



Norwood Young America Special Planning Commission
Tuesday, October 20, 2015
Norwood Young America City Council Chambers, 310 Elm St. W.
7:00 p.m.
AGENDA

- Craig Heher
Chairperson
- Bill Grundahl
Vice-Chair
- Karen Hallquist
- JR Hoernemann
- Cassandra Kemp
- Mark Lagergren
- Charlie Storms
1. Call to Order
Pledge of Allegiance
 2. Adoption of Agenda
 3. Approve Minutes of September 18 and 25, 2015 meetings
 4. Public Hearings
 5. Old Business
 - A. Driveway Standards Draft Ordinance
 - B. Accessory Dwelling Units
 - C. Resolution No. 2015-02, Amending Resolution No. 2015-01 Relating to findings of CUP Audit by Norwood Young America Planning Commission
 - D. Goals Update – mention Nov. 23rd Council meeting to give update
 6. New Business
 7. Commissioner's Reports
 8. Adjourn

UPCOMING MEETINGS

- November , 6:30 p.m. – EDC meeting – PC Rep. – Craig Heher
November 17th, 5:30 p.m. – Parks & Rec. Comm. Meeting – PC Rep. – Karen Hallquist
November 9th, 6:30 p.m. – City Council Meeting – PC Rep. – Charlie Storms
November 17th, 7:00 p.m. – next Planning Commission meeting
November 23rd, 6:30 p.m. – City Council Meeting PC Rep. – Charlie Storms

*Norwood Young America
Planning Commission Minutes
August 18, 2015*

Present: Commissioners Craig Heher, Karen Hallquist, JR Hoernemann, Bill Grundahl, Mark Lagergren and Cassandra Kemp.

Absent: Jim Keller

Public: Mayor Tina Diedrick, Dick Stolz, Ally Clark, Michael Clark, Josh Kroells, and Laura Kroells.

Staff: City Administrator Steve Helget and Consultant Cynthia Smith Strack, Municipal Development Group.

1. Call to Order

The meeting was called to order by CH at 7:00 pm. All present stood for the Pledge of Allegiance.

2. Oath of Office

Cassandra Kemp took an oath of office and was welcomed to the Planning Commission.

3. Adoption of Agenda

Motion – KH, seconded by CK, with all in favor to approve the agenda with the moving of action on the Stolz variance up to discussion immediately following completion of all public hearings.

4. Approval of July 21, 2015 Minutes

Motion – ML to approve July 21, 2015 meeting minutes as presented. Second by BG. With all in favor the minutes were approved.

5. Public Hearings.

A. Richard Stolz Variance: Accessory Structure Number and Aggregate Square Footage.

Chairperson Heher introduced the hearing topic and the process for the public hearing. Heher opened the public hearing at 7:03 p.m.

Strack stated Stolz had applied for a variance to all three detached accessory structures and greater than 1,600 square feet of detached accessory structures at 308 1st Street NE.

Strack noted three detached accessory structures totaling 1,844 sf already existed at the site and held legal non-conforming status. The number of accessory structures was not proposed to be increased, but rather continued. The Applicant proposed demolition of a 260 sf storage structure and construction of a new 24 X 24, 576 sf storage building.

A public hearing was required in conjunction with the variance request. Hearing notices had been posted and published and mailed to property owners within 350 feet of the subject property.

Strack stated she had not received any comments prior to the hearing regarding the variance. Helget noted he had two calls, both seeking information but not commenting on the proposed variances.

ML inquired as to how three accessory structures came to exist at the subject property.

Property Owner Stolz, representing himself, stated he had assembled his lot over a period of time, buying up several smaller parcels to create a large lot. Stolz opined he had a large volume of property and, therefore, a larger volume of maintenance/care was needed. He opined removal of trees past their useful life, brush, and lawncare necessitated more equipment than a typical residential lot would require. He noted a preference to house such equipment indoors as opposed to outside. He stated he had nearly eight acres for which to care.

ML referenced the application materials and asked Stolz to confirm he envisioned removing a and constructing the new structure on the same pad.

Stolz confirmed ML's interpretation.

KH noted she had looked at the property. She inquired as to whether or not Stolz intended to remove the hoop-shed style structure.

Stolz confirmed he intended to remove the hoop shed.

BG inquired as to whether or not the lot was split previously.

Stolz confirmed his lot used to have two dwellings and that he put several lots together. He noted at one time as many as nine outbuilding existed in his recollection.

BG stated the hoop shed was at a lower elevation than other buildings. He inquired as to whether or not Stolz had considered drainage.

Stolz noted he intended to raise the floor elevation of the new structure.

BG inquired as to a potential storm or sanitary sewer easement which appeared on the certificate of survey in close proximity to the proposed structure.

Stolz opined there was no easement, but a main of some sort existed.

CH inquired as to whether or not the proposed structure would be similar to the one pictured in the packet.

Stolz confirmed the proposed structure would be similar to the one pictured in the packet.

JRH inquired as to whether or not the proposed shed would be placed on a concrete slab.

Stolz confirmed the shed would be placed on a concrete slab.

BG inquired as to whether or not Stolz had ever considered moving the location of the proposed structure closer to the existing single family garage.

Stolz noted he had considered other locations but thought the proposed location was most functional.

ML inquired as to whether or not Stolz had considered one large structure versus two smaller structures.

Stolz noted he preferred separating tools, equipment, and machinery as was his existing practice.

CK inquired as to whether or not the replacement shed could be built on the adjacent seven acres owned by Stolz.

Stolz stated he was not allowed to do so as a principal structure was not in existence on that lot.

CK inquired as to whether or not Stolz would consider retaining the existing aggregate square footage.

Stolz noted he required more inside storage due to the volume of machinery, maintenance, and equipment he used to care for his approximately 8.5 acres.

Tina Diedrick spoke in favor of granting the variance.

Motion BG to close the public hearing, second CK at 7:18 p.m. Motion carried.

B. Ordinance Amendment: Access Drive (Driveway) Standards.

Chairperson Heher introduced the hearing topic and opened the public hearing at 7:19 p.m.

Strack provided an overview of the proposed Ordinance noting:

- A proposed five (5) foot setback from side yards.
- For residential uses, a maximum curb cut width of 24 feet, unless the subject lot is greater than 150 feet in width at the front setback line, then up to 32 feet.

- For multiple family, commercial, and industrial uses a maximum curb cut width of forty (40) feet unless the City Engineer finds a wider width is needed for traffic circulation purposes.
- A requirement for dust free hard surfacing for all driveways.
- Relief from parking lot surfacing requirements, under the proposed ordinance asphalt may be employed in parking lots and surfacing in side and rear yards of industrial zones may be compacted gravel.
- Following a discussion with City Administrator Helget we have added a standard relating to setback from side yards for residential parking pads. City Administrator Helget indicates this is consistent with what is currently recommended for parking pads.

