



## CHAPTER 12. ZONING

### Section 1200 – Introductory Provisions

**1200.01 Title.** This Ordinance shall be known and referred to as the “Norwood Young America Zoning Ordinance” except as referred to herein, where it shall be known as “this Ordinance”.

**1200.02 Intent.** It is the intent of this Ordinance to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations in regard to location, construction, alteration and use of structures and land in the City of Norwood Young America. Such regulations are established to:

1. Support the compact and orderly growth of urban development and redevelopment;
2. Promote quality development;
3. Enhance community character and identity;
4. Enhance community and neighborhood livability;
5. Protect historic community resources including districts, buildings, sites or events;
6. Provide adequate light, air, and convenience of access to property;
7. Provide for compatibility of different land uses;
8. Minimize land use conflicts;
9. Provide for administration of this Ordinance;
10. Provide for amendments and;
11. Prescribe penalties for the violation of such regulations.

**1200.03 Authority.** This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 462.364 as amended.

**1200.04 Definitions.** The following words and terms, as they occur in this Ordinance, shall be interpreted as herein defined.

**Accessory Use or Structure.** A subordinate detached building or use, which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such main building or use.

**Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

**Adult Bookstore, Adult Video Store, or Adult Store.** A commercial establishment which devotes 10% or more of the floor area of the business (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to the barter, sale or rental for any form of consideration any one (1) or more of the following:

- A. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas” or
- B. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.” (*Amended by Ord. 153, 7/28/03*)

**Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are characterized by the exposure of “specified sexual activities”, or
- C. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

**Adult Massage Parlor.** A massage parlor which excludes minors by reason of age, or which provides, for any form of consideration, the rubbing, stroking, kneading, tapping, or rolling of the body, if the service provided by massage parlor is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

**Adult Motel.** A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

**Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

**Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”

**Adult Uses.** Adult uses include:

- A. Adult arcades,
- B. Adult bookstores; adult video stores; adult stores,
- C. Adult cabarets,
- D. Adult motels/hotels,
- E. Adult massage parlors,
- F. Adult motion picture theaters,
- G. Adult theaters,
- H. Escort agencies,
- I. Nude model studios, and
- J. Sexual encounter centers.

**Amendment.** Any modification of the Ordinance text or map. A map amendment shall be known as a rezoning.

**Amusement/Entertainment Facilities.** A business devoted primarily to entertain and amuse its customers including bowling alleys, billiard halls, and video arcades.

**Antenna.** A system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any structure.

**Appeal.** An action brought by an applicant where it is alleged that there is an error in any order, request, decision or determination by the City Administrator in the enforcement of the Zoning Ordinance.

**Automobile repair, major.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work and major painting service.

**Automobile repair, minor.** Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under *Automobile repair, major*.

**Automobile service station.** Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries or minor automobile accessories. Services offered may include the installation of tires, batteries or minor accessories; minor automobile repairs; and greasing or washing of individual automobiles. When sales, services and repairs as detailed here are offered to the public, the premises will be classified as a public garage. Automobile service stations shall not include the sale or storage of vehicles; shall not include premises offering major automobile repairs, automobile wrecking or detached car washes.

**Basement.** A portion of a building located partly underground, but having half or less of its floor-to-ceiling height below the average grade of the adjoining ground.

**Bed and Breakfast.** An owner-occupied single-family dwelling where lodging, in up to four guest rooms, and breakfast are provided to the traveling public by the resident owner for compensation. *(Amended by Ord. 220; 2-22-2010)*

**Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- D. The slope must drain toward the waterbody. *(Amended by Ord. 170; 9-12-2005)*

**Bluff Impact Zone.** A bluff and land located within 20 feet from the top of a bluff  
*(Amended by Ord. 170; 9-12-2005)*

**Board.** The Board of Adjustment and Appeals. The City Council shall act as the Board of Adjustment and Appeals.

**Boarding House.** A building, other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more non-transient persons, but not exceeding ten (10) persons.

**Boathouse.** A structure designed and used solely for the storage of boats or boating equipment. *(Amended by Ord. 170; 9-12-2005)*

**Building.** Any structure used or intended for supporting or the sheltering of any use or occupancy.

**Building Height.** The vertical distance measured from the average elevation of the finished grade along the front of the building to: the cornice of a flat roof, the deck line of a mansard roof, a point on the roof directly above the highest wall of a shed roof, the uppermost point on a round or other arch-type roof, or the mean distance of the highest gable on a pitched or hip roof.  
*(Amended by Ord. 216; 8-24-2009).*

**Building Line.** The line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend

**Cellar.** That portion of the building having more than one-half of the floor to ceiling height below the average grade of the adjoining ground.

**Cemetery.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries.

**Commercial Recreational Uses.** Uses including, miniature golf, waterslides, amusement centers, bowling alley, pool hall, dance hall, skating and similar uses.

