



City of Afton

PLANNING COMMISSION AGENDA

February 6th, 2023

7:00 pm

Afton City Council Chambers
3033 St. Croix Trail
Afton, MN 55001

Please Note: This meeting will be held in-person, as well as remotely using the Zoom video conference application.

Instructions for Participating in the Meeting Remotely Via Zoom

Options for Joining the Zoom Meeting:

- RECOMMENDED: Use your computer, tablet or smart phone to join the meeting by logging on to
- <https://us02web.zoom.us/j/82292860132?pwd=SzIHR2I2ODI2MUhrN2RUMUF1ZzkyUT09>
 - (Meeting ID: 822 9286 0132)
Passcode: 151365
 - Dial-in Number (to call in to the meeting) +1 312 626 6799
When prompted, enter Meeting ID: 822 9286 0132

AGENDA

1. **CALL TO ORDER –**
2. **PLEDGE OF ALLEGIANCE –**
3. **ROLL CALL -**
 - a) Scott Patten
 - b) Sally Doherty
 - c) Kris Kopitzke (Chair)
 - d) Jim Langan
 - e) Justin Sykora
 - f) Christian Dawson
 - g) Doug Parker
 - h) Kuchen Hale
 - i) Marc Porupsky
4. **APPROVAL OF AGENDA –**
5. **APPROVAL OF MINUTES –**
 - A. January 9th, 2023 Meeting Minutes
6. **REPORTS AND PRESENTATIONS – None**
7. **PUBLIC HEARINGS –**
 - A. Ordinance Amendment to Revise Ordinance Section 12-232 Short Term Home Rental – **Ordinance 01-2023**
8. **NEW BUSINESS –**
 - A. Draft Ordinance Amendment to Add Zoning Regulations Regarding Dwelling Units in Commercial Buildings in the VHS-C District
9. **OLD BUSINESS -**
 - A. Groundwater Protection
 - B. Update on City Council Actions – Council Highlights from the January 17, 2023 Council meeting - attached.
10. **ADJOURN –**

A quorum of the City Council or Other Commissions may be present to receive information.

The meeting was held in-person, with participation via Zoom also available.

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 pm.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** – Present: Doug Parker, James Langan, Justin Sykora, Kris Kopitzke, Kuchen Hale. Absent were Scott Patten, Sally Doherty (excused), Christian Dawson. A quorum was present. Roger Bowman has retired from the commission.
ALSO IN ATTENDANCE – City Administrator Ron Moorse, City Council member Lucia Wroblewski
4. **APPROVAL OF AGENDA** –
Motion/Second Langan/Parker To approve the agenda for the January 9, 2023 Planning Commission meeting. All aye, Passed 5-0.
5. **APPROVAL OF MINUTES** –
Motion/Second Parker/Langan To approve the minutes of the December 5, 2022 Planning Commission meeting. All aye, Passed 5-0.
6. **REPORTS AND PRESENTATIONS** – none
7. **PUBLIC HEARINGS** - none
8. **NEW BUSINESS** – none
 - A. Draft Zoning standards for two dwelling units in a commercial building in the VHS-C Zone
 Administrator Moorse provided background information: The City Council approved a proposed Comprehensive Plan amendment for review by the Metropolitan Council that allows up to two residential dwelling units in a commercial building in the VHS-C zone in the downtown Old Village area. The proposed Comprehensive Plan amendment is in the process of being reviewed by the Metropolitan Council. This review process should be complete in March of 2023. In the meantime, the process of developing zoning regulations regarding dwelling units in commercial buildings can move forward. The first step in the process of developing zoning regulations regarding dwelling units in commercial buildings involves the Planning Commission discussing the issues listed below and providing feedback and recommendations to staff and Council to guide the drafting of zoning regulations. The draft zoning regulations will then be referred to the Planning Commission for additional feedback.
 Issues for discussion:
 - Location of commercial uses
 Chair Kopitzke stated he saw no problem with location of commercial use, however office use may be the only type of use that would be compatible.
 After further discussion, it was suggested that an office use should be allowed along with residential use above the main floor only in an existing commercial building that currently has office space above the main floor. It should not be allowed in a new building.
 - Location of dwelling units
 Parker stated that dwelling units should not be allowed in the basement of a commercial building. The Commission also agreed that dwelling units could be located in the rear of a commercial building on the main floor.
 - Number of Bedrooms
 There were no concerns regarding allowing two bedrooms in a dwelling unit.
 - Permitted Use vs. Conditional Use
 Sykora felt (and others agreed) that a dwelling unit in a commercial building should require a Conditional Use Permit.

