

Denmark Township Planning Commission Meeting  
16125 87<sup>th</sup> St S-Vujovich/Wadd Variances  
2014 Ordinance Amendments-driveway, driveway accesses, clarifying clerical amendments.  
2014 Ordinance Adopting Fee Schedule  
November 17, 2014

**Planning Commission members present:** Roger Lang, Don Schneider, Bob Barr, Charlie Grote and ex-officio Kathy Higgins

**Absent:** Steve Radke

**Board Members Present:** Karen Herman

**Others Present:** Attorney Troy Gilchrist (Kennedy Graven), Planner Kelsey Johnson (WSB)

**7:00 PM** Chair Barr opened public Hearing. **16125 87<sup>th</sup> St S-Variances**

Peter Vujovich and Adam & Karla Wadd present.

Request for variances by Peter Vujovich (Vujovich Design Build) on behalf of owners Adam and Karla Wadd for removal and replacement of existing decks, new attached garage addition and front stoop addition on property located at 16125 87<sup>th</sup> St S.

Applicant proposes to renovate the existing house. House built in 1970 is a non conforming structure built right on the bluff line. Anything done to the house, even on the non riverside would trigger a variance process.

Eliminate 4 decks on the riverside and replace with one large deck, sum total of the sq footage would be about the same. Eliminate the deck on the walk out level with the fence around it, and install limestone outcroppings, plant native grasses and indigenous trees. There would be less of an impact from the river because of the natural trails that will be put in. Plans are to add a garage and a front porch which would not be viewable from the river. Existing is a small garage that would be converted to a living space and porch space. Property would be re landscaped.

Planner- Request is for 6 variances. The home was built in 1970 which pre-dates both the Township Ordinance (1982) and the St Croix River Ordinance (1976).

Variance from the minimum lot area and width requirements.

- 1) A variance of 1.62 acres to allow modifications to an existing home on a lot that is 1.38 acres in size where the minimum lot area requirement is 3 acres (ordinance in effect 1982).
- 2) A variance of 50 feet to allow modifications to an existing home on a lot that is 150 feet wide where the minimum lot width requirement is 200 feet.

Variance from the 100 ft bluffline setback.

- 3) A variance of 136 feet to allow a deck to be constructed 36 feet into the bluffline, where a 100 foot setback is required.
- 4) A variance of 108 feet to allow an attached garage to be constructed 8 feet into the bluffline, where a 100 foot setback is required.
- 5) A variance of 100 feet to allow a front entry to be constructed at the bluffline where a 100 foot setback is required.

Variance from grading on a slope greater than 12%.

- 6) A variance to allow grading for the construction of a new terrace on a slope greater than twelve percent (12%).

Engineer has reviewed the preliminary grading plan and would like the final grading plan to be submitted with the Building Permit and reviewed by the Town Engineer.

Location of the proposed deck is actually further set back from the river than the existing decks. Decking material will be constructed of cedar boards and wooden railing parts and galvanized finished wire.

Planner submitted 11/10/14 Staff Report detailing Findings of Fact and 6 recommended conditions. Molly Shodeen (DNR) and Dennis O'Donnell (Washington County) are requesting that an additional condition be added addressing the trees that have been cut down illegally from the property. Issue should be reviewed and

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approved by both the DNR and the County prior to the issuance of a building permit. Owners indicated that the removal of trees occurred before their ownership of the property.

**Public Comment-** Clive Wekking, property owner of parcel immediately to the south, has reviewed the plans and is in support of the Wadd's proposal.

**7:15 PM** Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

**7:16 PM** Planning Commission Opened.

Barr noted that the proposed plans make sense; the decks need to be updated and do not meet today's code. Lang noted that the variances are a reflection of pre existing conditions outside of their control which would indicate a hardship. Surrounding properties would not be impacted by the proposal. Commission consensus that in addition to adopting the Planner's Findings of Fact and 6 conditions, a 7<sup>th</sup> condition should be added to address the removed trees.

**Motion Grote/2<sup>nd</sup> Barr to forward the 16125 87<sup>th</sup> St S Variance application to the Board with a recommendation to approve based on the Planner's 11/10/14 Findings of Fact, subject to the following conditions:**