**Commissioner.** The commissioner of the Department of Natural Resources.  
*(Amended by Ord. 170; 9-12-2005)*

**Conditional Use.** A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. *(Amended by Ord. 170; 9-12-2005)*

**Condominium.** A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Act, Minnesota Statutes, Chapter 515, or the Uniform Condominium Act, Minnesota Statutes, Chapter 515A.

**Contractor Operations.** An area and/or building devoted to use by a business that contracts to supply materials or work in the building trade field.  
*(Amended by Ord. 181, 5/22/2006)*

**Convenience Store.** A retail establishment, which generally sells a limited range of food products, nonprescription drugs, candy and other perishable goods. This includes soda and similar beverage dispensing and food products, which can be heated and/or prepared onsite, and has over 400 square feet of floor area for retailing of nonautomotive goods.

**Convenience Store with Motor Fuel Sales.** A convenience store as defined herein that also sells gasoline from pump islands.

**Converted Single Family Dwelling.** A single-family dwelling which has been converted or modified for use as two or more family dwellings. *(Amended by Ord. 117, 8-24-1998)*

**Cutoff Angle.** The angle formed by a line drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source beyond which no light is emitted. *(Amended by Ord. 152, 7/28/03)*

**Day Care Facility.** Any state licensed facility, public or private, which provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and day services as defined by Minn. Stat. Section 245.782, Subd. 5.

**Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground. *(Amended by Ord. 170; 9-12-2005)*

**Drive-In Establishments.** Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.

**Dwelling.** A building or portion thereof designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

**Dwelling Unit.** One or more rooms in a dwelling designed for occupancy by one family for living purposes and having separate permanently installed cooking and sanitary facilities.

**Earth Sheltered.** A building constructed so that more than 50% of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth and the building code standards are satisfied.

**Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**Escort Agency.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

**Family.** Any number of individuals related by blood, legal adoption or marriage, or three or less unrelated individuals living together on the premises or in a single housekeeping unit.

**Farm.** Any tract of land, with a house and usually a barn plus other buildings on which crops and livestock are raised but excluding feedlots.

**Farm Animals.** Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.

**Feedlot.** A confined drylot area for finish feeding of cattle, swine, sheep, etc. on concentrated feeds with no facilities for pasturing or grazing.

**Fence.** A lineal structure including walls, footings and posts, or similar barriers used to prevent access by persons or animals or prevent visual or sound transference.

**Fence, ornamental.** A fence through which clear vision is possible from one side to the other for 50 percent or more of the structure, as viewed on a horizontal plane. Such fence may include picket, post and rail, split rail, but not chain link.

**Fence, privacy.** A fence, which when constructed provides 100% opaqueness from either side. A privacy fence shall be constructed of wood, vinyl or similar materials that is characteristic of surrounding improvements and shall not include chain-link with slats or other attachments that provide screening.

**Finance, Insurance and Real Estate.** Establishments operating primarily in the fields of finance, insurance and real estate including, but not limited to, depository institutions, credit institutions, investment companies, security and commodity exchanges, insurance agents and brokers, real estate developers, buyers, agents and lessees.

**Foot-candle.** The international unit of illumination produced on a surface. *(Amended by Ord. 152, 7/28/03)*

**Frontage.** That part of a lot fronting on one side of a street between the side lot lines or between a street right-of-way and a side lot line.

**Garden Center.** A place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, import most of its items sold. These items may include paints, handicrafts, nursery products and stock, fertilizers, potting soil, hardware, lawn and garden power equipment and machinery, hoes, rakes, shovels and other garden and farm tools and utensils.

**Glare.** The effect produced by the intensity and direction of any artificial illumination sufficient to cause annoyance, discomfort, or temporary loss or impairment of vision. *(Amended by Ord. 152, 7/28/03)*

**Gross Floor Area.** The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls including basements but excluding cellars.

**Guest Cottage.** A building solely used for one or more of the following purposes: scrap booking, stamping, greeting card making, quilting, beading, hosting a book club, hosting a wedding or hosting a baby shower. Such a building may include lodging for persons then using the building for a permitted use. No part of such a building, however, shall be used by its owner or operator as a dwelling. *(Amended by Ord. 220; 2-22-2010)*

**Hardship.** A situation where property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property, not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the official control. *(Amended by Ord. 170; 9-12-2005)*

**Home Occupation.** Any occupation or profession carried on by members of the immediate family residing on the premises.

**Hotel/Motel.** A building in which there are more than ten (10) sleeping rooms usually occupied singly and temporarily by individuals who are lodged with or without meals and where no provision is made for cooking in any individual room.

**Impervious Surface.** An artificial or natural surface through which water, air, or roofs cannot penetrate including roofs, driveways, parking lots, sidewalks and similar hard surfaces.

