other (non-defined) Planning/Review	\$250
-------------------------------------	-------

After-the-fact fees	Double
---------------------	--------

Staff time in excess of application fees:	
Professional per hour	\$ 75
Clerical per hour	\$ 50

PARK DEDICATION FEES

\$3500 per lot to 4.99 acres + \$750 per acre over 5 acres.

MISC. PERMIT FEES

Fireworks Dealer License	\$ 75
Tower (wireless communication)	\$1000

LICENSES

Garbage hauler/per year	\$ 150
Per truck per year	\$ 20
Tobacco	\$ 100
1 st Offense	\$ 75
2 nd Offense	\$ 200
3 rd Offense & over	\$ 250
Solicitation	\$ 100

FLAT FEE BUILDING PERMIT FEES

Mechanical	
Furnace	\$ 100
Air Conditioner	\$ 100
Gas Fireplace	\$ 100
Water Heater	\$ 50
Wood stove/fireplace	\$ 100
Chimney	\$ 100
Fuel tank removal	\$ 100
Lawn Sprinkler	\$ 100
Plumbing remodel	\$ 100
Plumbing new	\$ 100
(\$10 per fixture over five)	

Re-roof	\$ 100
Re-side	\$ 100
Window replacement same size	\$ 100 +
	\$10/window

Flat Fee State Permit Surcharge Add \$ 1
(Example: A/C + Furnace = \$201)

Demolition	\$ 100
Driveway	\$ 100

All Other Building Permits Based on Value

Electrical Permits (Contact State)

SEPTIC FEES

Private On-site Permit	\$ 300
Mound Repair	\$ 150
Abandonment of System/Tank	\$ 75
Holding Tank with Pumping Agreement	\$ 100
First Year	\$ 50
Annual	\$ 25
Operating Permit Business	\$ 175
First Year	\$ 175
Annual	\$ 75
Mid-Size System	\$ 400
+ \$1,000 escrow	

Total Sewer Connection Fee	\$ 3762.50
- Includes \$ 1160 City Sewer Permit	
- Includes \$ 117.50 Street to house connect	
- Includes \$ 2485 SAC (MUSA line)	
Availability charge per year	\$ 124
Quarterly sewer access charge (dwellings not connected to available sewer)	\$ 163
SAC (MUSA line)	\$ 2485
Winter septic holding tank escrow*	\$ 8000
*Plus Administrative fee	\$ 55

OTHER INSPECTION FEES

Investigation/Re-inspection Fee	\$ 100/1 st Hr
	\$ 50/add'l Hr
Fire Damage Inspection	\$ 100

COMMUNITY ROOM RENTAL
(maximum 200 guests)

Non-Profit	\$ 75
Security /Damage Deposit	\$ 650
False Fire Alarm	\$ 350
Organizations regular mtgs.	\$ 100
Events under 50 – resident	\$ 150
Events under 50 – <i>non-resident</i>	\$ 200
Events 50 – 100 – resident	\$ 200
Events 50 – 100 – <i>non-resident</i>	\$ 300
Events 101 – 150 – resident	\$ 300
Events 101 – 150 – <i>non-resident</i>	\$ 400
Events 151 – 200 – resident	\$ 400
Events 151 – 200 – <i>non-resident</i>	\$ 500
Funeral – resident	\$ 50
Funeral – <i>non-resident</i>	\$ 100
Wedding – resident	\$ 400
Wedding – <i>non-resident</i>	\$ 600

CONFERENCE ROOM RENTAL
(seats 25 people)

Rent per day	\$ 100
with kitchen	\$ 150
per hour	\$ 35

PARK RENTAL FEES

Commercial, daily - resident	\$ 200
Commercial, daily - <i>non-resident</i>	\$ 300
Individual, daily - resident	\$ 75
Individual, daily – <i>non-resident</i>	\$ 150
(Liability Insurance Required)	

FREQUENTLY CALLED NUMBERS

Public Works Director Larry Ende	763-479-0530
Interim Administrator Mark Kaltsas	763-479-0527
Building Inspector Bruce Satek	763-479-0531
Administrative Asst. Beth Horner	763-479-0527
Office Assistant Trish Bemmels	763-479-0514
West Hennepin Public Safety	763-479-0500
Burn permits WHPS	763-479-0500
Hennepin County	612-348-3000

FEE SCHEDULE

Effective September 1, 2003
Revised September 8, 2015



1920 COUNTY ROAD 90
INDEPENDENCE MN 55359

PHONE: 763-479-0527
FAX: 763-479-0528

Website: <https://independence.govoffice.com>

ALL FEES ARE NON-REFUNDABLE.
Fees are Subject to change