- 1. Permits. The Applicant shall obtain all necessary approvals and permits prior to beginning construction.**
- 2. Site Plan. The dimensions and layout of all site features shall match the Site/Grading Plan drawn by Cornerstone Land Surveying, Inc. dated October 23, 2014. Minor modifications to the site plans may be administratively approved by the Town Planner.**
- 3. Grading, Drainage, and Erosion Control. Any proposed minor modifications or changes to the existing grade, drainage, or erosion control structures or devices on the Property must be submitted to the Town Engineer for review and may be approved administratively by the Town Engineer. Major modifications or changes to grade, drainage, or erosion control on the Property as designated by the Town Engineer shall require review and approval by the Town Board.**
- 4. Deck Construction Materials. The exterior decks shall be constructed of materials that are visually inconspicuous in summer months as viewed from the river.**
- 5. Color of Structures. The exterior color of new attached garage shall be of earth or summer vegetation tones.**
- 6. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Town for processing this permit application. In the event any fees are outstanding they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this permit shall terminate automatically upon recording of a Notice of Nonpayment by the Town.**
- 7. Trees Removed. The Applicant will address/resolve the issue of the trees that have been illegally removed from the property with the DNR and Washington County before a building permit may be issued. All In Favor. Motion Carried 4-0.**

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Attorney will draft resolution for December 1, 2014 Board consideration consisting of Planning Commission recommendations, referencing Planner's Findings of Fact and other standard conditions.

7:17 PM Chair Barr opened Public Hearing.

**2014 Ordinance Amendments-driveways, driveway accesses, clarifying clerical amendments.**

Attorney submitted 10-24-14 draft and summarized proposed Development Code Amendments.

**2014 Ordinance amending Denmark's Fee Schedule.**

Proposed amendments to the fee schedule include adding a \$100 application fee & a \$2000 escrow deposit for a Major Grading Permit. Raising the application fee for a Large Special License to \$500.

Public Comment- noted typos on the draft will be corrected.

7:40 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

7:41 PM Planning Commission Opened.

**Motion Lang/2<sup>nd</sup> Grote to forward the proposed Ordinance Amending The Denmark Development Code Regarding Driveways, Driveway Accesses and other Clarifying Clerical Amendments to the Board with a recommendation to adopt as presented. All In Favor. Motion Carried 4-0.**

AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT  
CODE REGARDING DRIVEWAYS AND DRIVEWAY ACCESSES AND REGARDING OTHER CLARIFYING CLERICAL  
AMENDMENTS

The Board of Supervisors of the Town of Denmark ordains:

**Article I. Unreimbursed Costs.** Chapter One, Section 1.7 of the Denmark Township Development Code is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

1.7 Applications and Cost Reimbursement. All applications submitted pursuant to this Ordinance must be on the appropriate Township application form. Notwithstanding anything to the contrary in this Ordinance, all required copies of an application and related documentation, except the copies to be submitted directly to the Zoning Administrator and Town Attorney, shall be submitted to the Township Clerk/Treasurer together with the application fee, escrow payment, and escrow agreement. The Zoning Administrator is authorized to determine if the application is complete, to notify the applicant of what information is needed in order to make an application complete, and to take all other steps as are necessary or deemed advisable to manage the application process. The Zoning Administrator may, on a case-by-case basis, waive certain application requirements in writing or may require an applicant to submit additional information in order to allow the Township to more fully understand the request or the potential impacts. No application for a permit or permission required by this Ordinance shall be considered complete, and no application will be processed, unless there are no delinquent property taxes, special assessment, service charges, penalties, or interest on any property the applicant owns within the Township, and the applicant has no unpaid zoning related application fees, administrative fees, fines, or penalties due to the Township. Applicants required to submit an escrow shall be responsible for fully reimbursing the Township for all professional costs it incurs related to the request. The costs to reimburse the Township in full for the professional costs it incurs related to processing an application constitute a service charge, imposed pursuant to the Township's authority under Minn. Stat. § 462.353, subd. 4., the applicant is required to pay regardless of whether the application is approved, denied, or withdrawn. If the escrowed amount is not sufficient to fully reimburse the Township for its costs, the applicant shall be billed for the additional amounts, which must be paid within 30 days of the billing. Any amount not paid in full within the 30 day period shall be certified to the County Auditor and collected as a service charge on the applicant's property in the same manner as property taxes as provided in Minn. Stat. § 366.012, or collected pursuant to any other authority available to the Township under law.

**Article II. Definitions.** Chapter One, Section 2 of the Denmark Township Development Code is hereby amended by adding the following definitions:

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**Driveway:** A private road, drive, or way constructed for use by motor vehicles to provide access from a public road to a parking structure or parking area on private property. The term includes the entire length of the drive on the property including, but not limited to, the portion of the drive located within the public right-of-way and which is referred to herein as the driveway access.

**Driveway Access:** The portion of a driveway located within a public right-of-way and which serves to connect the portion of the driveway located on private property to the surface of the public road. A driveway access is sometimes referred to as, and the term includes, a driveway approach or an access drive.