- 56 • A second dwelling unit should be subject to available capacity in the City’s wastewater treatment
57 facility
58 The Commission agreed that, if a commercial building is not connected to the municipal
59 sanitary sewer system, the addition of a residential unit to the building should trigger the
60 requirement to connect to the sanitary sewer system.
61

62 Other items suggested:

- 63 - survey other small cities with downtown commercial areas regarding the regulations and
64 standards
- 65 - the maximum term of a lease for a dwelling unit in a commercial building be one year,
66 because it can be difficult to remove a problem renter during the term of a lease.
- 67 - Langan suggested having a limit on the number of people allowed in a dwelling unit.
- 68 - Sykora suggested that a clear definition of “dwelling unit” be provided, particularly to
69 indicate the various spaces and facilities required in each dwelling unit.
- 70 - Provide one off-street parking space for each dwelling unit
71
72

73 **9. OLD BUSINESS -**

74 A. Groundwater Protection

75 Chair Kopitzke reported that the subgroup met twice with members of the Natural Resources and
76 Groundwater Committee to discuss Groundwater Protection efforts.

77 Sykora provided a Ground Water Protection Scoring Spreadsheet that reflects the joint discussion. This
78 can be used to establish goals.

79 Chair Kopitzke will put together a summary of the scoring items.

80 Hale suggested providing information on the city website or link to other sources for public information.

81 Administrator Moose noted that the Washington Conservation District has many resources.
82

83 B. Update on City Council Actions –

84 Council member Lucia Wroblewski provided a summary of the December 20 council meeting.
85

86 Attendance at Planning Commission meetings was discussed.
87

88 **10. ADJOURN**

89 **Motion/Second Sykora/Hale To adjourn. All aye, Passed 6-0.**

90 Meeting adjourned at 8:20pm.
91
92
93

94 Respectfully submitted by:

95 _____
96
97 Julie Yoho, City Clerk
98
99

100 To be approved on

101 February 6, 2023 as (check one): Presented: _____ or Amended: _____
102
103

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 6, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 31, 2023

Re: Short Term Home Rental Ordinance Amendment – **Ordinance 01-2023 - Public Hearing**

A number of revisions to the Short Term Home Rental ordinance are needed to strengthen the City's ability to enforce violations of the ordinance. The attached revised ordinance was reviewed and discussed by the Council at its regular meeting of January 17, 2023, at which the Council agreed that the ordinance amendment should be referred to the Planning Commission for a public hearing and a recommendation. The main revisions to the ordinance are outlined below.

1. Eliminate the current Type A license, which allows 14 days of short term rentals per year without a license. Because it is difficult/impossible to document the number of days of home rentals, the current Type A license enables a property owner to have virtually unlimited days of short term rentals without a license. The lack of the need for a license removes the key mechanism for the enforcement of violations, which is the revocation of the license.
2. Prohibit advertising for short term rentals without a license, and enable suspension or revocation of a short term rental license if a property is advertised in a way that conflicts with any limitation or requirement of the short term rental ordinance. This language is needed to address the existing advertisement of illegal short term rental uses.
3. Anyone operating a short term home rental or advertising a short term home rental without a license from the City, after receiving notification by the City that they are in violation and a license is required prior to renting, is subject to immediate and permanent revocation of all short term home rentals in Afton owned and/or operated by the violator.
4. The current ordinance requires that, for unhosted rentals, the property owner must provide the name, phone number and address of the owner, operating lessee or managing agent/representative to the City, along with mailing labels for all property owners within 150 feet of the property, so that the City can mail the information to the surrounding property owners. The 150 foot radius has been increased to a 500 foot radius, which is the same distance used for notifications regarding zoning applications.

