



## **AGENDA**

### **Greenwood City Council Special Meeting**

Thursday, April 11, 2013

Immediately following the Local Board of Appeal & Equalization meeting  
20225 Cottagewood Road, Deephaven, MN 55331

*In accordance with open meeting laws, members of the public are welcome to attend this meeting.*

1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
2. SPECIAL MEETING BUSINESS
  - A. Consider: Resolution 13-13 Receiving Feasibility Report and Ordering Public Hearing for Excelsior Blvd. Watermain Project Petition Zone 2 (properties between 21150 & 21030 Excelsior Blvd.)
  - B. 1st Reading: Ordinance 217 Home Occupations Ordinance Amending Code Chapters 4 & 12
  - C. 1st Reading: Ordinance 218 Amending Penal Code Chapter 9 to Add Prohibited Uses of Residential Properties
3. ADJOURNMENT

**RESOLUTION NO. 13-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF GREENWOOD, MINNESOTA**

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**A Resolution Receiving Feasibility Report  
and Calling Hearing on Proposed Improvement**

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WHEREAS, pursuant to resolution of the council adopted the 3rd day of April, 2013, a report has been prepared by City Engineer David Martini of Bolton & Menk with reference to proposed Improvement No. \_\_\_\_, being the improvement of Excelsior Boulevard between the west line of 21150 Excelsior Boulevard and the east line of 21030 Excelsior Blvd, Greenwood, Minnesota by installing a watermain, and this report was received by the council on the 11th day of April 2013; and

WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels; and

WHEREAS, a true and correct copy of said report, together with a map showing the names of streets, names of additions, block and lot numbers, and the location of the improvements, is attached.

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

1. The report prepared by City Engineer, David Martini with reference to proposed Improvement No. \_\_\_\_ is received.
2. The council will consider the improvement of Excelsior Blvd. in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$\_\_\_\_\_.
3. A public hearing shall be held by the City Council of the City of Greenwood, Minnesota on the Excelsior Blvd. proposed improvement (Improvement No.\_\_\_\_) on the 1st day of May, 2013 in the council chambers of the Deephaven City Hall, 20225 Cottagewood Road, Deephaven, Minnesota 55331 at 7 p.m. The clerk shall give mailed and published notice of such hearing and improvement as required by law. The clerk shall complete an affidavit of mailing notice for city records.

Adopted by the council this 11th day of April, 2013.

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Debra J. Kind, Mayor

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Gus Karpas, City Clerk

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 4 PERMITS & LICENSES TO ADD  
SECTION 480 HOME OCCUPATIONS AND ADDING RELATED DEFINITIONS TO CHAPTER 12**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

**SECTION 1.**

Greenwood ordinance code chapter 12, section 1205 is amended to add the following definitions:

“Event Center means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public or available for the conduct of public or private gatherings of people or for the conduct of events thereat of any sort or kind in exchange for valuable consideration, provided that the use of a single-family home by the property owner, or, if leased, by a leasehold tenant with leasehold possessory rights of not less than \_\_\_ months or \_\_\_ days for private family gatherings, or an occasional party host to specific invitees are excepted.

(THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

“Home Occupation means a business office and related support services of a business located or operated from a residence whose business activity is conducted entirely within the dwelling and carried on by individuals residing therein. Home occupations must be incidental and secondary to the primary residential use of the dwelling and may not in the judgment of the zoning administrator adversely impact or change the residential appearance and character thereof. No dwelling may be used exclusively for a home occupation. The zoning administrator shall have authority to review and approve or disapprove home occupations. (THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

“Hotel, Motel means any building or portion thereof where residential use or occupancy thereof or sleeping accommodations therein is offered to persons for short term or transient use in exchange for compensation on a per use, per day, per week, per month, or per season basis, provided that the lease of residential properties to a specific tenant(s) under a written lease, without right of sub-letting or assignment, for a term of not less than \_\_\_ calendar months or \_\_\_ days are excepted. (THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

“Lake Recreation Center means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public or available for the conduct of public or private gatherings of people or for the conduct of events thereat of any sort or kind of lake use or lake access related activity, including, but not limited to, the hosting of gatherings or events, the provision of food, refreshments, services of any kind, equipment rentals, swimming, fishing, camping, water skiing, personal water craft use, boat launch or docking services, (of whatever length of term), or charter boat passenger collection point, in exchange for valuable consideration.

(THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

“Marina means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public offering power boat, sailboat or personal watercraft launching, mooring (however temporary), or available for the conduct of any sort or kind of lake use or lake access related activity, including, but not limited to, the provision of food, refreshments, ice, fuel, services of any kind, water-related equipment or boat rentals, swimming, fishing, waterskiing, personal watercraft use, or charter boat passenger collection point, in exchange for valuable consideration.

(THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

**SECTION 2.**

Greenwood ordinance code chapter 4 is amended to add section 480 as follows:

**“SECTION 480. HOME OCCUPATIONS.**

**Section 480.00. Definitions.**

See chapter 12 for definitions.

**Section 480.05. Purpose.**

The purpose of this ordinance is to allow people to work out of their home, while maintaining the character of residential zones.

**Section 480.10. Home Occupations that Do NOT Require a License.**

A business meeting the definition of a home occupation as defined in chapter 12 which is conducted in accordance with the terms and conditions of section 480.15 do not require a license, but are subject to review by the city zoning administrator for code compliance and compatibility with the residential area.