KH inquired as to whether or not the proposed language included surfacing of parking pads. Strack stated the proposed language did not include any requirements for parking pad surfacing.

Diedrick inquired as to what would happen to existing parking pads that didn't meet the proposed five foot setback requirement.

Strack noted such parking pads would be legal non-conforming parking pads, that is 'grandfathered'. New parking pads would need to comply to a five foot setback from side yards.

Diedrick stated she was concerned with driveway width standards. She stated she did not prefer including a width standard in the proposed language. Rather she preferred allowing the maximum impervious surface coverage standard per lot as a factor limiting the volume of driveway allowed on any particular lot.

BG inquired as to whether or not the proposed 24' width was standard. Strack confirmed the maximum width standard was common among communities similar in size to NYA that had driveway width limitations in effect. She noted the Comprehensive Plan includes maximum driveway width footages and the zoning ordinance by reference incorporates those standards.

Diedrick stated she felt the driveway width standard was too restrictive.

CK stated she thought the proposed language would apply only to new subdivisions and not existing lots. She opined the City was mostly developed at this time.

Diedrick stated an impervious surface maximum limit was applicable throughout the City at this time.

CK stated she did not support a driveway setback from side property lines. Diedrick stated she did not have an issue with a driveway setback from side property lines.

CK opined she can park two cars within a width of 24 feet. She also stated persons wishing to exceed the driveway width limit could apply for a variance.

Diedrick stated she would like to get away from variances.

KH noted she didn't think the Commission would receive many variance requests relating to driveway widths.

Diedrick opined she didn't think there was a problem with driveway widths in town at this time. She further opined the maximum impervious surface coverage standard was sufficient to limit driveway widths.

Josh Kroells spoke in agreement with Diedrick. He stated a 30 percent impervious surface coverage limit was sufficient. He opined most residents have three car garages. He opined additional restrictions would limit new development.

JRH commented on language relating to surfacing requirements 'hard surfaced and just free'. He stated compacted gravel with dust coating could achieve that definition. Strack stated the intended language did not support compacted gravel and dust coating.

Motion. ML to close the public hearing, second by JRH. Hearing closed at 7:37 p.m.

C. Conditional Use Permit Audit: Formalize Findings.

Chairperson Heher introduced the hearing topic and opened the public hearing at 7:38 p.m.

Strack noted a total of 31 conditional use permits at separate addresses were examined. Of those 14 were current and compliant. Several were no longer valid as they had expired, were never established, or had been superseded. The following address had CUP's which had expired. Strack noted formal action was not required under the code but recommended as a means of formalizing the closing of the two year audit process.

147 Elm Street East (beauty salon, use ceased for greater than one year)
520 Reform Street N (Rogomobiles has been superseded by CUP 2013-20 – Kwik Trip)
517 Casper Circle (commercial food preparation, use ceased for greater than one year)
600 Railroad Drive (assisted living facility, use ceased for greater than one year)
180 Industrial Boulevard (industrial outdoor storage, vacant for more than one year)
170 Industrial Boulevard (industrial outdoor storage, vacant for more than one year)
15 2nd Avenue SE (industrial outdoor storage, vacant for more than one year)

510 Central Avenue S (freestanding daycare facility in residential zone, use not established)

321 Elm Street W (woodworking shop, vacant for more than one year)

212 Central Avenue S (beauty salon, no longer operating)

320 Highway 212 W (outdoor dining Crossroads Restaurant, superseded by CUP 2013-20 Kwik Trip)

118 Main Street East (screened outdoor area - not constructed within one year)

222 Reform Street South (bed and breakfast establishment, use never established)

Diedrick thanked the Commission for their work on the CUP audit. She noted a great deal of work and detail was included in the process.

Motion. KH to close the public hearing, second by CK. Hearing closed at 7:40 p.m.

6. Old Business

A. Stolz Variance (moved up on the agenda from 'new business').

Chairperson Heher introduced the business portion of the meeting as it related to the Stolz variance request.

Strack reviewed the variance request. She noted the variance worksheet included in the packet and sample facts for/against the variance.

CH led the Commission through each standard contained in the variance guideline worksheet included in the packet.

Strack referenced proposed conditions for approval in the event the Commission looked favorably on the variance. She suggested adding a requirement to secure a building permit as a condition of variance approval. This would address the issue raised by BG relating to a sewer main in the vicinity of the proposed shed.

CH stated he supported granting the variance as he agreed that the large volume of acreage necessitated more machinery, equipment, and tools which should be stored indoors versus outdoors. In addition he noted removal of the hoop shed and replacement with stick built structure was an improvement.

CK also voiced support for the variance noting it was a positive investment.

ML voiced support for the variance stating it would clean up the property and only add a small volume of square footage of building relative to the entire volume of property.

Motion ML, second KH to recommend the City Council approve the variance request based on the aforementioned findings and those contained in the packet and with the

conditions proposed in the staff memo plus building permit issuance requirement. Motion carried 6:0.

B. Driveway Standards Draft Ordinance.

Chair Heher introduced the agenda item and stated that reviewing the need for a driveway width standard seemed sensible.

CK inquired as to whether or not the Commission felt there was a need to have a width standard or whether the existing 30% impervious surface coverage was sufficient.

Strack stated the Commission acting in its legislative capacity had broad discretion in determining what standards to suggest or not suggest. She noted of cities with such standards 24 to 32 was common. She noted the Comprehensive Plan contained driveway width standards which were incorporated by reference in the zoning code.

BG stated he supported testimony by Josh Kroells regarding running up against restrictions, however, he inquired as to whether or not some standards were needed.

CH asked Administrator Helget for input on which standard (driveway width vs. total impervious surface coverage) was most easy to administrate/enforce.

Helget stated a certificate of survey is currently required for new construction along with calculations regarding proposed impervious surface coverage. He opined most residents prefer to have driveways which are the same width at the curb and the garage versus tapered driveways.

ML inquired as to what happened if the proposed ordinance was not acted on by the Commission and/or approved by the Council.

Strack stated existing standards would remain in effect, those which reference standards contained in the Comprehensive Plan and those requiring concrete surfacing for all multiple family, commercial, and industrial parking lots and access drives. No side yard setback would be in place. Strack noted items relating to driveway widths could be removed from the draft ordinance without requiring a new hearing.

CH supported removing the residential driveway maximum width requirement.

ML inquired as to whether or not driveway width for multiple family, commercial, and industrial was an issue.

Strack noted flexibility in standard for review by the City Engineer relating to traffic circulation necessitating additional width.

BG inquired as to 'hard surface, dust free' language as raised by JRH during the public hearing.

JRH noted he could make gravel dust-free.

CH inquired as to consensus of Commission to drop reference to maximum driveway width for residential uses and retain maximum driveway width for multiple family, commercial, and industrial uses. The Commission agreed by consensus to do so.