PLANNING COMMISSION RECOMMENDATION REQUESTED

Motion regarding a recommendation regarding Ordinance 01-2023, an ordinance amending the Short Term Home Rental Ordinance.

ORDINANCE 01-2023

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING CHAPTER 12, LAND USE OF THE CITY CODE, SECTION 12-232
SHORT TERM HOME RENTALS**

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

The following section of the Afton Code of Ordinances shall be amended by adding the **bold and underlined** language and deleting the ~~strikeout~~ language.

Sec. 12-232. Short-Term Home Rentals

A. Scope. This section applies to all short-term home rentals in the City of Afton.

B. Purpose. The City of Afton has adopted this ordinance for the purpose of allowing short-term home rentals consistent with Rural Residential, Agricultural and Village Historic Site zone uses where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations, and to protect the general public health, safety and welfare.

C. Definitions. For the purposes of this section (12-232) the following terms, phrases, words and their derivations shall have the meanings as given here. When consistent with the context, words in the plural include the singular and words in the singular include the plural.

Certificate of Septic System Compliance. A compliance certificate that was issued on a new septic system installed within the past five years or a copy of a compliance inspection which was performed within the past three years.

City. City of Afton.

Dwelling. A principal structure that contains one dwelling unit, intended or designated to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Guest. A person who is registered as staying at the property as part of a short term home rental

Owner. Any person who, alone or with others, has title or interest in any building, property, dwelling, dwelling unit or portion thereof, with or without accompanying actual possession thereof, including any person who as tenant, agent, executor, administrator, trustee, or guardian of an estate has charge, care, control of any -dwelling or dwelling unit.

Person. Any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

Primary residence, means the dwelling unit within which a person lives for six months plus a day during a calendar year.

Primary resident, means a person living on a property where the property is the person's primary

residence.

~~Short Term Home Rental, Type A. Short term home rentals in a homesteaded property with less than 14 days of rentals per year. Type A short term home rental does not require a license, but must operate in accordance with the performance standards in this section.~~

Short Term Home Rental, Type A ~~B~~. (Hosted short term rental) means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where a primary resident of the property is present while the transient guests are present.

Short term Home Rental, Type B ~~C~~. (Unhosted short term rental) means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property serves as a person's primary residence but a primary resident of the property is not present while the transient guests are present.

Short term home rentals, Type C ~~D~~. (dedicated short term rental). means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property does not serve as a person's primary residence

Short-term rental. A dwelling unit, or a portion of a dwelling unit, rented for a period of less than thirty (30) days. No more than one (1) rental of a short-term rental dwelling unit or portion thereof shall be permitted per day.

D. *License required.* No property may be used for Type A, B, or C ~~or D~~ short term home rental unless a license is granted by the city.

Term. The initial short-term rental license shall expire one year from the date the license is issued, unless revoked. Subsequent renewals shall not be for a period of more than three years.

Renewal. A renewal license must be applied for every three years. The renewal license application may only be submitted after the property has passed a city inspection as required and appropriate fees have been paid.

Non-Transferable. Licenses are non-transferable and shall expire upon change of ownership of the property.

E. *License application.* Any property owner desiring to undertake short term home rentals must apply to the city for a short term home rental license. A license must be approved prior to operating within the city. The license application request must be submitted on the form provided by the city and must include all the information requested on the application form. A criminal background check consistent with Minn. Stat. §299C will be conducted on managers (as defined by Minn. Stat. §299C.67, Sub. 4) as part of the license application review.

F. *License fee.* The license application form must be accompanied by payment in full of the required license application fee. The license application fee will be determined by the city council in the city fee schedule.

G. *License issuance.* Licenses shall be issued exclusively for principal structures with one dwelling unit, with the exception of a duplex with a valid conditional use permit, which has two dwelling units. The process for review and issuance of a license will vary depending upon the type of short term home rental as follows:

~~Type A—Short term home rentals in a homesteaded property with less than 14 days of rentals~~

~~per year. Type A short term home rental does not require a license, but must operate in accordance with the applicable performance standards in this section.~~

Type ~~A~~ **B** – Hosted short term home rentals in a homesteaded property Type A short term home rental licenses will be issued administratively if all the terms and conditions of this section are met.