**Section 480.15. Home Occupations General Regulations.**

All home occupations, licensed or unlicensed, shall be conducted and operated subject to following regulations:

- A. Other than individuals who reside within the residential premises who work for or conduct the business of the home occupation, a home occupation may have no more than 1 employee.
- B. A home occupation shall be conducted in a manner that keeps the related business operations incidental and secondary to the residential use of the premises, and in a manner that does not change the residential character of the area.
- C. No residence host to a home occupation shall be used to store, park, or keep motor vehicles other than passenger cars, pick-up trucks (not greater than half-ton in capacity), snowmobiles, trailers, or boats provided all such vehicles are kept and stored wholly within a garage upon the premises.
- D. No residence host to a home occupation shall be used to store, park, or keep any industrial or commercial equipment, buses, limousines, motor homes, or commercially licensed vehicles.
- E. A home occupation may receive individual customers or clients by appointment, but the residential premises may not be held open to the general public as a showroom nor serve as an on-demand, walk-in service center.
- F. A home occupation may not be host to more than four members of the general public at any one time nor more than one such gathering weekly. A home occupation may be host to invitation-only private social / sale events (e.g. Tupperware parties) provided such events occur no more than 4 times per year at any given residence and otherwise comply with city code regulating same.
- G. All activity related to the conduct of the home occupation shall be conducted entirely within the principal residential structure and may not be conducted in a garage or accessory building.
- H. No more than one home occupation shall be conducted upon or within any one residential property.
- I. No residential premises may be employed as a shipping or receiving center for goods.
- J. No home occupation shall:
  - (a) Produce light glare, noise, odor or vibration that will have an objectionable affect upon neighboring properties.
  - (b) Use equipment that will create electrical interference to surrounding properties.
  - (c) Require alterations or construction features not customarily found in residential dwellings.
  - (d) Store business-related equipment, vehicles, materials, or supplies upon the premises except within a building.
  - (e) Conduct any activity of a non-residential character discernible from any neighboring property or public street.
  - (f) Display signs related to the home occupation visible from any neighboring property or public street.
- K. A home occupation shall not occupy or employ more than 25% of the area of the total area of the principal and accessory structures upon the premises.
- L. A home occupation shall not be conducted in a manner that would constitute a nuisance or otherwise be in violation of city code.
- M. No home occupation may offer, gift or serve intoxicating or non-intoxicating alcoholic beverages to potential or actual customers or clients, nor serve same at social / sale events.

**Section 480.20. Home Occupations Requiring a License.**

Home occupations whose business operations require no more than two exceptions to the regulations of section 480.15 may apply for a license authorizing the specific exceptions. Such licenses may be granted or denied in the sole discretion of the city council and may be issued subject to conditions deemed necessary to protect and preserve the residential character of the neighborhood and city. The fee for such license applications and annual license fee shall be established from time to time by the city council and set forth in chapter 5 of this code book.

**Section 480.25. Prohibited Home Occupations.**

The following business activities may not be conducted as a home occupation:

- (a) Service, repair, or painting of any motor vehicle.
- (b) Dispatch centers where persons come to a site and are dispatched to other locations.
- (c) Medical, dental, or veterinary clinics.
- (d) Rental or mechanical service or repair businesses.
- (e) Contracting, excavating, welding, or machine shops.
- (f) Commercial kennels or boarding.
- (g) Tow truck services.
- (h) The sale, lease, trade, or other transfer of firearms or ammunition.
- (i) Sale of hazardous materials.
- (j) Shipping and/or receiving or delivery services.
- (k) Hotel or hotel.
- (l) Event center.
- (m) Lake recreation center.
- (n) Marina.”

**SECTION 3.**

Greenwood ordinance code section 510.00 fee table is amended to add the following:

| Type of License, Permit, or Fee | Section | Fee | Conditions & Terms |
|---------------------------------|---------|-----|--------------------|
|---------------------------------|---------|-----|--------------------|

|                         |     |      |   |
|-------------------------|-----|------|---|
| Home Occupation License | 480 | \$50 | Annual. The city council may impose conditions. |
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SECTION 4.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of the city of Greenwood, Minnesota this \_\_ day of \_\_\_\_\_, 2013.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_

Debra J. Kind, Mayor

Attest: \_\_\_\_\_

Gus E. Karpas, City Clerk

First reading: \_\_\_\_\_, 2013

Second reading: \_\_\_\_\_, 2013

Publication: \_\_\_\_\_, 2013

ORDINANCE NO. 218

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 9, NUSIANCES AND PENAL REGULATIONS,  
BY THE ADDITION OF SECTION 910.70 PROHIBITED USE OF RESIDENTIAL PROPERTY**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code section 910 "Public and Private Property" is amended by the addition of the following section:

"910.70 Prohibited Use of Residential Property. No person, whether a property owner or leasehold tenant, shall offer, promote, use, or employ any residentially zoned property under their ownership, possession, or control for any use or purpose other than single-family residential use or other use specifically enumerated as a permitted principal, accessory, or conditional use under the applicable zoning code. No property owner, or leasehold tenant of same, shall offer, promote, use, or employ any residentially-zoned property as a "Hotel, Motel," "Event Center," "Lake Recreation Center," or "Marina" as those terms are defined in chapter 12 of this code."

SECTION 2.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of the city of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_

Debra J. Kind, Mayor

Attest: \_\_\_\_\_

Gus E. Karpas, City Clerk

First reading: \_\_\_\_\_, 2013

Second reading: \_\_\_\_\_, 2013

Publication: \_\_\_\_\_, 2013