ML asked about dust-free language.

CH suggested removal of 'dust-free' in favor of defining hard surfaced as being concrete, asphalt, or brick/pavers.

ML inquired as to reference to dust-free in proposed Section 1250.09. Consensus of the Commission was to remove all references to 'dust-free' in favor of adding types of acceptable surfaces.

Diedrick suggested the Commission review surfacing standards for driveways off of alleys versus streets.

CH suggested postponing action on the Ordinance. JRH agreed.

Motion. CH motion, CK second to postpone action on draft driveway standards pending additional review of individual zoning district impacts. Motion approved 6-0.

C. Conditional Use Permit Audit Findings.

Chair Heher introduced the agenda item. Strack noted the presence of a Resolution in the packet.

ML inquired as to rezoning of parcel adjacent to grocery store and Kruse ministorage. Strack noted the rezoning was not contingent on establishment of a principal use. Therefore, if the Commission wished to rezone back to C-2 a hearing and petition would be needed.

Helget inquired as to how residents were notified. Strack noted mailings sent in 2013 on two separate occasions. Hearing notices contemplated for mailing.

Motion. Motion CH, Second ML to adopt Planning Commission Resolution 01-2015. Motion carried 6:0.

7. New Business.

A. Accessory Apartments - Discussion.

Chairperson Heher introduced the agenda topic.

Strack noted one of the Planning Commission's goals for 2015 is to consider implementation of standards providing for the establishment of accessory apartments a.k.a. accessory dwelling units, granny flats, carriage houses.

Strack referenced packet attachments including: an excerpt from a publication by the American Planning Association regarding ADU's; City of Minnetonka guide to accessory apartments; and, sample standards from a city in New Hampshire

Strack stated accessory dwelling units are of interest nationally today as they: provide for changing family needs: children home from college, aging parents; allow an additional revenue stream for older homeowners on fixed incomes or facing higher costs of living; and, encourage a more efficient use of existing housing stock and public investment

Strack noted she was seeking only general discussion and anticipated the discussion would continue at future meetings. Strack suggested discussion begin with consideration of what types of ADU's the Commission felt may be appropriate in NYA: that is internal units (e.g. basements, separate wing of house), attached units (e.g. conversions of breezeways, additions), and/or detached units (e.g. guest houses, carriage houses).

Richard Stolz addressed the Commission stating he was pleased the Commission was addressing accessory dwellings. He opined pros and cons existed relating to all options. He opined this was an important discussion to hold.

CH stated his research revealed the City of Minneapolis took five months to review proposed standards relating to accessory dwelling units. Their process involved exemplary outreach and input from community members.

Audience Member Clark opined government should not regulate family members and what family members can live where. He opined regulation for accessory dwelling unit regulations are not needed nor are regulations on who can live with you.

ML asked Strack to confirm the discussion was not about family members or familial relationships, but rather the discussion proposed was about allowing flexibility in living arrangements in support of changing demographics and lifestyles.

Strack confirmed discussion was not about family or familial relationships, the regulation of which had been struck down by courts. The discussion was about whether independent housekeeping units subordinate to principal dwelling units should be allowed, and if so, under what circumstances.

CK suggested starting with a survey of residents relating to ADUs.

CH noted surveys such as those the EDC had undertaken using Survey Monkey could be useful provided enough people participated.

CK suggested a mailing a survey.

KH inquired as to whether or not something could be included with utility bills.

ML asked if the Commission's goal was to get the community invested in a discussion. The Commission agreed that was the goal.

Helget opined a message on utility bills could easily be done. He noted a mailing could be done but the cost of a mailing should be weighed with potential response. He noted surveys have been undertaken with less than moderate responses. He also addressed the possibility of a newsletter. He noted in previous budgets a newsletter was not approved. The Council would consider this year as well. He noted bottom line was cost-benefit ratio.

CH opined public comment prior to the development of proposed standards was essential. He asked Commission Members to comment on how public input could be secured prior to a public hearing.

CK suggested when people vote a survey could be taken.

Diedrick asked the Commission to identify stakeholders. She suggested seniors and young adults may be stakeholders.

JRH inquired of Diedrick whether or not the quarterly newsletter could be distributed.

Diedrick noted that discussion would be part of the budget process.

ML supported including a newsletter in the 2016 budget.

CK stated it would be difficult to ascertain who stakeholders could be.

KH recommended the Commission table discussion on the topic to the next meeting in order to allow Commissioner's time to perform additional research and think about the topic more.

Consensus of Commission to postpone further discussion until the next meeting.

8. 2015 Goals and Objectives

Chairperson Heher introduced the agenda topic. Strack noted a paper report was not included in the packet. She provided a verbal update.

CH inquired as to status of nuisance standard update. Helget noted City Attorney was reviewing following public hearing.

9. Building Permit Report

The 2015 Building Permit Report was referenced/reviewed.

10. Commissioner's Reports

JRH noted The Haven project construction was in full swing, grand opening could be in April.

BG reported the City Council meeting was relatively short. Council Member Jim Keller's resignation was accepted and a street project was discussed.

KH noted the Parks Commission didn't meet.

CH reported the EDC had inked a deal with the Minnesota Commercial Association of Realtors to represent properties available within the City of NYA for marketing purposes.

SH noted to date five new home permits had been issued and in the previous week three more permit applications were picked up.

KH inquired as to status of Masonic building. Helget noted numerous attempts to engage the property owner had been made without success.

10. Adjourn

Motion – JRH, seconded by ML all in favor, the meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Steve Helget
Zoning Administrator

*Norwood Young America
Planning Commission Minutes
August 25, 2015*

Present: Commissioners Craig Heher, JR Hoernemann, Mark Lagergren, and Cassandra Kemp.

Absent: Bill Grundahl and Karen Hallquist

Public: Nick Rogosienski and Phil Rogosienski.

Staff: City Administrator Steve Helget and Consultant Cynthia Smith Strack, Municipal Development Group.

1. Call to Order

The meeting was called to order by CH at 7:00 pm. All present stood for the Pledge of Allegiance.

2. Adoption of Agenda

Motion – ML, seconded by CK, with all in favor to approve the agenda.

3. Public Hearing.

A. Conditional Use Permit for Accessory Outdoor Used Auto Sales/Display: 300 Industrial Blvd. Charles L. Dueber & Nick Rogosienski Applicants.

Chairperson Heher introduced the hearing topic and the process for the public hearing. Heher opened the public hearing at 7:02 p.m.

Strack stated a conditional use permit application, narrative description, and sketch have submitted for review by the City of Norwood Young America in conjunction with proposed outdoor auto sales and display as an accessory use at 300 Industrial Boulevard.

A conditional use permit is required under §1230.11, Subd. 4 of the City Code which provides for the proposed use in the B-I Business Industrial District.