**Article III. Driveway Accesses.** Chapter One, Section 13.4 of the Denmark Township Development Code is hereby amended by deleting the existing text in its entirety and replacing it with the following:

13.4 **Driveway Access Permits.** The construction or reconstruction of a driveway access onto County roads shall require a driveway access permit from the Washington County Department of Public Works, which must be obtained prior to the issuance of any building permits by the Township. The County Engineer shall determine the appropriate location, size and design of such driveway accesses and may limit the number of driveway accesses in the interest of public safety and efficient traffic flow. The construction or reconstruction of a driveway access onto a town road shall require a driveway access permit from the Township, which must be obtained prior to the issuance of a building permit from the Township. All driveway accesses constructed or reconstructed within a town road right-of-way shall comply with the standards and requirements in this Section and comply with all other applicable laws, rules, regulations and ordinances:

- (1) **Authority and Scope.** Pursuant to Minnesota Statutes, sections 160.18 and 160.2715, a permit is required from the road authority before constructing an approach to a public right-of-way and constructing a driveway headwall. The Township requires an owner to apply for and obtain a driveway access permit from the Township before constructing a new driveway access, or reconstructing an existing driveway access, that provides access to or from a town road. A driveway access permit is required regardless of the intended use of the driveway including, but not limited to, driveway accesses used for agricultural purposes. The owner shall pay the applicable application fee, reimburse the Township for costs of an engineering review if required, and is responsible for all costs associated with constructing the driveway access and obtaining and installing a culvert, or other drainage structures, as may be required. For the purposes of this Section, the reconstruction of a driveway access requiring a driveway access permit includes any alteration that increases or decreases the vertical profile or width of the driveway access, any alteration to drainage by raising, lowering, changing the diameter, removing, or blocking an existing culvert, or a change in the use of the land that results in a significant change in the use of the driveway access such as if the land is converted from a residential to commercial use. The restrictions contained in this Section that may occur within a town road right-of-way are in addition to the prohibitions contained in Minnesota Statutes, sections 160.2715; 609.74; and such other law as may apply.
- (2) **Application Procedures.** A request for a driveway access permit to access a town road must be on the application form approved by the Township and submitted with the required permit fee in accordance with the following:
  - (a) The applicant shall provide all information required in the application form including, but not limited to, whether the driveway access is intended for primarily a residential, commercial, or industrial use, a sketch of the driveway access showing its proposed location, width, and describing any proposed culverts or other drainage structures. The application shall be submitted to the entity designated by the Township to process such applications and issue driveway access permits on its behalf.
  - (b) The applicant shall place stakes at each end and at each corner of the desired access showing its proposed location and width.
  - (c) An inspection will be conducted of the proposed driveway access. If the inspector determines that review by the Township's engineer is required, the applicant shall be required to reimburse the Township the actual costs it incurs related to the engineer's review. The requirement to reimburse the Township for its costs for the engineer's review is a condition of issuing the permit and failure to fully reimburse the Township is a violation of the permit and of this Ordinance. Any specific requirements, conditions, or restrictions identified by the engineer during the review shall be incorporated in and made part of the driveway access permit.
  - (d) No work on the driveway access shall occur until the driveway access permit has been issued. The driveway access and associated drainage structures must be constructed in accordance with the standards contained within this Section and any specific requirements, conditions, or restrictions set out in the permit and in the engineer's report (if issued). The engineer's report is automatically incorporated in and made part of the driveway access permit issued by the Township.
  - (e) A change, or proposed change, in use of a property that results in a significant increase in the use, or intensity of the use, of an existing driveway access requires a new driveway access permit from the Township. The permit may require reconstruction of the driveway access in order to adequately accommodate the increased use. If the proposed change in use of the property requires an interim use permit or a conditional use permit from the Township, a separate driveway access permit is not required if

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the permit issued by the Township for the use addresses any required reconstruction of the driveway access and indicates a separate driveway access permit is not required.

- (3) Standards. The construction or modification of a driveway access shall comply with the following standards as well as any specific requirements imposed on the permit issued for the driveway access. For the purposes of these standards, "urban" refers to situations in which the driveway access is connecting to a section of town road constructed with a curb and gutter, and "rural" refers to all other town road sections. Rural road sections typically have a ditch and require installation of a culvert, while urban road sections typically do not.

- (a) Width Requirements. The driveway access shall comply with the following minimum and maximum widths based on whether the property being served is used primarily for residential or commercial (including industrial) purposes. The permitted width of a driveway access shall be established in the permit issued for the driveway access. The driveway access must be able to reasonably accommodate the type of vehicles anticipated to use the particular driveway access based on the primary use of the property. The entire portion of the driveway access within the right-of-way shall comply with the width standards, except that the driveway access may be flared as it approaches the surface of the road. The total width of the flared portion shall not exceed the permitted width of the driveway access by more than five feet and the flare shall be limited to the area within five feet from the edge of the surface of the road.