Type ~~B~~ **C** - Unhosted short term home rentals in a homesteaded property. Type B short term home rental licenses will be issued administratively if all the terms and conditions of this section are met.

Type ~~C~~ **D** - Unhosted, dedicated short term rental. Type C short term home rental licenses require a conditional use permit and will be issued administratively if all the terms and conditions of this section are met and a conditional use permit (CUP) is granted. The conditional use permit application will be reviewed according to the CUP process established in the City Code section 12-78.

H. *Performance standards.* Type A, B, **and** C ~~and D~~ short term home rentals shall be subject to the performance standards identified below, except where a performance standard is specifically applicable to only specific types of rentals.

1. *Parking.*

In residential zoning districts, all guest parking must be accommodated on improved driveways and improved parking surfaces on the premises. No on-street parking is allowed for guests.

2. *Length of guest stay.* The minimum length of stay is one day. The maximum length of stay, as it pertains to this ordinance, is 30 days.

3. *Number of guests.* The maximum number of guests will be limited to two times the number of bedrooms, plus two guests. Children under the age of 12 are excluded from the calculation of number of guests.

4. *Annual water testing.* The licensee for Type A, B, and C, ~~and D~~ short term rentals shall test the water serving the dwelling for coliform bacteria, nitrates and lead on an annual basis, and the water must meet health-based standards for these items.

5. *Guest records.* The licensee for Type **B and C** ~~and D~~ short term rentals must keep a guest record including the name, address, phone number, and vehicle license plate information for all guests and must provide this information in a report to the city upon 48 hours' notice, if requested by the City. The request for a report will include how and to whom the report shall be provided.

6. *Manager information.* For Type **B and C** ~~and D~~ short term home rentals, the licensee must provide the name, phone number and address of the owner, operating lessee or managing agent/representative to the City, along with mailing labels for all property owners within **500**450 feet of the property. The City will then send the information to the adjacent property owners. The licensee shall provide any changes to this information, along with additional mailing labels, to the City Clerk within ten days of any such changes. The City Clerk will then send the information to the adjacent property owners.

7. *Guest disclosures.* The licensee must disclose in writing to their guests the following rules and regulations and must submit a copy of the disclosure to the city with the license application and renewal applications. In addition, the disclosures must be conspicuously displayed in the home. The disclosures must include the following:

- For Type **B and C** ~~D~~ short term home rentals, the name, phone number and address of the owner, operating lessee or managing agent/representative;
 - The maximum number of guests allowed at the property;
 - The maximum number of vehicles allowed at the property and the approved parking areas, as indicated on the site plan provided with the license application;
 - Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities;
 - That City nuisance ordinances will be enforced by the Washington County Sheriff's Department, including reduced noise levels between 10:00 p.m. and 8:00 a.m.;
 - That no events are allowed to be hosted by a guest on the premises.
8. *Posting of license number.* The licensee must post the city license number at the property and on all print, poster or web advertisements.
 9. *Proximity of assistance.* For Type **C** ~~D~~ short term home rentals, the property owner or a manager/representative must be located within 30 minutes travel time of the property.
 10. *Signage.* For Type A, B **and** C and ~~D~~ short term home rental no signage is allowed on the property.
 11. *Events.* Events are not allowed to be hosted by guests on the premises. For purposes of this section, an event means a gathering on the premises of more than three un-registered guests.
 12. *Insurance.* The licensee must provide proof of sufficient and suitable property insurance, as determined by the Zoning Administrator, with the license application and must be able to confirm that the coverage remains in place within 24 hours of a request by the city.
 13. There shall be no change in the exterior appearance of the home or premises, or other visible evidence of the conduct of a short term home rental, except that additional on-site city code compliant parking may be provided.
 14. No lessee under this ordinance shall be granted any benefit otherwise granted to lessees of homes under the firearms ordinance in Chapter 14 of the City Code.
 15. **Advertising for short term home rentals without a license for short term home rentals is prohibited.**

Required health and safety inspections.