The Applicants (i.e. Property Owner and Property Lessee) propose automobile sales/display as an accessory use to an existing established principal warehouse use.

The Applicants represent:

- The principal use of the property is warehousing and the principal use will remain warehousing.
- The proposed accessory use is outdoor sales/display of used automobiles.

- The proposed accessory use shall not occupy any space within the existing principal structure used for warehouse space. The proposed accessory use shall occupy 1,800 sf of office space within the principal structure.
- Structural changes to the principal structure are not proposed.
- The used auto sales/display accessory use will occupy fifteen (15) parking spaces for vehicle display and provide four (4) parking stalls for customer parking.
- The parking lot will be striped and each parking spot shall be a minimum of nine (9) feet in width.
- The used auto sales business will maintain regular business hours Monday through Saturday and be closed on Sunday.

A public hearing was required in conjunction with the CUP request. Hearing notices had been posted and published and mailed to property owners within 350 feet of the subject property.

Strack stated she had not received any comments prior to the hearing regarding the variance. Helget noted he had not received any calls or written correspondence regarding the request.

Rogosienski stated the used cars would be valued at \$5-15,000. Most cars would be imports. The operation would be similar to his Rogomobiles operation which used to be where Kwik Trip is located.

ML inquired as to planned signage for the use.

Rogosienski stated he had a free standing sign he may eventually install at the site. In the meantime temporary signage would be established. Strack noted a sign permit would be needed.

CK inquired as to whether or not the location was adequate for used auto sales/display. She opined visibility may not be the best.

Rogosienski stated most used auto research is performed online and that only when a direction has been determined do prospective buyers test-drive. He stated he was not overly concerned about visibility at the proposed location.

CK inquired as to whether or not Rogomobiles would relocate in the future.

Rogosienski noted Rogomobiles works because it is low overhead, the proposed site meets that standard. He noted he has no intention of relocating in the future at this time.

CH inquired as to when Rogomobiles will open. Rogosienski replied as soon as possible. City Council must approve CUP and then a Dealer's License would be issued.

ML inquired as to whether or not the maximum amount of used cars for sale on the lot at any one time would be 15. Strack confirmed that as proposed that would be the maximum.

Motion. CK, Second JRH to close the public hearing. Hearing closed at 7:15 p.m.

4. Old Business

None.

5. New Business.

A. CUP Accessory Auto Sales/Display: 300 Industrial Boulevard.

Chairperson Heher introduced the agenda topic and reviewed each requirement for CUP review.

Heher then reviewed proposed conditions of CUP issuance.

Administrator Helget inquired as to whether or not vehicles would be licensed. Rogosienski stated the dealership needs to be licensed through the state. A requirement of license application was approval of the local governing jurisdiction relating to land use. Rogosienski stated the dealership license would be issued after the City approved the CUP.

Helget asked about licenses/tabs for individual cars that were for sale. Rogosienski noted cars for sale may or may not have license plates and/or current tabs. He noted the dealership has to provide a record of vehicles on the lot to the state.

ML inquired about any potential changes to trees on the site. Rogosienski stated all trees will remain. Some may be trimmed. He added visibility is good as the site is currently.

Heher asked if any further items for discussion existed.

Motion. CK motion, second ML to recommend the City Council approve a conditional use permit for Rogomobiles/Charles L. Dueber subject to the conditions included in the staff memo. Motion carried 4:0.

6. Commissioner's Reports

CH noted he attended the City Council meeting. The draft Ordinance relating to Home Occupations was approved by the City Council. Strack added the Stolz variance request was tabled in favor of waiting for at least three Council Members eligible to vote on the issue.

7. Adjourn

Motion – ML, seconded by CK all in favor, the meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Steve Helget
Zoning Administrator

To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Planning Consultant

Date: October 9, 2015

Re: Public Hearing: Access Drive Standards

BACKGROUND

The Planning Commission held a public hearing on proposed driveway standards at their regular meeting on August 18th. The draft ordinance presented at the public hearing included:

- A proposed five (5) foot setback from side yards.
- For residential uses, a maximum curb cut width of 24 feet, unless the subject lot is greater than 150 feet in width at the front setback line, then up to 32 feet.
- For multiple family, commercial, and industrial uses a maximum curb cut width of forty (40) feet unless the City Engineer finds a wider width is needed for traffic circulation purposes.
- A requirement for dust free hard surfacing for all driveways.
- Relief from parking lot surfacing requirements, under the proposed ordinance asphalt may be employed in parking lots and surfacing in side and rear yards of industrial zones may be compacted gravel.
- Following a discussion with City Administrator Helget we have added a standard relating to setback from side yards for residential parking pads. City Administrator Helget indicates this is consistent with what is currently recommended for parking pads.

During the public hearing discussion occurred regarding:

- Residential curb cut maximum width standard. Discussion centered on whether a width standard was needed or if regulations regarding maximum impervious surface coverage per lot would sufficient curtail driveway width.
- Whether or not 'dust free' should be retained in surfacing standards. Some thought this was confusing as gravel or dirt could potentially be made 'dust-free' by applying dust coating material.
- Whether or not driveway surfacing requirements (concrete, asphalt) should be required for driveways accessed from public alleys versus public streets.
- The impact a proposed five (5) foot setback for driveways from lot lines could negatively impact residential base lots in the original townsites.

The PC postponed action of the proposed Ordinance to allow further research to be performed regarding lot sizes in various zoning classifications and the potential impact of driveway setback on such lots. Research regarding the volume of driveways extending from alleys versus public streets was also suggested.

Attached please find a marked-up copy of proposed driveway standards reflecting changes requested based on consensus at the August meeting. The marked-up copy also highlights areas where continued discussion is requested.

In addition the following research is offered for Commissioner information:

- Base lots in the north and south original townships are approximately 6,000 feet in area and 50' in width. It would appear the typical lot width is adequate to accommodate a normal driveway width.
- Base lots in the original townships are zoned either RC-1 Residential Neighborhood Commercial, R-3 medium density residential, or C-3 Downtown Commercial. Side yard setbacks in the RC-1 and R-3 District are five feet. Side yard setback in the C-3 District is zero unless abutting a residential use, then it is five feet. Proposed driveway setback is consistent with structural setbacks within the majority of smaller lots (i.e. base lots – 6,000 sf) in the original townships.
- Several base lots within the original townships feature garages accessed from public alleys versus public streets. The driveways from alleys are a mix of surfaces including gravel, concrete, and asphalt.

ACTION:

Discussion of the proposed ordinance is kindly requested.

CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. [REDACTED]

AN ORDINANCE AMENDING SECTION 1250.07 OF THE CITY CODE RELATING TO ACCESS (DRIVEWAYS) AND SECTION 1250.09 OF THE CITY CODE REGARDING CONSTRUCTION AND MAINTENANCE OF PARKING LOTS.