**Industry, Heavy.** The manufacture, compounding, processing, packaging, treatment or assembly of products and material that may emit objectionable and offensive influences beyond the lot on which the use is located. Uses such as bulk storage, outdoor storage of large amounts of raw materials or finished product, agricultural processing, manufacture or fabrication of large, bulky items, and potentially hazardous or explosive product manufacture, production, or distribution generally qualify as heavy industrial.

**Industry, Light.** All uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which the use is located. Uses such as on-site administrative offices, company headquarters, incidental retail sales, wholesale trade, warehousing, mini-storage, assembly, contractor yards, contractor shops, repair services, goods production, truck terminals, distribution facilities, greenhouses/nurseries, data centers, and material processing generally qualify as light industrial.

**Intensive Vegetation Clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**Interim Use.** A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations. *(Amended by Ord. 163, 1/24/05)*

**Interim Use Permit.** A permit issued by the City Council in accordance with procedures specified in this Chapter. *(Amended by Ord. 163, 1/24/05)*

**Kennels.** An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

**Light Distribution Plan.** A point-by-point plan formulated according to standard practices of the Illuminating Engineering Society (IES), depicting the intensity and location of lighting on the property. *(Amended by Ord. 152, 7/28/03)*

**Livestock.** Farm animals, raised for home use or for profit.

**Lot.** A parcel of land, separated from other parcels by description, intended for building development or for transfer of ownership.

**Lot Area.** The area of a horizontal plane within the lot lines.

**Lot, Corner.** A lot abutting on two or more streets other than an alley, at their intersection.

**Lot Coverage.** The area of a lot occupied by impervious surface.

**Lot Depth.** The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

**Lot, Double Frontage/Through.** A lot having its front and rear yards each abutting on a street, not including an alley.

**Lot Line.** The property line bounding a lot.

**Lot Line, Front.** The lot line separating the lot from the street other than the alley. In the case of a corner lot, the front lot line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.

**Lot Line, Rear.** The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot paralleled to and at a maximum distance from the front lot line.

**Lot Line, Side.** Any lot line not a front or rear lot line.

**Lot Width.** The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line at the minimum required setback line. Lots width on a cul-de-sac shall be measured from the building setback line.

**Lot of Record.** A lot or parcel for which a deed has been recorded in the office of the County Register of Deeds prior to the date of adoption of this Ordinance.

**Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts. A luminaire does not include a pole or other support. *(Amended by Ord. 152, 7/28/03)*

**Manufactured Dwelling.** A structure, not affixed to or part of real estate, transportable in one or more sections and built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation.

**Manufactured Home Park.** Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

**Multiple-Family Dwelling.** A dwelling containing three or more dwelling units designed with more than one dwelling unit connecting to a common corridor or entranceway.

**Home based Business Sign.** A sign, which bears the name or address of the home business.

**Nonconforming Lot.** A lot or parcel which does not meet the lot size requirements of the district within which located.

**Nonconforming Structure.** A structure, which is used in accordance with the use requirements of the zoning district but does not meet the dimensional requirements (setbacks, etc.) of the district within which located.

**Nonconforming Use.** A use of land or structure, which is not permitted in the zoning district within which located.

**Nonconformity.** Any use, structure or lot of record existing or authorized before this Ordinance became effective but prohibited thereafter.

**Nonconforming lot, expansion of.** Any proposed decrease in the existing dimensions of a lot of record that does not meet the minimal standards set forth for the district in which the lot is located. Intensifying the use shall mean any use of the property that increases the outdoor storage or any of the performance standards established in Section 1245.01 of this Chapter from currently established conditions. *(Amended by Ord. 216; 8-24-2009)*

**Nonconforming structure, expansion of.** Any addition to a nonconforming structure that encroaches further into the nonconforming setback of the structure, increases the existing nonconforming lot coverage or surpasses the existing nonconforming height.

**Nonconforming use, expansion of.** Any alteration of a nonconforming use that increases the footprint of the principal structure or intensifies the use of the property.

**Nude Model Studio.** Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

**Nudity or State of Nudity.** The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or a state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

**Nurseries or Greenhouses.** A place where plants are grown for sale, transplanting or experimentation.

**Nursing Home, Rest Home or Convalescent.** A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury.

**Office.** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**On-sale liquor establishment.** Any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises. Typical on-sale uses include but are not limited to the following establishments:



ballrooms, dance bars, piano bars, billiard and/or game parlors, nightclubs, or other private clubs. This definition shall not include standard restaurants as defined herein, or veterans clubs.

**Ordinary High Water Level (OHWL).** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial, as determined by the Department of Natural Resources. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

**Personal Services.** An establishment or place of business primarily engaged in providing individual services generally related to personal needs, such as a beauty salon, spa, tanning salon, tailor shop, or similar.

**Planned Unit Development.** An integrated development involving two or more principal uses or structures, including but not specifically limited to single-family residential uses, multiple-family residential uses, offices, or commercial uses, or any combination thereof, and similar such uses or combinations.