Type **A**, B and C license applications will not be accepted without an approved inspection report signed by the city's fire department and building department. The inspection must have been completed no more than 60 days prior to submission of the license application. The list of health and safety items that will be inspected will be included in license application materials so that the licensee will know in advance what items will be inspected. If the inspection identifies items that must be corrected, all corrections must be completed and verified by the city before the license will be issued.

Any property licensed under this section shall be subject to lawful inspection by the zoning administrator and the zoning administrator's authorized representatives upon a schedule

determined by the zoning administrator or upon complaint.

J. *Site Plan and Floor Plan for Type **A**, **B** and **C** and ~~D~~ short term home rentals.*

The applicant must submit a site plan of the property drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, or sauna.

The applicant must submit a floor plan of the residence drawn to scale identifying which rooms are proposed to be used as guest bedrooms. The number of bedrooms in the application must match the number of bedrooms reflected in the County's property tax records.

K. *Interchangeability of License Types.* A licensee may use the license to operate any short term home rental type equal to or less restrictive than the one for which the license was issued. For example, if an owner is issued a Type C license, the property is permitted to operate as a Type C, B or A. If a Type B license is issued, the property is permitted to operate as a Type B or A.

L. *Enforcement.*

1. *Injunctive relief.* In the event of a violation or threatened violation of this ordinance, the city, in addition to other remedies, is entitled to seek injunctive relief or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
2. *Misdemeanor.* The penalty for a violation of this ordinance shall be a misdemeanor.
3. *Fines.* In addition to penalty provisions in (1) and (2) above, the administrative fines for violations of this section shall be as established by the city council in the annual fee schedule.
4. *Suspension or revocation.* Any short term home rental license may be suspended or revoked for one or more of the following reasons upon notice and the provision of an opportunity for hearing for good cause,
 - a. Violation of, or noncompliance with, any license requirement or **performance** standard, or any applicable law, statute or ordinance
 - b. It is the third substantiated and relevant complaint, as determined by the Zoning Administrator, within a 12-month period.
 - c. The licensee/**property owner or their agent** has failed to pay all of the appropriate fees related to the license, or is delinquent on any other city fees;
 - d. The licensee/**property owner or their agent** has made fraudulent statements, misrepresentations, not fully disclosed information or made false statements in the application for or in the course of the licensee's business;
 - e. The licensee/**property owner or their agent** has been convicted of any crime or offense in the previous five years involving or relating to the short term home rental business and the licensee has failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business;
 - f. The licensee/**property owner or their agent** has acted in an unauthorized manner or beyond the scope of the license granted.
 - g. The licensee/**property owner or their agent** has advertised the property in a way that conflicts with any limitation or requirement of this ordinance.

h. Anyone operating a short term home rental, or advertising a short term home rental, without a license from the City, after receiving notification by the City that they are in violation and a license is required prior to renting, is subject to immediate and permanent revocation of all short term home rentals in Afton owned and/or operated by the violator.

- If a license is revoked, the owner is prohibited from making application for another license for any type of short-term home rental for a period of six months.
- If a property is found to be providing short term home rentals without the required license, the owner shall be prohibited from using the property for short term home rentals, or making application for a license for any type of short term home rental, for a period of two years, subject to the payment of any penalty fees.

M. Severability. If any portion of this section is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the section, and such determination shall not affect the validity of the remainder of the section.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS XX DAY OF _____,
2023.

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moose, City Administrator

Motion by:
Second by:
Perkins:
Wroblewski:
Ross:
Nelson:
Palmquist:

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 6, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 1, 2023

Re: Draft Ordinance Amendment to Add Zoning Regulations Regarding Two Dwelling Units in Commercial Buildings in the VHS-C District

The City Council, at its December 20, 2022 meeting, approved a proposed Comprehensive Plan amendment for review by the Metropolitan Council that allows up to two residential dwelling units in a commercial building in the VHS-C district in the downtown Old Village area. During discussion by both the Planning Commission and the Council regarding the proposed Comprehensive Plan amendment, it was agreed that regulations to clarify several issues related to the general policy direction set out in the Comprehensive Plan amendment needed to be addressed and zoning regulations to address those issues needed to be developed.