I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 12, SECTION 1250.07 ACCESS SHALL BE AMENDED AS FOLLOWS:

- A. Parking and loading space shall have adequate access from a public right of way.
- B. ~~The number and width of a~~Access drives shall be so located as to minimize traffic and congestion and abnormal traffic hazards, ~~and in conformance with access management guidelines established in the Comprehensive Plan.~~ No driveway shall be closer than fifty (50) feet to any right of way line of a street intersection.
- C. Access drives shall be located a minimum of five (5) feet from a side property line.
- D. ~~Access drive width at the curb cut shall not exceed twenty-four (24) feet for single family residential uses; except that lots exceeding one hundred fifty (150) feet in width at the front setback line may have driveway widths of up to thirty-two (32) feet.~~
- E. Access drive widths shall not exceed forty (40) feet for multiple family, commercial, or industrial uses. The established width for multiple family, commercial, or industrial uses may be exceeded if the City Engineer finds traffic circulation purposes warrant increased width.
- F. Residential, commercial, and industrial driveways shall be dust-free and hard-surfaced with materials such as concrete, asphalt, or brick/paver. *Note further discussion regarding surfacing of residential driveways from public alleys vs. public streets was desired.*
- G. Residential parking pads shall be setback a minimum of five (5) feet from side property lines.

II. BE IT FURTHER ORDAINED CHAPTER 12, SECTION 1250.09 RELATING TO CONSTRUCTION AND MAINTENANCE OF PARKING LOTS SHALL BE AMENDED AS FOLLOWS:

A. **Construction and Maintenance.** In all districts, parking areas, access drives, and curb and gutter shall be ~~dust-free and~~ **hard-surfaced with materials such as concrete, asphalt, or brick/paver.** ~~with concrete.~~ **except that in industrial districts parking areas in side and rear yards may be surfaced with compacted gravel or red rock.** Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the City Engineer for review and the final plans shall be subject to the Engineer's written approval.

III. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City Council of the City of Norwood Young America this __ day of _____, 2015.

Tina Diedrick, Mayor

Attest:

Steve Helget, City Administrator

To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: October 9, 2015

Re: Discussion: Accessory Apartments, Granny Flats, Carriage Houses, etc.

BACKGROUND

One of the Planning Commission's goals for 2015 is to consider implementation of standards providing for the establishment of accessory apartments a.k.a. accessory dwelling units, granny flats, carriage houses. The Commission initiated discussion on the matter at its regular meeting on August 18th.

The Commission specifically discussed the role of public input and specifically how and when to solicit public input. The Commission agreed to continue discussion at their next regular meeting after individual members had an opportunity to further reflect on the matter and perform independent research.

Attached please find the following:

1. An excerpt from a publication by the American Planning Association regarding ADU's
2. City of Minnetonka guide to accessory apartments
3. Sample standards from a city in New Hampshire

Accessory dwelling units are of interest nationally today as they:

- Provide for changing family needs: children home from college, aging parents
- Allow an additional revenue stream for older homeowners on fixed incomes or facing higher costs of living
- Encourage a more efficient use of existing housing stock and public investment

DISCUSSION REQUESTED

Continued general discussion is kindly requested at the October meeting prior to development of draft standards. Specific points of discussion are as follows:

1. How should the public be engaged? At what time? If public input is to be solicited what form should it take (surveys, listening sessions, focus groups, newsletter information, newspaper information)? What does the Commission hope to gain from solicitation of public input (e.g. whether or not residents are interested allowing ADU's, whether or not they would be comfortable with an ADU next door, what types of ADU's are compatible with residential environs)?
2. What types of accessory dwelling units are appropriate: internal units, attached units, and/or detached units?
3. What types of residential uses are allowed to have an ADU: duplexes, attached townhomes, apartments, twin homes, dwellings with less than X-number of square feet (e.g. 1,500), etc.

4. Does either the principal or accessory dwelling unit need to be owner occupied?
5. Are separate ingress/egress points discouraged or desired?
6. Parking requirements?
7. Size restrictions for accessory structures (e.g. percentage of principal structure limit or maximum sq footage limit).
8. Allowed by right or through issuance of a CUP?
9. Water/sewer service – separate lines or shared?
10. Retain integrity of residential appearance (e.g. prevent alterations of principal structure which is uncharacteristic of conventional dwelling) (e.g. limit the number of ADU's per lot to one).
11. How to prevent from becoming a condominium arrangement?

ACTION

This item is for discussion purposes.

QUICKNOTES

Accessory Dwelling Units

Accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Often called granny flats, elder cottage housing opportunities (ECHO), mother-daughter residences, or secondary dwelling units, ADUs are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding cottages on the same lot as the principal dwelling unit or a conversion of a garage or barn.

The benefits to the home owner and the ADU occupant are many. For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner's grown son or daughter just starting out or to an elderly parent or two who might need a helping hand nearby. The unit could also be leased to unrelated individuals or newly established families, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner. Supplemental income could offset the high cost of a home mortgage, utilities, and real estate taxes. Finally, leasing an ADU to a young person or family can provide an elderly home owner with a sense of security and an opportunity to exchange needed work around the house and yard for a discount on rent.

Despite the benefits, some communities resist allowing ADUs, or allow them only after time-consuming and costly review procedures and requirements. Public resistance to ADUs usually takes the form of a perceived concern that they might transform the character of the neighborhood, increase density, add to traffic, make parking on the street more difficult, increase school enrollment, and put additional pressure on fire and police service, parks, or water and wastewater. However, communities that have allowed ADUs find that these perceived fears are mostly unfounded or overstated when ADUs are actually built.

ADUs are a particularly desirable option for many communities today considering the current economic climate, changes in household size, increasing numbers of aging baby boomers, and the shortage of affordable housing choices. They provide a low-impact way for a community to expand its range of housing choices.

LOCALITIES AND STATES GET INTO THE ACT

Towns, cities, and counties across the country have done the right thing by proactively amending local zoning ordinances to allow ADUs. This is typically done either as a matter of right or as a special or conditional use. In either case, reasonable conditions may be imposed. Some states, including California, have enacted legislation that limits the ability of localities to zone out ADUs.

In 2001 AARP retained APA's Research Department to write a guidance report for citizens interested in convincing local and state officials of the benefits of allowing ADUs and showing them how to do it. *Entitled Accessory Dwelling Units: Model State Act and Model Local Ordinance*, the monograph provides alternative statute and ordinance language useful to implementing all forms of ADUs.