	Residential	Commercial
<b>Minimum Width</b>	12 feet	24 feet
<b>Recommended Width</b>	20 feet	32 feet
<b>Maximum Width</b>	24 feet	50 feet

- (b) Vertical Clearance. The area above the driveway access shall be clear of tree branches and other obstructions in order to achieve a vertical clearance of at least 14 feet and such vertical clearance shall be maintained in order to allow access by emergency vehicles.

Setbacks. No driveway access shall be placed within any of the following setback distances. Additional corner clearance may be required in the sole discretion of the Township based on the presence of a bus stop, turning lane(s), a skew or complex intersection, atypically wide intersection, heavily traveled roadways or other conditions that reasonably require a further setback distance. The setback from an intersection shall be measured from the closest edge of the intersection right-of-way.

Setback From:	Rural Residential	Urban Residential	Rural Commercial	Urban Commercial
	Another Driveway access	30 feet	20 feet	30 feet
Right-of-Way Intersection	60 feet	30 feet	30 feet	60 feet
Side Lot Line*	20 feet	20 feet	20 feet	20 feet

\* Common or shared driveway accesses are exempt from this setback requirement.

- (c) Driveway access Angle. All driveway accesses shall enter the right-of-way and connect to the surface of the road at 90 degree angles. The driveway access angle is measured as the angle between the driveway centerline and the edge of the surface of the road.
- (d) Driveway Access Profile. The constructed profile of the driveway access shall be such that it facilitates drainage and shall not exceed an 8% gradient for a driveway accesses used primarily for commercial purposes and a 10% gradient for all other driveway accesses.
- (e) Driveway Headwalls. The sides of a driveway access used to support its surface, which are also referred to as headwalls, must be constructed in a manner so as not to create an unreasonable hazard for recreational vehicles and vehicles that may leave the travelled surface of the road. Furthermore, placing rocks, fences, pillars, posts, and other materials or structures that extend above the level of the driveway access can also pose a safety hazard and interfere with maintenance of the right-of-way. In order to avoid or reduce such hazards and interferences, a driveway headwall erected or reconstructed within the right-of-way of a town road shall have a slope of no greater than 4 to 1 (horizontal to vertical). No materials or structures shall be placed on or along a driveway access that interfere with the maintenance of the right-of-way or that extend more than one foot above the surface of the access drive. This prohibition does not apply to mailboxes and newspaper boxes provided, however, that any mailbox placed or replaced within a town road right-of-way shall comply with the standards in Minnesota Rules, Chapter 8818 regardless of the speed limit on the road.
- (f) Drainage. Drainage along the road shall be maintained at all times. No driveway access shall be constructed, expanded, altered, or maintained such that it interferes with the drainage of water within a ditch or along a curb and gutter. A culvert shall be required for a driveway approach constructed to a rural

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section of road unless the permit issued for the particular driveway approach indicates a culvert is not required. A culvert shall not be required for a driveway approach constructed to an urban section of road unless the permit issued for the particular driveway approach indicates a culvert is required. A permit issued for a driveway access may impose specific requirements for the installation of a culvert or other drainage structure to properly accommodate drainage. A culvert installed within a driveway access shall, at a minimum, have a size of 15 inches in diameter, be a corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), be at least 20 feet in length, and shall extend at least 2 feet beyond the edges of the driveway. Culvert aprons made of the same or similar material as the culvert shall be installed on each end of the culvert.