**Principal Use or Structure.** The main building on a lot in which the intended allowable use of the property is conducted and any additions thereof.

**Public Waters.** Any waters as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a. *(Amended by Ord. 170; 9-12-2005)*

**Restaurant, Fast Food.** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption:

- A. Within restaurant building;
- B. Within a motor vehicle parked on the premises; or
- C. Off the premises as carry-out orders; and whose principal method of operation includes the following characteristics:
  - 1. Food and/or beverages are usually packaged prior to sale and are served in edible containers or in paper, plastic, or other disposable containers;
  - 2. The customer is not served food at a table by an employee, but receives it at a counter window, or similar facility and carries it to another location on or off the premises for consumption.

**Restaurant, Standard.** An establishment whose principal business is the sale of food and beverages, including alcohol, to customers in a ready-to-consume state, but not including an on-sale liquor establishment, and whose method of operation includes one or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- B. A cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

**Retail Trade.** Establishments engaged in selling merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods. Retail trade includes the selling and renting of goods and products including but not limited to apparel, health and beauty products, food, appliances, furniture, tools, hardware, toys, and sporting goods.

**Right-of-way.** The area between property lines of a road, street, alley, pedestrian way or easement or other street

**Satellite Dish.** Any combination of: antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources.

**Semipublic Use.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization. *(Amended by Ord. 170; 9-12-2005)*

**Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection. *(Amended by Ord. 170; 9-12-2005)*

**Setback.** The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. *(Amended by Ord. 170; 9-12-2005)*

**Sewage Treatment System.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Subsection 1277.05 Subd. 8 of this Chapter. *(Amended by Ord. 170; 9-12-2005)*

**Sewer System.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal. *(Amended by Ord. 170; 9-12-2005)*

**Sexual Encounter Center.** A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex, or
- B. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude

**Significant Historic Site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites. *(Amended by Ord. 170; 9-12-2005)*

**Shore Impact Zone.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback.

**Shoreland.** Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances.

**Single-family Dwelling.** A detached dwelling designed exclusively for occupancy by one family.

**Specified Anatomical Areas.**

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola, and
  - B. Human male genitals in a discernibly turgid state, even if completely and/or opaquely covered.
- (Amended by Ord. 153, 7/28/03)*

**Specified Sexual Activities.** Includes any of the following:

- A. The fondling or touching of human genitals, pubic region, buttock, anus, or female breasts,
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality or sodomy; direct physical stimulation of unclothed genitals; flagellation or torture in the context of a sexual relationship,
- C. The use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation,
- D. The use of excretory functions in the context of a sexual relationship; anilingus; buggery; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pederasty; pedophilia; piquerism; sapphism; or zoerastia,
- E. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence,
- F. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding, or other physical restraint of any person; or
- G. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being.  
*(Amended by Ord. 153, 7/28/03)*

**Stables.** An accessory building in which horses are kept for private or commercial use including boarding, hire, or sale.

**Steep Slope.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specified information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more.

**Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no such floor above, the space between such floor and the ceiling next above it.

**Street.** A public way for vehicular traffic, whether designated as a street, highway, arterial, arterial parkway, throughway, road, avenue, lane, place, or however otherwise designated.

**Street, cul-de-sac.** A street with a single common ingress and egress and with a turn-around at the end.  
*(Amended by Ord. 220; 2-22-2010)*

**Street, dead-end.** A local street open at one end only and without a special provision for vehicles turning around.  
*(Amended by Ord. 220; 2-22-2010)*

**Street Frontage.** That portion of a parcel of land abutting one or more streets. An interior lot has one street frontage and a corner lot two such frontages.

**Street, loop.** A short, independent street that usually terminates along the same collector street of its origin.  
*(Amended by Ord. 220; 2-22-2010)*

**Street, through.** A major collector or arterial street that serves more than one neighborhood, or carries traffic between neighborhoods, or streets that extend continuously between other major street in the community. Through Streets shall not include Cul-De-Sac Streets, Dead-End Streets or Loop Streets. *(Amended by Ord. 220; 2-22-2010)*

**Structural Alteration.** A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

**Structure.** Anything constructed or erected including buildings and streets, the use of which requires permanent location of the ground or attachment to something having a permanent location on the ground.

**Substandard Use or Structure.** Any use in existence prior to the date of this Ordinance which is permitted within the applicable zoning district but does not meet the minimum dimensional requirements of this Ordinance.

**Surface Water-Oriented Commercial Use.** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use. *(Amended by Ord. 170; 9-12-2005)*

**Swimming Pool.** "Swimming Pool" is a structure that holds water, the filter unit, pump, heating unit, and any other equipment needed to operate the pool.