The Model Local Ordinance suggests recommendations for communities. Additionally, the intent of the ordinance describes the permitting process for eligibility and approval, and further outlines standards for ADU approval pertaining to lot size, occupancy, building standards, parking and traffic, public health, and how to deal with nonconforming ADUs. *The Model State Act* provides findings and policies encouraging the approval of ADUs and names local governments as the entities entitled to authorize

"Towns, cities, and
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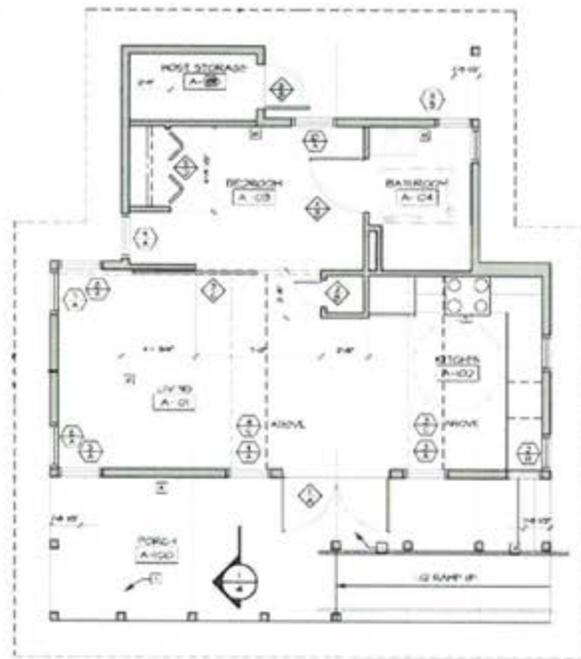
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adoption of an ADU statute. It specifies the limits to which local governments may prohibit ADUs and outlines default permitting provisions if a locality does not adopt an ADU ordinance. It details optional approaches for adopting ADU ordinances, certifying local ADU ordinances, gathering data on ADU efforts, preparing reports and recommendations, and forming a statewide board overseeing ADUs.

WHAT ISSUES ARISE WHEN A PROPOSED ADU ORDINANCE IS CONSIDERED?

ADU ordinances offer a variety of benefits to local communities but the road to implementation may not be an easy process. While ADUs are more widely accepted now than in years past, skeptics still remain and some still oppose ADU zoning. The following describes some issues or decision points that communities must address in order to successfully navigate the perilous waters of public acceptance. The approach that is right for your city or town will be unique, based on local physical, political, social, and economic conditions.



Single story ADU floor plan.

By-right Permitting. Should permits for ADUs be issued as a matter of right (with clear standards built into the ordinance) or should they be allowed by discretion as a special or conditional use after a public hearing?

Occupancy. Should ordinance language allow an ADU only on the condition that the owner of the property lives in one of the units?

Form of Ownership. Should the ordinance prohibit converting the ADU unit into a condominium?

Preexisting, nonconforming ADUs. How should the ordinance treat grandfathered ADUs? How do you treat illegal apartments that want to apply for an ADU permit?

Unit Size: Should the ordinance limit the square footage of the ADU to assure that the unit is truly accessory to the principal dwelling on the property?

Adequacy of Water and Sewer Services. How do you guarantee there is enough capacity in sewer lines, pumping stations, and treatment facilities to accommodate ADUs?

These are not easy issues. However, communities would do well to seriously consider adopting an approach that: allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard. □

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For a complete list of references visit <http://www.planning.org/pas/quicknotes/>

REFERENCES

1. Published by American Planning Association

American Planning Association. "Affordable Housing Reader: Articles from Zoning News and Zoning Practice." Available at <http://myapa.planning.org/affordablereader> (members-only access).

American Planning Association. 2006. *Policy Guide on Housing*. Chicago: American Planning Association. Available at www.planning.org/policy/guides/pdf/housing.pdf.

Baggett, Sharon, Nancy Chapman, and Deborah Howe. 1994. *Planning for an Aging Society*. Planning Advisory Service Report no. 451. Chicago: American Planning Association.

For more information on this topic visit www.planning.org.

QUICKNOTES

References: Accessory Dwelling Units

1. Published by American Planning Association

American Planning Association. "Affordable Housing Reader: Articles from Zoning News and Zoning Practice." Available at <http://myapa.planning.org/affordablereader> (members-only access).

American Planning Association. 2006. *Policy Guide on Housing*. Chicago: American Planning Association. Available at www.planning.org/policy/guides/pdf/housing.pdf.

Baggett, Sharon, Nancy Chapman, and Deborah Howe. 1994. *Planning for an Aging Society*. Planning Advisory Service Report no. 451. Chicago: American Planning Association.

Baron Pollak, Patricia. 1994. "Rethinking Zoning to Accommodate the Elderly in Single Family Housing." *Journal of the American Planning Association* 60 (4): 521-531.

Gorman, Alice, and Patricia Pollak. 1989. *Community-Based Housing for the Elderly*. Planning Advisory Service Report no. 420. Chicago: American Planning Association.

Howe, Deborah A. 1990. "The Flexible House Designing for Changing Needs." *Journal of the American Planning Association* 56 (1): 69-77.

Lubell, Jeffrey. 2006. "Zoning to Expand Affordable Housing." *Zoning Practice*. December. Chicago: American Planning Association.

Meyerson, Deborah. 2007. "The Ultimate in Accessibility." *Planning*, December, 44-45.

Wittenberg, Jason. 2002. "Garages: Not Just for Cars Anymore." *Zoning News*. August. Chicago: American Planning Association.

2. Other Resources

Center for Housing Policy. 2008. *Ensuring Zoning Policies Allow Housing Diversity: Accessory Dwelling Units*. Available at www.housingpolicy.org/toolbox/strategy/policies/diverse_housing_types.html?tierid=42.

Cobb, Rodney, and Scott Dvorak. 2000. *Accessory Dwelling Units: Model State Act and Local Ordinance*. Washington, D.C.: AARP. Available at http://assets.aarp.org/rgcenter/consumer/d17158_dwell.pdf.

Gram, Leo. 1993. Missouri Gerontology Institute. "Accessory Apartments." University of Missouri Extension. Available at <http://extension.missouri.edu/explore/aging/gg0014.htm>.

Massachusetts Executive Office of the Environment. (N.d.) *Model Bylaw for Accessory Dwelling Units*. Massachusetts Smart Growth Toolkit Bylaw. Available at www.mass.gov/envir/smart_growth_toolkit/bylaws/ADU-Bylaw.pdf.

Minnnetonka (Minnesota), City of. *A Citizen's Guide to Accessory Apartments*. Available at www.minnnetonka.com/community_development/planning/brochures/accessory_apartments.pdf.

Municipal Research and Services Center of Washington. 1995. *Accessory Dwelling Units*. Report No. 33. Seattle: Municipal Research and Services Center of Washington. Available at www.mrsc.org/Publications/adu30.pdf.

Phillips, Jory. 2004. *Detached Accessory Dwelling Units: Director's Report*. Seattle: City of Seattle Department of Planning and Development. Available at www.mrsc.org/GovDocs/542ADU rpt.pdf.