- (g) Maintenance of Drainage Structures. The owner or occupant of land is responsible for maintaining the drainage structures installed in or associated with a driveway access including, but not limited to, keeping culverts free of dirt and debris, repairing, and replacing drainage structures as needed so as not to interfere with or obstruct the drainage of water along the right-of-way. If an owner or occupant fails to maintain, clean, repair, or replace a culvert or other drainage structure as needed to avoid obstructing drainage, the Township may undertake such work as may be needed and the owner of the property shall be responsible for fully reimbursing the Township for its costs.
- (4) Multiple Driveway Accesses. No more than two driveway accesses to a lot shall be permitted, except upon approval of the Town Board. A request for an additional driveway approach shall not be approved unless the owner demonstrates, to the Town Board's satisfaction, a specific need for an additional driveway access and that additional driveway approach can be placed and constructed in such a way as to not unreasonably interfere with the safe use or maintenance of the right-of-way.
- (5) Unsafe Driveway Accesses. Any driveway access within a Township road right-of-way that creates a safety hazard for the traveling public, or unreasonably interferes with the use, maintenance, or drainage of the road, is hereby declared a public nuisance and is prohibited. The Township may issue one or more written orders requiring the owner or occupant of the property, or both, to take such actions as the Township determines are needed to eliminate or otherwise correct the nuisance condition. If the owner or occupant fails to promptly correct the condition as directed, or if the condition creates an eminent safety hazard requiring immediate action, the Township may take action to eliminate the nuisance condition. The owner shall be required to fully reimburse the Township for all costs it incurs to correct the condition.
- (6) Surfacing. Driveway accesses constructed or reconstructed to provide access from a town road with a bituminous surface to property used primarily for a commercial purpose shall be hard surfaced with bituminous or concrete. Farming is not considered a commercial use for the purposes of this requirement. A driveway approach with a slope of 10% or greater shall be hard surfaced to prevent erosion of materials onto the road surface and to ensure proper maintenance of the right-of-way. The hard surfacing shall extend from the driveway approach within the right-of-way onto the driveway within the private property as needed to prevent eroded materials from running into the right-of-way.
- (7) Construction. The construction or reconstruction of a driveway access must not interfere with the maintenance or safe use of the town road. No materials shall be dumped or stockpiled on the surface of the road, on the shoulder, or within the right-of-way outside of the permitted location for the driveway access. Upon the completion of construction, the right-of-way must be cleared of any excess materials and any dirt or other materials shall be removed from the surface of the road.
- (8) Restoration. Any part of the right-of-way disturbed during construction of an driveway access, or the installation of drainage facilities, shall be restored by the permittee to its pre-construction or pre-installation condition. Such restoration shall include, but not be limited to, grading, seeding, and landscaping as needed to fully restore the right-of-way and prevent erosion.
- (9) Waivers. An applicant for a driveway access permit may request the Town Board grant a waiver of one or more of the standards or requirements of this Section. No waiver will be granted unless the applicant can demonstrate, to the satisfaction of the Town Board, that there are extenuating circumstances necessitating the deviation and that granting the waiver will facilitate the safe and efficient use of the property and will not interfere with the construction, maintenance, and safe use of the road and its appurtenances. A waiver must be in writing and approved by the Town Board at a meeting.
- (10) Recovering Costs. If the owner fails to fully reimburse the Township for any of the Township's costs required to be reimbursed in this Section, the unreimbursed amount, together with collection costs, may be collected as a service charge on the taxes of the property as provided in Minnesota Statutes, section 366.012, or collected in accordance with any other legal authority available to the Township.

**Article IV. Enforcement Costs.** Chapter Two, Part 3, Section 1.6(4)(D) of the Denmark Township Development Code is hereby amended by deleting the stricken material and adding the double underlined material as follows:

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D) Stop Work Order. The Town Board, or its designee, may issue a written stop work order if the requirements of the permit of this section are violated. All work under the permit, except corrective work, must cease until the deficiencies identified in the order are corrected to the satisfaction of the Township. If the violations are not corrected within the period designated in the order, the Township may take action to correct the deficiencies at the applicant's expense. All such costs constitute a service charge, imposed pursuant to Minn. Stat. § 462.353, subd. 4., which the Township may collect pursuant to and collect its costs as a service charge under Minn. Stat. § 366.012 if the applicant fails to promptly reimburse the Township in full for all such costs it incurs.

**Article V. Driveways.** Chapter Two, Part 3, Section 1.12 of the Denmark Township Development Code is hereby amended by deleting the existing text in its entirety and replacing it with the following:

1.12 Driveways.

- (1) Driveway Standards. The construction or reconstruction of a driveway on private property shall comply with the following standards and requirements:
  - (A) No portion of the driveway shall be located within the side yard setback area applicable to the property, except upon approval of the Town Board.
  - (B) The surface area of the driveway and any related parking areas shall not cause the property to exceed the impervious surface limitations applicable to the property.
- (2) Driveway Access. A driveway access permit shall be obtained from the Township in accordance with Chapter One, Section 13.4 of this Ordinance before any driveway access is constructed or reconstructed within the right-of-way of a town road.

**Article VI. General Standards.** Chapter Two, Part 3, Section 1.1(19) of the Denmark Township Development Code, is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

(19) No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, grain elevators, silos and flagpoles up to 45 feet in height, and wind generators. Wireless Communication Facilities are regulated in accordance to Chapter Two, Part 3, Section 2.492-48, Wireless Communication Antennas and Towers, of this Development Code.

**Article VII. Essential Services – Utility Substation.** Chapter Two, Part 3, Section 2.16(E) of the Denmark Township Development Code, is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

(E) Utility Substations or any other essential service as defined above containing antennas and towers greater than 45' in height must comply with Chapter Two, Part 3, Section 2.492-48, Wireless Communication Antennas and Towers, of this Development Code.

**Article VIII. Performance Standards.** Chapter Two, Part 3, Section 4.10(2)(D) of the Denmark Township Development Code, is amended to clarify that the percentage of maximum impervious surface lot coverage is thirty-five (35%) percent and not thirty-five hundredths (.35%) of a percent as follows:

(D) Maximum Impervious Surface Lot Coverage. . . . . 35%

**Article IX. Watershed District.** Chapter Two, Part 3, Section 7.1 of the Denmark Township Development Code, including the language noted with an "\*\*", is hereby amended by deleting the existing text in its entirety and replacing it with the following:

7.1 Incorporation by Reference. The rules and regulations of the South Washington Watershed District, adopted on December 13, 2011 and including any subsequent amendments thereto, are hereby incorporated in and made part of this Ordinance as if fully set forth herein. Such rules and regulations of the Watershed District shall prevail over any contrary provisions of this Development Code.