**Toe of the Bluff.** The lower point of a 50-foot segment with an average slope exceeding 18 percent. *(Amended by Ord. 170; 9-12-2005)*

**Top of the Bluff.** The higher point of a 50-foot segment with an average slope exceeding 18 percent. *(Amended by Ord. 170; 9-12-2005)*

**Townhouse.** A single structure consisting of three or more dwelling units having the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit except by a party wall with no openings.

**Twin Home.** A single structure consisting of two dwelling units, each designed for occupancy by one family with separate entrances connected only by a party wall with no openings.

**Two-family Dwelling.** A dwelling with two units designed with a common corridor or entryway exclusively for occupancy by two families living independently of each other.

**Use.** The purpose of which land or a structure is designated, arranged or intended, or for which it is occupied or maintained.

**Variance.** A modification or variation of the provisions of this chapter, as applied to a specific piece of property.

**Water-Oriented Accessory Structure or Facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks. *(Amended by Ord. 170; 9-12-2005)*

**Wetland.** A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition). *(Amended by Ord. 170; 9-12-2005)*

**Wholesale Trade.** Establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

**Yard.** Means an open space on the same lot with a building or structure, which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this chapter.

**Yard, Front.** An unoccupied space extending across the front of a lot between the side yard lines and lying between the front street line of the lot and the front principal building line. For corner lots, the front yard shall be that yard having the least street frontage.

**Yard, Rear.** The space between the rear principal building line and the rear lot line, extending for the full width of the lot.

**Yard, Side.** The space between the side principal building lines and the adjacent side lot line, extending from the front to the rear building lines.

**Yard, Street Side.** The space between the side principal building line and the street.

**Zoning Map.** The map or maps incorporated into this chapter as a part thereof designating the zoning districts.

## **Section 1205 – General Provisions**

**1205.01 Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

**1205.02 Compatibility with Other Regulations.** Where the conditions of this Ordinance are comparable with conditions imposed by any other law, ordinance, statute, resolution, or regulation, the regulations, which are more restrictive shall prevail.

**1205.03 Conformance to Ordinance.** No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

**1205.04 Maintenance of Minimum Requirements.** No lot area, yard or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other space for another use.

**1205.05 Application.** All applications required by this Ordinance shall be fully completed and filed in the Planning Commission records.

**1205.06 Fees and Expenses.** Any person filing a petition for an application required by this Ordinance shall pay a prescribed fee according to a fee schedule establish by the City Council. All fees shall be set annually by Ordinance of the City Council.

**1205.07 Building Permits.** As required, no person shall erect, alter, or move any building or part thereof without first securing a building permit.

## **1210 – Administration**

**1210.01 Zoning Administrator.** The specific duties of the Zoning Administrator include:

- A. Providing Zoning Information. Providing zoning information upon request.
- B. Receiving/Referring Applications. Receiving applications for conditional use permits, variances, site plans, amendments and appeals, referring such applications to the appropriate official body, notifying affected property owners of required public hearings, and publishing notice of such hearings.
- C. Notifying Applicants. Notifying applicants for Conditional Use Permits, variances, amendments and appeals of actions taken by the official bodies relative to their application.
- D. Inspections. Conducting inspections to determine and assure compliance with Ordinance provisions
- E. Violations. Investigate violations, notifying persons guilty of violations and describing the nature of such, and initiating appropriate actions against violators as provided by law.
- F. Records. Maintaining permanent and current records of this Ordinance and the official Zoning Map including, but not limited to, Conditional Use Permits, variances, amendments, appeals and applications thereof.

## 1210.02 Board of Appeals.

**Subd. 1 Establishment.** The City Council is hereby established as the required board of appeals and adjustments, such board to be hereinafter referred to as the board of appeals or the board. The City Council, acting as the board of appeals, shall be vested with such administrative authority as is hereinafter provided or as provided by state law.

**Subd. 2 Duties.** The duties of the board of appeals shall be to:

- A. Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the zoning administrator.
- B. Hear and decide requests for variances from the literal provisions of this Chapter, pursuant to Section 1210.04.

**Subd. 3 Proceedings.**

- A. The board of appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his or her absence the acting chairperson, may request the attendance of witnesses. All meetings shall be open to the public.
- B. The board of appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the clerk-treasurer.

**Subd. 4 Appeals.**

- A. Appeals to the board of appeals may be taken by any person aggrieved or by any official or department of the city affected by any decision of the zoning administrator. Such appeals shall be taken within 60 days of such decision by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- B. The board shall fix a time for the hearing of the appeal, which hearing shall be held not less than ten (10) days nor more than 45 days after filing of said appeals. Hearings before the Board under Minnesota Statutes Sec. 462.359 Subd. (4) (Official Maps) shall require notice published in the official newspaper ten (10) days before the hearing; for all other hearings before the Board, notice of the date, time and place of such hearing shall be given to all interested parties. A decision on said appeal by the Board shall be made within a reasonable time after the hearing. At the hearing, any party may appeal in person by agent or attorney.
- C. Appeal request decisions of the Board shall be final. Appeals of Board decisions shall be made to the District Court within sixty (60) days.