Portland (Oregon), City of. 2006. *Planning and Zoning Code*. Chapter 33.205. Accessory Dwelling Units. Available at www.portlandonline.com/auditor/index.cfm?a=53301&c=28197. Also see www.portlandonline.com/bds/index.cfm?c=dgghq.

Provo (Utah), City of. 2007. *Zoning Code*. Section 14.46A. Accessory Apartment Overlay Zone. Available at www.provo.org/downloads/council/title_14_chapters_41-49c_combined.pdf.

Santa Cruz (California), City of. 2003. *Accessory Dwelling Unit Manual*. Available at www.ci.santa-cruz.ca.us/pl/hcd/ADU/PDF/ADU_Manual.pdf.

U.S. Department of Housing and Urban Development. 2004. "Accessory Housing is Part of the Solution." Available at www.huduser.org/bc/newsletter/vol3iss1more.html



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QUICKNOTES

3. Case Law

Anderson v. Provo City Corp., 2005 UI 5 (2005).

City of Wilmington v. Hill, 657 S.E.2d 670 (2008).

Coalition Advocating Legal Housing Options v. City of Santa Monica, 88 Cal.App.4th 451 (2001).

Desmond v. County of Contra Costa, 71 Cal.App.4th 330 (1993).

Harris v. City of Costa Mesa, 25 Cal.App.4th 963 (1994).

Kasper v. Town of Brookhaven, 142 A.D.2d 213 (1988).

Save Round Valley Alliance v. County of Inyo, 157 Cal. App. 4th 1437 (2007).

Sounhein v. City of San Dimas, 47 Cal.App. 4th 1181 (1996).

Village of Belle Terre v. Boraas, 416 U.S. 1 (1976).

A Citizen's Guide to

Accessory Apartments



An Accessory Apartment is defined in the Zoning Ordinance as a self-contained unit of housing located within the confines of an existing single family house and used as a separate housekeeping unit. The term shall also include instances in which one of the units lacks complete kitchen or bathroom facilities or in which there is internal physical access between the units or in which the units share common space of facilities, unless the persons residing in both portions of the building live as a single housekeeping unit. (Section 300.02,4)

CONDITIONAL USE PERMIT REQUIREMENT

A Conditional Use Permit is required if an accessory apartment is located in a single-family home. Accessory apartments are not allowed in a multiple-family dwelling (i.e., town home or apartment).

BENEFITS OF ACCESSORY APARTMENTS

1. Provides for a more efficient utilization of the existing single-family-house stock in the city.
2. Allows for the enjoyment of the benefits of rental income, decreased housekeeping responsibilities, or the companionship of tenants by persons residing in houses which are too large for their present needs.
3. Provides housing, which allows privacy and independence for older family members.
4. Preserves property values and maintains the character of existing single-family neighborhoods.
5. Provides housing for live-in employees, such as nannies.

ACCESSORY APARTMENTS MUST MEET THE FOLLOWING

1. Only permitted in single-family, detached dwellings, and no more than one apartment is to be created

in any dwelling.

2. Must be owner-occupied with the owner residing in either unit on a continuous basis (except for temporary absences throughout the period during which the permit is valid).
3. Adequate off-street parking is to be provided for both units of housing; and such parking is to be in a garage, carport, or on a paved area specifically intended for that purpose (but not within a required turnaround).
4. May be created by the conversion of living space within the house. But may not be the conversion of garage space unless space for a two-car garage is available on the lot without needing a variance.
5. Apartment must be no more than 35% of the gross living area of the house or 950 square feet, whichever is less. The gross living area includes the accessory apartment. The city council may approve a larger area if it does not substantially impact the surrounding neighborhood.
6. Exterior changes to the house must not substantially alter the single-family character of the structure.
7. No apartment is to be created that is not in compliance with all

applicable building, housing, electrical, plumbing, heating, and related codes of the city.

8. Permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties, and where there will not be a substantial alteration of the character of the neighborhood.
9. Must meet all other provisions of this ordinance relating to single-family-dwelling units.

DEFINITION OF TERMS RELATED TO ACCESSORY APARTMENTS

1. **Housekeeping Unit**
- All persons residing within a single-family house whose relationship includes a substantial amount of social interaction, including the sharing of housekeeping responsibilities or expenses, or the taking of meals together.
2. **Living Space**
- The area within a house, which is suitable for human habitation, including suitable finished basement areas; but not including garages, service areas, and unfinished portions of the building.
3. **Owner**
- The person who holds fee title or is a bonafide purchaser under a contract-for-deed of the property.

4. **Unit of Housing**
- One or more rooms designed, occupied, or intended for occupancy as separate living quarters; with cooking, sleeping, and sanitary facilities separate from those of another unit of housing; and intended for the exclusive use of a single housekeeping unit.
5. **Temporary Absence**
- Establishing residence outside of the Twin Cities metropolitan area for a period not to exceed 12 months, but during which period the subject property continues to be the applicant's legal or principal residence.

Other regulations, as listed in the Minnetonka Zoning Ordinance, may also apply.

**City of Minnetonka
Planning Division
personnel can
be reached at:**

**952-939-8290
Monday through Friday
8:00 a.m. to 4:30 p.m.**

ARTICLE IV-A IN-LAW/ACCESSORY APARTMENTS

By Special Exception "in-law/accessory apartments" are allowed within, or as an addition to, existing residential single family structures. Mobile home units and manufactured housing units less than sixteen (1600) square feet, residential duplexes, townhouses or R-1, R-2, and/or R-4 residential apartments/groups, all are excluded from this section. In addition "In-law/accessory apartments" are not allowed within industrial, commercial and/or business type uses or buildings.

An "In-law/accessory apartment" special exception shall be granted by the Zoning Board of Adjustment, only upon finding by this Board that it meets the provisions and conditions of this section.

- A. The applicant, seeking an in-law/accessory apartment shall make application to the Zoning Board of Adjustment.
- B. The property must conform to the dimensional requirements of the single family minimum lot size standard as established by Fremont Zoning Ordinance in 1971 (Lot size of one (1) acres minimum is required), and the single family dwelling shall have been constructed and occupied for a period of a minimum of one (1) year.
- C. The dwelling to which the in-law/accessory apartment is being created must be owner occupied and be of greater than twelve hundred (1200) square feet of total existing living space.
- D. The living area of the in-law/accessory apartment shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet. Size shall be determined by the total square footage of the in-law/accessory apartment. The initial family unit may not be lessened by such dimensions so as to create non-compliance with Article V Section 2.
- E. No more than two (2) bedrooms are permitted in the in-law/accessory apartment.
- F. The owner shall provide evidence to the Building Official that septic facilities are adequate to service the in-law/accessory apartment. Such evidence shall be in the form of certification by State of N.H. licensed septic system designer. The Building Official shall indicate his/her approval in writing to the Zoning Board of Adjustment as to proper certification having been received.
- G. The in-law/accessory apartment shall be designed such that the appearance of the building remains that of the single family dwelling. Any new entrances shall be located on the side or rear of the building and shall be at ground level.
- H. All in-law/accessory apartments shall have accessible entrances and shall conform to dwelling unit Type-B construction, as specified in the International Residential Code (IRC).
- I. The primary residence and the in-law/accessory apartment must share common water, septic, and electric facilities.
- J. In no case shall more than one (1) in-law/accessory apartment be permitted within the structure. Dormitory-type facilities and living are expressly prohibited whether seasonal or otherwise.
- K. In-law/accessory apartment shall not be constructed or established within any accessory use structure (such as a garage). Only the primary residential structure may contain the in-law/accessory apartment.