**Article X. WMO References.** All references within the Denmark Township Development Code to a "Watershed Management Organization" or "WMO" shall be changed to the "South Washington Watershed District", "Watershed District", or "SWWD" as is appropriate.

**Article XI. Incorporation of Amendments.** The Town Attorney and Town Clerk/Treasurer are hereby authorized and directed to incorporate the amendments made by this Ordinance into the Denmark Township Development Code and such updated version shall constitute the official Denmark Township Development Code.

**Article XII. Effective Date.** This Ordinance shall be effective upon the first day of publication after adoption.

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**Motion Schneider/2<sup>nd</sup> Grote to forward the Ordinance Adopting A Fee Schedule to the Board with a recommendation to adopt as presented. All In Favor. Motion Carried 4-0.**

**AN ORDINANCE ADOPTING A  
 FEE SCHEDULE FOR THE TOWN**

The Board of Supervisors of the Town of Denmark ordains:

**Article I. Schedule Adopted.** The attached fee schedule is hereby adopted. The fees contained in the schedule replace any fee amounts previously adopted by the Town Board on the same item.

**Article II. Not Codified.** This ordinance is transitory in nature and shall not be codified. The fee schedule established hereby shall be placed on the Town's website and shall be available for inspection at the Town Hall during usual office hours.

**Article III. Zoning Fees.** The Town is authorized by Minnesota Statutes, section 462.353, subdivision 4 to impose fees to offset its costs to administer and enforce its development code. The zoning fees the Town collects shall be used to offset the Town's costs related to the administration and enforcement of its development code and will not be transferred or used for purposes unrelated to planning and zoning.

**Article IV. Reasonableness.** The Town Board determines the fees established on the attached fee schedule are fair, reasonable, proportionate, and have a nexus to the actual costs the Town incurs related to providing the services to which they relate.

**Article V. Collection.** The Town may refuse to process any request for failure to submit all required fees and any required escrow amounts. The Town may collect any fees or other amounts that are due and not paid as a service charge pursuant to Minnesota Statutes, section 366.012 by certifying the amount to the county auditor for collection together with the property taxes imposed on any property the person owns in the state.

**Article VI. Effect.** The attached fee schedule replaces the Town's previous fee schedule, which is hereby repealed. Any other fees the Town established, but which are not reflected on the schedule, remain in full force and effect.

**Article VII. Effective Date.** This ordinance is effective upon the first day of publication and applies to any requests for a service included on the schedule made on or after its effective date.

**DENMARK TOWNSHIP FEE SCHEDULE**  
 Adopted by Ordinance No. 2014- on November , 2014

ZONING REQUESTS	FEE	ESCROW AMOUNT(1)
Major subdivision	\$200.00	\$10,000.00
Park Dedication	\$2,000.00 per lot (2)	N/A
Minor Subdivision	\$100.00	\$2,000.00
Variance	\$100.00	\$2,000.00
CUP/Amended CUP	\$100.00	\$2,000.00
Lot Line Adjustment	\$100.00	\$1,500.00
Administrative Lot Split	\$100.00	\$1,000.00
Cert. of Compliance	\$50.00	\$500.00
Cert. of Compliance Ag Building	\$75.00	N/A
Ordinance Amendment	\$100.00	\$2,000.00
Comp. Plan Amendment	\$100.00	\$2,000.00
Rezoning Request	\$100.00	\$2,000.00
Zoning Code Amendment	\$100.00	\$2,000.00
Planned Unit Development	\$200.00	\$2,000.00
Interim Use Permit (Mining New)	\$200.00	\$10,000.00
Interim Use Permit (Mining Renewal)	\$200.00	\$5,000.00
Interim Use Permit (Kennels)	\$100.00	\$1,000.00
Appeal	\$100.00	\$2,000.00

