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MEMORANDUM:

To: Sunfish Lake Planning Commission
From: Ryan Grittman – City Planner
Date: July 11, 2019
RE: Demolition Zoning Ordinance
File: 211.02

BACKGROUND

At the May City Council Meeting, the Council has directed staff and the Planning Commission to research the possibility of a demolition ordinance. The issue has come to the City's attention from recent projects in the City where teardown and rebuild did not go according to plan. Staff has since researched the City's zoning ordinance related to the teardown of an existing structure. Staff has come to the conclusion that the teardown of a structure can happen with just a permit from the City's Building Official. The building permit does not require engineering input, silt fencing, or a restoration plan. As a result, there is very little regulation and control over the demolition of structures in Sunfish Lake.

ANALYSIS

Staff has reviewed the zoning ordinance and is proposing an ordinance that would require demolition permits to receive a minor review and approval before the demolition can take place. A demolition permit through the City's Building Official will still be required.

The Code also makes a few exceptions when a minor review will not be required, these include:

- An accessory structure under 200 square feet.

Accessory structures under 200 square feet do not require a building permit or Staff review. Staff feels that the removal of a structure such as this should not require any special approvals. In most cases, this would be the removal of old sheds, playhouses, and similar structures that do not have footings in the ground.

- A demolition that's part of a teardown and rebuild project.

In most cases, a demolition permit will be accompanied by a new construction permit. The City allows for these items to be applied for under one permit. Staff expects that this will continue to be the main approach in the future.

CONCLUSION

The City of Sunfish Lake has always put a high value on environmental regulations. Staff is recommending approval of the proposed draft ordinance which would require a minor review for demolition projects that are not affiliated with new construction. Staff anticipates that this ordinance would not be used on a regular basis but is still necessary for environmental reasons.

c: Sunfish Lake Mayor and City Council
Cathy Iago, City Clerk
Mike Andrejka, City Building Official
Jeff Sandberg and Brandon Movall, City Engineers
Jim Naves, City Forester
Tim Kuntz, City Attorney
Ron Wasmund, City Septic Inspector
Dave Dreelan, Fire Chief

CITY OF SUNFISH LAKE
COUNTY OF DAKOTA
STATE OF MINNESOTA

ORDINANCE NO. 2019-____

AN ORDINANCE AMENDING CITY OF SUNFISH LAKE ZONING ORDINANCE
WITHIN THE CITY OF SUNFISH LAKE

THE CITY COUNCIL OF THE CITY OF SUNFISH LAKE ORDAINS:

Section One. Definitions. Chapter 1202.02 of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

Demolition: The Action or process of demolishing, destructing, knocking down, pulling down, tearing down, flattening, razing, leveling, bulldozing, or wrecking part of all of a structure.

Structure: See definition on “building”.

Section Two. Amendment. Chapter 1208.10 Demolition Permit of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

A demolition permit shall be required when any structure or part of a structure is demolished in the City. The following requirements shall be met when a demolition is proposed.

- A. Exemption: The following scenarios are exempt from this section:
 - 1. Demolition of accessory structures under 200 square feet.
 - 2. Demolition projects where a building permit has been obtained for the reconstruction of a structure in approximately the same location as the demolition.
- B. Review: A demolition must receive minor review and approval by appropriate staff in accordance with this Section and any other applicable sections.
- C. Fees: The fees for a demolition permit shall be established in the Sunfish Lake Zoning Ordinance Section 1201.10 and the Sunfish Lake City Code Chapter 1004.
- D. Escrow: An escrow shall be collected in accordance with Sunfish Lake Zoning Ordinance Section 1201.10 and shall be settled once City Staff has determined that the project has been completed, and the area restored to the satisfaction of the City.
- E. Hours of Operation: The hours of operation shall be established in the Sunfish Lake City Code Chapter 902.

- F. Hazardous buildings. Nothing in the section shall prohibit the City or a property owner from complying with Minnesota Statutes Chapter 463 Hazardous or Substandard Buildings.

Section Three. **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of Sunfish Lake this ___ day of _____, 2019.

Dan O'Leary, Mayor

ATTEST:

Catherine Iago, City Clerk