- L. Off-street parking must be available for a minimum of four (4) automobiles for the entire structure. In no case shall an in-law apartment be permitted to have a separate driveway or separate garage to accommodate its occupant(s).
- M. All in-law/accessory apartments shall be provided with an interconnected smoke alarm system. All smoke alarms shall be listed and installed in accordance with the provisions of the IRC and the household fire warning provisions of NFPA 72.
- N. The provisions of the International Residential Code (IRC) shall apply to all construction elements of the in-law/accessory apartment. There shall be no occupancy of the in-law/accessory apartment until the Building Official has issued an occupancy permit.
- O. No in-law/accessory apartments shall be allowed within the Flood Plain as identified by the FIRM map relating to Fremont, N.H.

Upon receiving approval from the Zoning Board of Appeals and prior to receiving a building permit, the applicant shall demonstrate to the authorized official that the applicant has recorded the special exception decision with Rockingham Registry, indexed under the name of the property owner. Any special exception granted under this Section shall contain a provision which states as follows: "Upon the cessation of occupancy by an immediate family member, the owner hereby acknowledges and purchasers are put on notice, that the in-law/apartment is to be used only by immediate family members and no others, and that no variances from this provision shall be obtained permitting any other use".

Variances to this special exception may not be granted.

The following definitions shall pertain to this section:

In-law/accessory apartment – An apartment within a single family residence. An in-law apartment is defined as "a separate living space within a single family dwelling unit consisting of separate sleeping, cooking and bathroom facilities and which is intended to be occupied by an in-law or in-laws or a member of a family unit occupying the main part of the dwelling." and meeting the following criteria:

In-law apartments may be occupied only by members of the family unit occupying the main part of the dwelling or by in-laws of a member of said family unit. The applicant must satisfactorily demonstrate that said apartment will be utilized only in this fashion. The occupancy or rental of an in-law apartment by persons other than in-laws, as defined in this ordinance, is expressly prohibited.

R-1/R-2/R-4 – Residential occupancy groups as defined by the International Residential Code.

DWELLING UNIT, TYPE B. - A dwelling unit designed and constructed for accessibility in accordance with ICC/ANSI A117.1, intended to be consistent with the technical requirements of fair housing required by federal law.



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: October 9, 2015

Re: CUP Audit

BACKGROUND

At the regular meeting in August the PC held a public hearing on the findings of an audit of CUP permits. The public hearing was not required but rather recommended as a means of formalizing findings.

Following the hearing the PC approved Resolution PC 2015-01 stating audit findings. Following approval it was brought to staff's attention that a CUP issued for 321 Elm Street West (contractor operations, woodworking) was active rather than inactive.

As such the Commission is asked to consider an amended Resolution. Resolution 2015-02 is attached and offered for consideration.

ACTION:

Consideration of Resolution 2015-02 is kindly requested.

NORWOOD YOUNG AMERICA PLANNING COMMISSION RESOLUTION NO. 2015-02

A RESOLUTION AMENDING AND RESTATING PLANNING COMMISSION RESOLUTION 2015-01 RELATING TO FINDINGS OF A CONDITIONAL USE PERMIT AUDIT BY THE NORWOOD YOUNG AMERICA PLANNING COMMISSION

WHEREAS, the City of Norwood Young America Planning Commission is created under Chapter Two of the City Code; and

WHEREAS, Section 1210.06 of the Code assigns the Planning Commission a regular task of auditing existing conditional use permits (CUP); and,

WHEREAS, the Planning Commission initiated a thorough audit of all known or suspected CUP's in 2013; and,

WHEREAS, the Planning Commission completed an audit of said known or suspected CUP's and developed findings regarding said CUP's; and,

WHEREAS, the Planning Commission held a public hearing on the CUP audit findings at its regular meeting August 18, 2015 following publication of the hearing notice in the official newspaper on August 6, 2015; and,

WHEREAS, following the public hearing the Planning Commission discussed the proposed findings.

THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Norwood Young America, Carver County, Minnesota, certifies the following Conditional Use Permits are null and void:

- 147 Elm Street East (beauty salon, use ceased for greater than one year)
- 520 Reform Street N (Rogomobiles has been superseded by CUP 2013-20 – Kwik Trip)
- 517 Casper Circle (commercial food preparation, use ceased for greater than one year)
- 600 Railroad Drive (assisted living facility, use ceased for greater than one year)
- 180 Industrial Boulevard (industrial outdoor storage, vacant for more than one year)
- 170 Industrial Boulevard (industrial outdoor storage, vacant for more than one year)
- 15 2nd Avenue SE (industrial outdoor storage, vacant for more than one year)
- 510 Central Avenue S (freestanding daycare facility in residential zone, use not established)
- ~~321 Elm Street W (woodworking shop, vacant for more than one year)~~
- 212 Central Avenue S (beauty salon, no longer operating)
- 320 Highway 212 W (outdoor dining Crossroads Restaurant, superseded by CUP 2013-20 Kwik Trip)
- 118 Main Street East (screened outdoor area - not constructed within one year)
- 222 Reform Street South (bed and breakfast establishment, use never established)

Adopted by the Planning Commission this 20th day of October 2015.

Craig Heher, Chairman

ATTEST:

Steve Helget, Zoning Administrator

To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: October 12, 2015

Re: 2015 Goals

The following are provided for Commission information and input:

1. 2015 Goals:

- A. Update of zoning language related to home occupations – CC APPROVED.
- B. Update of zoning language relating to accessory structures – COMPLETED.
- C. Update of certain sections of the sign regulations, particularly those relating to volume of directional signage and number of wall signs per building face.
- D. Review of/familiarization with the Official Zoning Map. **INPUT REQUESTED**
- E. Review of the NYA Greenway Plan.
- F. Establish dwelling unit minimum sizes – COMPLETED.
- G. Provide for aging in place through the use of accessory apartments. CURRENTLY DISCUSSING
- H. Driveway standards. PUBLIC HEARING HELD, ACTION TABLED
- I. Landscaping standards. COMPLETED
- J. Nuisance Ordinance update. COMPLETED