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Open Space Inspection	\$500.00	N/A
Road Vacation	\$200.00	\$3,000.00
Major Grading Permit	\$100.00	\$2,000.00
Building/Construction Permits	(see list of permits and fees below)	
<b>OTHER FEES</b>	<b>FEE</b>	<b>ESCROW AMOUNT(1)</b>
Dog License—annual	\$5.00	
Animal Pickup Fee	\$25.00	
Burning Permit	\$10.00	
Large Special Events License	\$500.00	\$1,000.00
Offsite Vendor License	\$100.00	\$1,000.00 (if required)
Filming Permit	\$100.00	\$1,000.00 (if required)
Solid Waste Hauling License	\$500.00	
Solid Waste Hauling License Annual Renewal	\$75.00	
Utility Permit Fee	\$75.00	
Utility Permit Restoration (Cash/Bond)	\$500.00-\$5,000.00	
Town Hall Rental	\$25.00	
Returned Check Fee	\$30.00	
Comp Plan/Dev. Code copies/paper	\$25.00	
Comp Plan/Dev. Code copies/CD	\$10.00	
Photocopy 8.5" x 11" B/W	\$0.25 (3)	

(1) Escrow: Applicants are required to escrow the indicated amount of cash with the Township and sign an escrow agreement. Applicants are responsible for fully reimbursing the Township for all professional costs it incurs related to the request. The Township uses the escrowed funds to reimburse itself for these costs and if the escrow is not sufficient to fully reimburse the Township the applicant will be billed or required to submit additional funds to be placed in escrow. Any unreimbursed amounts constitute a service charge the Township will certify to the County Auditor for collection on the applicant's property as provided in Minn. Stat. § 366.012.

(2) Park Dedication: The total amount of the required park dedication fee, when paid in lieu of dedicating land, shall not exceed the market value of the total amount of land required to be dedicated for the particular subdivision (which shall not exceed 10% of the land area of the subdivision).

(3) Data Request Fees: The fee for 8.5" x 11" black and white photocopies is 25 cents per page if the total request results in 100 or less copies. The fee for requests totaling more than 100 copies or involving data in a format other than 8.5" x 11" black and white photocopies shall be the "Actual Costs" the Town incurs for producing the requested copies. Actual Costs shall include, but are not necessarily limited to, the following: the Clerk's time spent responding to the request charged at a rate of \$20 per hour; the cost of supplies and materials charged at 25 cents per page; if the copies are being mailed, the cost of the envelope(s) and postage; if the copies are being faxed, an additional charge of 10 cents per page shall apply.

BUILDING/CONSTRUCTION PERMITS (4)	FEES (5)
Building Permit Fee Table (All new residential & commercial construction, finishing, alterations, remodeling, additions, and swimming pools greater than 18 inches deep)	\$30.00 minimum. Unless specified herein
Project Valuation	Base Fee (+) per each, or increments thereof
500-2,000	\$25.50 + \$3.30 per 100.00
2,001-25,000	\$75.00 + \$15.00 per 1,000.00
25,001-50,000	\$424.00 + \$11.00 per 1,000.00
50,001-100,000	\$696.00 + \$7.65 per 1,000.00
100,001-500,000	\$1,075.00 + \$6.10 per 1,000.00
500,001-1,000,000	\$3,496.30 + \$5.10 per 1,000.00
Greater than 1,000,001	\$6,064.00 + \$4.08 per 1,000.00
<b>State Surcharges applicable to Building / Mechanical / Plumbing Permits</b>	
Project Valuation	Base + Factor

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1,000,000 or less	\$0.00 + .0005 x valuation (\$5.00 minimum)
1,000,001 - 2,000,000	\$500 + .0004 x valuation - \$1,000,000
2,000,001-3,000,000	\$900 + .0003 x valuation - \$2,000,000
3,000,001-4,000,000	\$1,200 + .0002 x valuation - \$3,000,000
4,000,001-5,000,000	\$1,400 + .0001 x valuation - \$4,000,000
Greater than 5,000,001	\$1,500 + .00005 x valuation - \$5,000,000
Building inspection card replacement	\$30.00
Plan Review Fee or Plan Revisions when required	\$20.00 minimum; 65% max. of Building Permit Fee
Grading As-Built Survey Certification	\$30.00
<b>Grading/Excavation Permit Fee Table</b>	
Cubic Yards	Base + additional fee
0-50	No permit required
51-100	\$37.75
101-999	\$37.75 + \$18.00 per ea. 100 add'l cubic yds
1,000-10,000	\$198.00 + \$15.00 per ea. 1,000 add'l cubic yds
10,001-100,000	\$331.50 + \$67.50 per ea. 10,000 add'l cubic yds
100,001 or more	\$937.40 + \$37.25 per ea. 10,000 add'l cubic yds
<b>Grading/Excavation Plan Review Fee Table</b>	
Cubic Yards	Base + additional fee
0-50	No permit required
51-100	\$24.20
101-999	\$37.75
1,000-10,000	\$50.25
10,001-100,000	\$50.25 + \$25.00 per ea. 10,000 add'l cubic yards
100,001-200,000	\$275.15 + \$13.52 per ea. 10,000 add'l cubic yards
200,001 or more	\$410.30 + \$7.40 per ea. 10,000 add'l cubic yards
Site Grading Inspection Fee	\$60.00
Decks	\$60.00
Driveways/parking areas—Residential	\$60.00
Driveways/parking areas—Commercial	plus surcharge \$300.00 minimum
Temp. Commercial/Public Structure	\$300.00
Inspections outside normal business hours	\$100.00 minimum
Reinspection fee	\$47.50 max. per site/project visit
Inspections for which no fee is specifically indicated	\$47.50 per hour. Minimum 1-hour fee
Siding	\$90.00
Pool/Spa, Above Ground	\$50.00
Pool/Spa, Hot Tub	\$30.00
Pool/Spa, In-ground	\$90.00
In-ground Pool Demolition	\$50.00
Roofing—Residential	\$60.00
Roofing—Commercial	Building Permit Fee Table
Accessory Structures/Sheds under 120 sf	No permit required