The first step in this process involved the Planning Commission discussing the issues related to the regulation of residential dwelling units in commercial buildings in the VHS-C district and providing feedback and recommendations to staff and Council to guide the drafting of zoning regulations. The Planning Commission, at its January 9, 2023 meeting, provided feedback and recommendations regarding zoning regulations. Based on the Planning Commission's feedback and the Council's discussion at its January 17, 2023 meeting, staff has prepared a draft ordinance amendment to provide zoning regulations related to dwelling units in commercial buildings for the Planning Commission's review and additional feedback. Based on feedback from both the Planning Commission and Council, a final ordinance amendment will be referred to the Planning Commission for a public hearing and recommendation.

The draft ordinance amendment includes a set of performance standards for dwelling units in commercial buildings in the VHS-C district. The draft ordinance amendment also includes a revised definition of "Dwelling Unit" to clarify that a dwelling unit is a fully independent living unit that does not share any living spaces with another dwelling unit. The following is an outline of the elements of the draft ordinance amendment.

Performance Standards for Dwelling Units in Commercial Buildings in the VHS-C District

1. A dwelling unit in the VHS-C district located in a commercial structure may be located above the main floor and in the rear of the main floor, but shall not occupy the front half of the ground floor or be located in the basement.
2. A dwelling unit in a commercial building shall not contain more than two bedrooms.
3. An office use is allowed above the main floor along with a residential use only in an existing commercial building that currently has office space above the main floor. It is not allowed in a new building.
4. A dwelling unit cannot be located in a commercial building unless there is a commercial use on the main floor
5. A minimum of one off-street parking space shall be provided for each dwelling unit in a commercial building.
6. A dwelling unit in a commercial building requires a Conditional Use Permit.

7. The approval of a dwelling unit in a commercial building shall be subject to sufficient capacity in the municipal wastewater treatment facility.
8. If a commercial building is not connected to the municipal sanitary sewer system, the addition of a residential unit to the building shall trigger the requirement to connect to the sanitary sewer system within 60 days, subject to weather conditions.
9. A dwelling unit that is part of the principal building shall be provided with two exits; one shall be a direct outside exit.
10. The commercial building in which a dwelling unit is located shall conform to the building code and applicable fire codes.

Revised Definition of Dwelling Unit

Dwelling unit means a residential accommodation which is arranged, designed, used and intended for use exclusively as living quarters for one family, with each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

Planning Commission Feedback Requested

Feedback is requested regarding the draft ordinance amendment to provide zoning regulations concerning dwelling units in commercial buildings in the VHS-C district.

ORDINANCE XX-2023
(Draft)

COUNTY OF WASHINGTON
CITY OF AFTON

AN ORDINANCE AMENDING SECTIONS 12-55 AND 12-201 TO ADD A REVISED DEFINITION OF DWELLING UNIT AND TO ADD PERFORMANCE STANDARDS FOR DWELLING UNITS IN COMMERCIAL BUILDINGS IN THE VHS-C DISTRICT

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

The following sections of the Afton Code of Ordinances shall be amended by adding the **bold and underlined** language and deleting the strike-through language.

Sec. 12-55 Definitions

Dwelling unit means a residential accommodation, which is arranged, designed, used ~~and~~ or intended for use exclusively as living quarters for one family, **with each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.**

Sec. 12-201. Dwelling units in commercial and **Industrial** zoning districts.

A. A dwelling unit for a watchman, alone or with family, shall be considered an accessory use and shall conform to all applicable regulations for the zoning district in which it is located, except as herein modified:

1. No detached dwelling unit shall be permitted in the Industrial zoning district.
2. A dwelling unit in ~~an commercial~~ or industrial building shall not contain more than one bedroom
3. A dwelling unit that is part of the principal building shall be provided with two exits; one shall be a direct outside exit.
4. All buildings shall conform to the building code and applicable fire codes.