## 1210.03 Planning Commission.

**Subd. 1 Duties.** Planning Commission duties in zoning administration shall be to:

- A. Hold public hearings on applications for amendments to this chapter. The commission shall not have the authority to make changes or amendments to this chapter, it shall act in a purely advisory manner to the City Council making its recommendation in all cases referred to it, and transmitting them to the City Council for final action.
- B. Consider applications for conditional use and interim use permits provided for within this chapter and to transmit its recommended action to the City Council for final action.
- C. Consider applications for variances and appeals provided for within this chapter and to transmit a recommendation to the board of appeals.

- D. Consider applications for site plans provided for within this chapter and to transmit its recommended action to the City Council for final action.

#### 1210.04 Variances.

**Subd. 1 Purpose.** The City Council may grant variances from the literal provisions of this Ordinance where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in harmony with the general purpose and intent of this Ordinance, and consistent with the comprehensive plan.

- A. *Practical Difficulties.* Practical difficulties as used in connection with the granting of a variance means that
1. the property owner proposed to use the property in a reasonable manner not permitted by the zoning ordinance.
  2. the plight of the landowner is due to circumstances unique to the property not created by the landowner, and
  3. the variance, if granted, will not alter the essential character of the locality.
- Practical difficulty also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
- B. *Economic Considerations.* Economic considerations alone shall not constitute a practical difficulty
- C. *Use Variances Prohibited.* The board of appeals may not permit as a variance any use that is not permitted under the Ordinance for property in the district where the affected person's land is located. The City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The City Council may impose conditions in the granting of a variance to insure compliance and to protect adjacent properties.
- D. *Restrictions and Conditions of Approval.* The board may impose such restrictions and conditions upon the premises benefited by a variance to ensure compliance and protect the public health, safety and general welfare of adjacent properties. Such restrictions and/or conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

**Subd. 2 Procedure.** The procedure for applying for a variance from the regulations of this chapter shall be as follows:

- A. The property owner or agent of the property owner shall meet with the zoning administrator to explain the situation, learn the procedures and obtain an application form.
- B. The applicant shall file the completed application form, together with the required exhibits, with the zoning administrator and shall pay the required filing fee.
- C. The zoning administrator shall transmit the application and one copy of the exhibits to the chairperson of the board of appeals and planning commission. Written notice of the public hearing shall be mailed at least ten days before the date of the hearing to the property owners adjacent to the property in question. Failure of any property owner to receive notification shall not invalidate the proceedings.
- D. The Planning Commission shall conduct a public hearing and consider application for variance and make recommendations to the board of appeals.
- E. The Board of Appeals may hold such public hearings as it may consider necessary on a proposed variance, consider application materials and the recommendation of the planning commission and make a final decision on the variance request.

**Subd. 3 Revocation of Variance.** The granting of a variance from the provisions of this Ordinance shall be subject to the following conditions, which conditions shall apply to all variances granted and said conditions shall be continuing:

- A. The variance shall be effective only for the specific purposes set forth in the variance grant. A violation of any condition set forth in granting a variance shall be a violation of this Ordinance and shall automatically terminate the variance;

- B. The variance shall become null and void without further action by the Planning Commission or City Council upon failure of the applicant to utilize such variance by commencement of construction or installation of the specific purpose within one (1) year of variance grant and completion within a reasonable time after commencement.

**Subd. 4 Extensions.** A variance may be renewed by the board of appeals for good cause should the applicant file for an extension. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance. The extension may be granted for up to a period of one (1) year.

**Subd. 5 Filing.** A certified copy of any variance shall be filed with the Carver County Recorder or Registrar of Titles and shall include a legal description of the subject property.

#### **1210.05 Amendments.**

**Subd. 1 Adoption.** This chapter may be amended, changed or altered only by a favorable (two-thirds) majority vote of all members of the City Council, and only after a public hearing has been duly advertised and held by the Planning Commission.

**Subd. 2 Kinds of Amendments.** An amendment to this chapter may be one of the following:

- A. A change in a district's boundary (rezoning).
- B. A change in a district's regulations.
- C. A change in any other provision of this chapter.

**Subd. 3 Initiation of Proceedings.** Proceedings for amending this chapter shall be initiated by at least one of the following three methods:

- A. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulations changes are proposed.
- B. By recommendation of the Planning Commission.
- C. By action of the City Council.