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Accessory Structures/Sheds over 120 sf	Building Permit Fee Table
Signs - Pylon	\$100.00
Signs--Wall Mount	\$50.00
Signs-- Temporary	\$50.00
Wrecking, moving, demolition	\$100.00
Investigative Fee	Charge up to, but not exceeding permit fee
Building Permit Renewal Fee	1/2 of the original permit fee 180 days from issuance date or 180 inspection date.
<b>ELECTRICAL INSPECTION FEES</b>	
0 to 400 Amp Power Source	\$35.00/source
401 to 800 Amp Power Source	\$60.00/source
Over 800 Amp Power Source	\$100.00/source
0 to 200 Amp Circuit or Feeder	\$6.00/feeder or circuit
Over 200 Amp Circuit Feeder	\$15.00/feeder or circuit
New One- or Two-Family Dwelling (up to 30 circuits and feeders per units)	\$100.00/dwelling unit
New One- or Two-Family Dwelling (additional circuits over 30 per unit)	\$6.00/feeder or circuit
Existing One- or Two-Family Dwelling (where 15 or more feeders or circuits are installed or extended per unit)	\$100.00/dwelling unit
Existing One- or Two-Family Dwelling (where less than 15 feeders or circuits are installed or extended per unit)	\$6.00/feeder or circuit
Reconnected Existing Circuit or Feeder (for panelboard replacements)	\$2.00/feeder or circuit
Separate bonding inspection	\$35.00/inspection
Inspection of concrete-encased grounding electrode	\$35.00/inspection
Technology circuits and circuits less than 50 volts	\$.75/device or apparatus
Additional inspection trip(s)	\$35.00/inspection trip
Street, parking, and outdoor lighting standards	\$5.50/standard
Traffic signals	\$5.50 each
Transformers for light, heat, and power (0 to 10 KVA)	\$16.50 each
Transformers for light, heat, and power (more than 10 KVA)	\$33.00 each
Transformers for electronic power supplies, signs, and outline lighting	\$5.50 each
State Surcharge	\$5.00
Total electrical inspection fee is the fee calculated using the above fee schedule or \$35.00 multiplied by the number of required inspection trips plus the fees for feeders, circuits, devices, apparatus, standards, transformers, or signals, whichever is greater.	
<b>MECHANICAL/PLUMBING PERMIT</b>	
<b>Residential (6)</b>	
Air Conditioner	\$40.00
Air Exchanger/Cleaner	\$40.00
Ductwork/Sheetmetal	\$40.00
Gas Piping	\$40.00
Heating System/Furnace	\$60.00
HVAC-New Home	\$80.00
Plumbing New Home	\$60.00 1st bath; \$30.00 ea add'l bath/rough-in

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Water heater	\$40.00
Water Softener	\$40.00
<b>Commercial</b>	
Fire Suppression/Protection	1% of contract price; \$100.00 minimum
Mechanical	1% of contract price; \$75.00 minimum
Plumbing - Domestic	1% of contract price; \$75.00 minimum
Plumbing - Irrigation	1% of contract price; \$75.00 minimum

(4) Valuations related to building permit applications shall be determined by the Building Official and shall be calculated by multiplying the square foot area of the proposed structure times the building valuation factor as published annually by the Building Codes and Standards Division of the State of Minnesota Department of Administration. The building permit and HVAC fees shall be those listed in the 1997 edition of the Uniform Building Code.

(5) State imposed surcharges shall be added to building and construction fee amounts as required by law.

(6) Fees not applicable to the installation of replacement equipment.

**APPROVAL OF MINUTES-**

**Motion Grote/2nd Lang approval of Minutes 01/21/2014 Planning Commission/2014 Ordinance Amendments (administrator authorizations, application materials, tower permitting requirements, open space design setbacks, park dedication requirements). All In Favor. Motion Carried 4-0.**

**7:45 PM Motion Schneider/2nd Grote to adjourn. All In Favor. Motion Carried 4-0.**

Becky Herman  
 Denmark Township Clerk/Treasurer