B. **The following are performance standards for dwelling units in a commercial building in the VHS-C district.**

1. A dwelling unit in the VHS-C~~commercial~~ district located in a commercial structure may be located **above the main floor and in the rear of the main floor, but** shall not ~~occupy the front half of the ground floor or~~ **be located in** the basement.
2. A dwelling unit in a commercial building shall not contain more than ~~two~~ **one** bedrooms.
3. **An office use is allowed above the main floor along with a residential use only in an existing commercial building that currently has office space above the main floor. It is not allowed in a new building.**
4. **A dwelling unit cannot be located in a commercial building unless there is a commercial use on the main floor**
5. **A minimum of one off-street parking space shall be provided for each dwelling unit in a commercial building.**
6. **A dwelling unit in a commercial building shall require a Conditional Use Permit.**

ORDINANCE XX-2023
(Draft)

7. The approval of a dwelling unit in a commercial building shall be subject to sufficient capacity in the municipal wastewater treatment facility.

8. If a commercial building is not connected to the municipal sanitary sewer system, the addition of a residential unit to the building shall trigger the requirement to connect to the sanitary sewer system within 60 days, subject to weather conditions.

9. A dwelling unit that is part of the principal building shall be provided with two exits; one shall be a direct outside exit.

10. A commercial building in which a dwelling unit is located shall conform to the building code and applicable fire codes

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS XX DAY OF _____, 2023

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 6, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 1, 2023

Re: Groundwater Protection

Attached is the updated Ground Water Protection Scoring Spreadsheet for the Planning Commission's discussion.

Review the factors first. Add or remove factors as you see fit.
 Suggest scoring roughly on a scale of 1 -5, where 5 is the best and 1 is the lowest. Low cost might get a 5, low impact might get a 1. If something is N/A, give it a zero.

If a measure has multiple parts that weigh differently, break them apart - for example, Lawn

Notes: watering might have a quick component (limiting use during drought) and a not-so-quick

Factors

Type	Groundwater Measure	Long Term Environmental Impact	Ease of Implementation	Public Cost	Privet Cost	Long Term Stakeholder	Enforceable (Yes or No)	Impact to residents, day-to-day	
	Watering Restrictions	3	5	4	4	5	5	5	31
Code Enforcemen	Irrigation and Lawn Watering Equipment						3		3
Code Enforcemen	Salt usage on roadways (or private salt usage, where impactful)	4	1	2	2	2	1	3	15
Code Enforcemen	Herbicide/Lawn chemical usage	5	2	4	3	3	1	2	20
Code Enforcemen	Septic tank and triggers for improvement	5	3	5	1	3	5	5	27
Code Enforcemen	Impervious surface ordinance – including offsets to impervious surface allowances	5	4	5	2	5	5	1	27
Code Enforcemen	Well-capping, inventory and closures	5	4	5	3	5	4	5	31
Code Enforcemen	Oversight of high volume wells	5	3	4	3	5	5	5	30
Education	Planting guidance for screening and ground cover	5	4	2	1	3	na	5	20
Education	Herbicide / Use	5	3	2	4	4	na	3	21
Education	Chemical Dumping (Education on ease of hazardous material disposal)	5	3	3	4	4		5	24
Education	Outreach to adjacent communities for coordinated action.	5	2	2	5	3	na	5	22
Testing	Testing	4	3	2	5	2		3	19
Testing	Nitrates and farming practices								0
Testing	E. coli as it is impacting creeks and well-casings						5		5
Testing	PFC levels						5		5
Testing	Water Testing								0
									0
	New Home Owner Packets								
	News Leters info?								
	Total	53	32	36	33	39	34	42	

Ideas

no mow may

January 17, 2023 City Council Meeting Highlights

The Council:

- Appointed Marc Porupsky to serve on the Planning Commission.
- Reviewed draft zoning standards for two dwelling units in a commercial building in the VHS-C zone.
- Reviewed amendments to the Short Term Home Rental ordinance.
- Approved annual committee appointments for City Council members.
- Designated the official depository, newspaper, signatories, city engineer and city attorney.