**Subd. 4. Procedure.** The procedure for a property owner or owners to initiate a rezoning or district regulation change applying to their property is as follows:

- A. The property owner or their agent shall meet with the zoning administrator to explain the situation, learn the procedures and obtain an application form.
- B. The applicant shall file the completed application form together with the required exhibits with the zoning administrator and shall pay the required filing fee.
- C. The zoning administrator shall transmit the application and required exhibits to the Planning Commission. When the amendment involves changes in district boundaries (rezoning) affecting an area of five (5) acres or less, written notice of the public hearing shall be mailed at least ten (10) days before the date of the hearing to the property owners within the affected zone and within 350 feet of the outer boundaries of the area in question. Failure of any property owner to receive notification shall not invalidate the proceedings.
- D. The zoning administrator shall have notice of the required public hearing published in the official municipal newspaper not less than ten (10) calendar days prior to the date of the hearing.
- E. The Planning Commission shall hold the public hearing, consider the application materials and provide a recommendation to the City Council for its official action.
- F. The City Council may hold such public hearings as it may consider necessary on a proposed amendment, consider application materials and the recommendation of the planning commission and make a final decision on the amendment request.



## 1210.06 Conditional Use Permits.

**Subd. 1 Purpose.** In order to give the district use regulations of this Ordinance the flexibility necessary to achieve the objectives of the Comprehensive Plan, certain uses are permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, such conditional uses require special consideration so they may be located properly with respect to the objectives of the Comprehensive Plan and with respect to their effects on surrounding properties. In order to achieve these purposes, the City Council is empowered to grant and to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of these permits.

**Subd. 2 Procedure.** The procedure for obtaining a conditional use permit is as follows:

- A. The property owner or their agent shall meet with the zoning administrator to explain the situation, learn the procedures and obtain an application form.
- B. The applicant shall file the completed application form together with the required exhibits and filing fee with the zoning administrator.
- C. The zoning administrator shall transmit the application and exhibits to the Planning Commission. Written notice of the public hearing shall be mailed at least ten days before the date of the hearing to the property owners within 350 feet of the outer boundaries of the area in question. Failure of any property owner to receive notification shall not invalidate the proceedings.
- D. The zoning administrator shall have notice of the required public hearing published in the official municipal newspaper not less than ten (10) calendar days prior to the date of the hearing.
- E. The Planning Commission shall hold a public hearing, study the application to determine possible adverse effects of the proposed conditional use, determine what additional requirements may be necessary to reduce such adverse effects and provide a recommendation to the City Council for its official action.
- F. The City Council may hold such public hearings as it may consider necessary on a proposed conditional use permit, consider application materials and the recommendation of the planning commission and make a final decision on the conditional use permit request.

**Subd. 3 Standards for Granting a Conditional Use Permit.** No conditional use permit shall be granted, unless the City Council determines that all of the following standards, along with standards for a specific use and any other conditions the City Council deems necessary to protect the health, safety and general welfare of the public, will be met:

- A. General Standards.
  1. The use is consistent with goals, policies and objectives of the Comprehensive Plan.
  2. The use is consistent with the intent of this Ordinance.
  3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
  4. The use does not have an undue adverse impact on the public health, safety or welfare.
  5. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
  6. The use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  7. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
  8. Adequate measures have been or will be taken to provide for vehicular and pedestrian safety and convenience to, from and within the site.
  9. The use meets all of the performance criteria requirements as established in Section 1245.01 of this chapter.

10. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
- B. Specific Conditional Use Provisions. In addition to the general standards specified in Subd. 3.A. of this Section, no conditional use permit shall be granted unless the City Council determined that each of the following specific standards have been met for the following uses.
1. Adult Entertainment Uses/Sexually Oriented Businesses.
    - a. A sexually oriented business shall not be located within six hundred (600) feet of any of the following:
      - i. A public or private preschool, elementary, junior or high school site;
      - ii. A licensed day care center;
      - iii. A residential zoning district boundary or site used for residential purposes;
      - iv. A public park adjacent to a residential district;
      - v. Church site;
      - vi. Civic site;
      - vii. Another sexually oriented business site.
    - b. A sexually oriented business:
      - i. Shall be prohibited from serving or locating in any place, which is also used to dispense or consume alcoholic beverages.
      - ii. Shall require all entrances to the business, with the exception of emergency fire exits, which are not useable by patrons to enter the business, be visible from a street-facing public right-of-way.
      - iii. Shall have no customer parking at the rear of the building.
      - iv. Shall have no doors on video viewing booths.
      - v. Shall have the layout of the display areas designed so that the management of the established and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.
      - vi. Shall have no display of sexual activity, sexually explicit material or paraphernalia that is visible by the public from the exterior of the building.
      - vii. Shall be limited in operation to the house of 10:00 a.m. to midnight.
      - viii. Shall have signage that complies with the sign ordinance regulations addressed in Section 1260 of this Chapter. In addition, signs for sexually oriented businesses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.
      - ix. Shall have lighting that complies with the lighting ordinance addressed in Section 1245.08 of this Chapter. In addition, illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.
  2. Reserved. (*Ord 298; 3-26-18*)
  3. Bed and Breakfast
    - a. The owner must reside on the premises and be the operator of the facility.
    - b. There is a maximum of four (4) guest rooms in the principal structure.
    - c. All units are located within the principal structure.
    - d. Occupancy shall be event driven and no stay shall be permitted for longer than thirty (30) consecutive days.
    - e. A building code inspection in conducted and any necessary building permit is issued prior to occupancy to assure conformance to Health, Building and Fire Codes.
    - f. The exterior façade shall not be altered from its Single Family character.

