

ORDINANCE NO. 1021

PUBLIC NOTICE REQUIREMENTS FOR DEVELOPMENT PROJECTS

An ordinance amending the Chaska Zoning Ordinance (CZO) to provide notice of real estate development and zoning applications.

THE CITY COUNCIL OF THE CITY OF CHASKA DOES ORDAIN:

Section 1: CZO Section 15.08.050 is hereby amended to read:

**15.08.050 Public Hearings and Notice**

1. State Law requires public hearings for Zoning Administrations shall be required as follows:

1. Amendments. No Zoning Ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the Planning Commission or by the City Council. Notice of the public hearing shall be provided as stated in this section.
2. Conditional Use Permits. Public hearings are required for Conditional Use Permits and notice thereof shall be provided as stated in this section.
3. Variances. Public hearings are not required by the State for variances; however, the City of Chaska has determined that public hearings shall be held for variances which exceed the applicable zoning requirements by more than 30 percent. In such event, notice shall be provided as stated in this section.
4. Other Actions. For any other action that requires a public hearing the applicant shall provide notice thereof as stated in this section.

2. Notice.

A.1. Public Hearings. Whenever required by this Ordinance for a public hearing, a notice of the time, day, date, place, and purpose of the hearing shall be published in ~~Chaska's~~ Chaska's official newspaper at least ten (10) days prior to the day of the hearing. When the notice relates to an amendment ~~involves~~ involving changes in district boundaries affecting an area of five (5) acres or less, any application listed above in subsection 15.08.050 (A), or a neighborhood meeting, then a similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within ~~350~~ 500 feet of the property to which the ~~amendment~~ notice relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. Failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this ~~Subdivision~~ section has been made. ~~(Minn. Stat. § 462.357,~~

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Subd. 3) The Zoning Administrator may require an expanded mailing list whenever warranted based upon the nature of the application, scope and intensity of impact upon the neighborhood, and geography or condition of the lands near the subject property. ..

Section 2: A new CZO Section 15.08.120 is hereby added as follows:

**15.08.120 Neighborhood Meetings.**

1. General. The purpose of the neighborhood meeting is to provide an opportunity for informal communication between applicants, occupants, and owners of nearby properties that may be affected by a proposed development application, educate the occupants and owners about the proposed development application, receive comments and address concerns about the proposed development application, incorporate feedback and input into development proposals wherever possible, and proactively resolve conflicts and outstanding issues, where possible.
2. Neighborhood Meeting Required. A neighborhood meeting shall be held prior to submitting an application for any of the following:
  1. Site plan review
  2. Conditional Use Permits. ~~Public hearings are~~
  3. Variances
  4. Concept Plan for a new Planned Development District
  5. Amendment to a Planned Development District
  6. Preliminary Plat
  7. Rezoning
  8. Text amendment to this Ordinance
  9. Amendments to the current Comprehensive Plan; and
  10. Any other request under this Ordinance that requires a public hearing.
3. Exceptions. The Zoning Administrator may waive the requirement to hold a neighborhood meeting if (i) there is no adjacent neighborhood to be impacted by the application or (ii) a neighborhood meeting has been previously held for the same development application. Further, neighborhood meetings under this section shall not be required by the State for Conditional Use Permits for the following:
  1. Changes to the Comprehensive Plan that are part of the decennial review process;
  2. Text amendments to this Ordinance when initiated by the City; and
  3. Any other instance in the manner which the City would be considered the applicant/developer.
4. Procedure. Neighborhood meetings should generally comply with the following procedures:
  1. Timing. A neighborhood meeting shall be held before, but not more than six (6) months prior to, submitting an application to the Zoning Administrator. Failure to do so may result in delay or denial of the related application.
  2. Day, Time, and Place. The neighborhood meeting should be held during the hours of 6:00 p.m. to 9:00 p.m., on a Monday through Friday, and at a place that is accessible to the general public and convenient to the residents of the neighborhood surrounding the proposed project. A neighborhood meeting may be held at different times or days (i) upon neighborhood request, (ii) if the

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applicant holds multiple neighborhood meetings and at least one such meeting is held at a time and day stated above, or (iii) if the applicant works with the Zoning Administrator to propose alternative times or days that best meet the needs of the neighborhood.

3. Notice. Notice shall be provided for amendments, except that in accordance with CZO 15.08.050. Additionally, the applicant shall provide notice to (i) any neighborhood organization that represents the citizens within the notice area, (ii) the Zoning Administrator, (iii) the Planning Commission, and (iv) the City Council.
4. Conduct of meetings. At the neighborhood meeting, the applicant shall explain the development proposal and applications that are expected to be submitted to the City, answer questions from attendees, and discuss ways in which to resolve the attendees' concerns.
5. Post Meeting Requirements. A summary of the neighborhood meeting(s) shall be included with any applications submitted to the Zoning Administrator. Failure to submit a complete summary shall result in the respective application being deemed incomplete. The summary shall include:
  1. the day, date, time, location, and purpose of the neighborhood meeting(s);
  2. a copy of the mailed notice to surrounding and a list of the people and addresses to whom the notice was sent;
  3. the number of attendees and whether anyone attended via telephone or interactive technology;
  4. a copy of all materials presented or provided during the meeting;
  5. the comments and questions presented by the attendees;
  6. the responses to the questions from the attendees; and
  7. An explanation of the ways in which the submitted application demonstrates a response to the feedback provided during the neighborhood meeting(s).
6. Nothing shall prevent the applicant from holding, or the Planning Commission or City Council from requiring, additional neighborhood meetings.
7. Failure to give posted, mailed, or published notice as required by this chapter, defects in any notice, or irregularities in the neighborhood meeting shall not invalidate the proceedings if a bona fide attempt to comply with the requirements of this section has been made.

Section 3: A new CZO Section 15.08.130 is hereby added as follows:

**15.08.130 Signage.**

1. General. Certain applications under this chapter shall require signage to be placed upon the site to provide the public with notice and the opportunity to seek information related to the application. Signage required by this section shall be in a form established by the Zoning Administrator.
2. When Required. Signage shall be required for any site that is the subject of an application for which a neighborhood meeting is required by CZO 15.08.120.
3. Display. Signage shall be displayed along each public street that abuts or transects the site in a manner that ensures visibility from all public streets abutting or transecting the site, at intervals of not more than 500 feet.
4. Duration. The signage shall be on display prior to review of the application by the Planning Commission until a final decision on the application or the application is withdrawn. The

~~applicant or property owners is not required. Nonetheless, owner shall ensure that signage remains continuously on display and is maintained during this period.~~

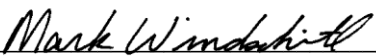
~~5. Installation and Removal. The signage shall be installed and removed by the Department of Public Works. Signage under this section shall be exempt from CZO 15.32.~~

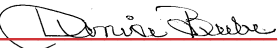
~~6. Fee. A fee of \$350 shall be required to offset signage cost, installation, and removal. This fee shall be paid prior to the installation of the signage and any applications that require a sign under this section shall be deemed incomplete until the fee is paid.~~

~~7. The failure to post notice as required by this section shall not invalidate the proceedings if a bona fide attempt to comply with the requirements of this section has been made.~~

~~Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its date of passage, adoption, and publication according to law.~~

~~B: Passed and adopted by the City Council of the City of Chaska has determined that mailed notices shall be given to property owners within 150 feet of the subject property, Minnesota, this 19th day of September, 2022.~~

  
Mark Windschitl, Mayor

Attest:   
Denise Beebe, Deputy Clerk

~~C. Variances. Public hearings are not required by the State for variances; however, the City of Chaska has determined that public hearings shall be held for variances which exceed the applicable zoning requirements by more than 30 percent. In such event, notice shall be published in the official newspaper as provided for amendments, and a similar notice shall be mailed to each owner of property which abuts the property to which the variance relates.~~

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