- g. On-premise advertising signs shall be limited to either one wall sign up to 4 square feet or a free-standing sign up to 2 square feet.
  - h. The sign shall be designed in character with the principal structure, identifying not more than the name and address of the facility.
  - i. The facility shall be located on a through street.
  - j. A minimum of one off-street parking stall for each guest room plus two off-street parking stalls for the permanent residents shall be provided, and the facility must be able to accommodate all guest parking off-street without the need to alter the existing off-street parking arrangement. A piggy-back or tandem parking arrangement is permitted.
  - k. On-site dumpsters or other waste containers shall be screened from public view.  
*(Amended by Ord. 220, 2-22-2010)*
4. Cemeteries. Cemeteries shall conform to the following standards:
- a. Shall be located at least 25 feet from adjacent uses.
  - b. Shall have adequate off-street parking.
5. Churches, schools and similar public uses.
- a. The site shall have access on a collector or arterial roadway or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - b. Parking areas shall be set back at least ten (10) feet property lines.
  - c. An off-street passenger loading area shall be provided.
  - d. The structure must be setback at least 50 feet from a residential use.
  - e. Outdoor recreation and play areas shall be located at least 25 feet from a residential use and buffered by appropriate landscape materials.
  - f. No more than seventy (70) percent of the site shall be covered with impervious surface.
  - g. Site plan approval shall be obtained pursuant to Section 1210.08 of this Chapter.
6. Contractor Operations. Contractor Operations in the C-3, Downtown District shall conform to the following standards:
- a. No outdoor storage of any kind, including but not limited to materials, equipment or machinery shall be permitted.
  - b. All business vehicles shall be accommodated by off-street parking.
  - c. The office area shall be maintained at the front (street-facing) side of the building to the greatest extent possible. *(Amended by Ord. 216; 8-24-2009)*
7. Day Care Centers. State Licensed Commercial Day Care Centers shall conform to the following standards:
- a. The site shall have loading and drop off points designed to avoid interfering with traffic and pedestrian movements.
  - b. Outdoor recreation and play areas shall be located at least 25 feet from a residential use and buffered by appropriate landscape materials.
  - c. Each center shall obtain applicable licenses.
8. Farms, including Livestock. Farms including Livestock shall conform to the following standards:
- a. The structures used in conjunction with the livestock operation must be in compliance with Chapter 5.
  - b. The site must be located on a collector street.
  - c. The structures must be a minimum of two hundred feet from a wetland area.
  - d. The use shall be setback a minimum of 500 feet from a residential district.

9. Group Homes. The following applies to state licensed residential facilities for seven to sixteen persons. State licensed residential facilities shall conform to the following standards:

- a. The structure must be in compliance with the state licensing requirements.
- b. The structure must be in compliance with local building and fire codes.
- c. The site shall have adequate off-street parking to accommodate one parking space for each employee on the major shift.

10. Guest Cottages

- a. The owner must be the operator of the facility.
- b. There is a maximum of four (4) guest rooms in the principal structure, all of which are located within the principal structure.
- c. No more than 12 guests per overnight stay are permitted.
- d. Occupancy shall be event driven and no stay shall be permitted for longer than seven (7) consecutive days to one entity.
- e. A building code inspection is conducted and any necessary building permit is issued prior to occupancy to assure conformance to Health, Building and Fire Codes. This information, including contact information for the owner/operator, shall be posted in a conspicuous location in the facility.
- f. The exterior façade shall not be altered from its Single Family character.
- g. On-premise advertising signs shall be limited to either one wall sign up to 4 square feet or a free-standing sign up to 2 square feet, and designed in character with the principal structure, identifying not more than the name and address of the facility.
- h. The facility shall be located on a through street.
- i. The site shall be able to accommodate a minimum of four off-street parking spaces and must be able to accommodate all guest parking off-street without altering the existing off-street parking arrangement. A piggy-back or tandem parking arrangement is permitted.
- j. On-site dumpsters or other waste containers shall be screened from public view.  
*(Amended by Ord. 220, 2-22-2010)*

11. Industry. Industry shall conform to the following standards for both light and heavy industrial uses:

- a. Landscaping: all open areas of any site, lot, tract or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with trees, shrubs or planted ground cover. Such landscaping shall conform with the planting plan approved by the City Council. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well-kept condition. All vacant lots, tracts or parcels shall also be properly maintained.
- b. All raw materials, supplies, finished or semi-finished products and equipment shall be stored within a completely enclosed building, provided, however, that motor vehicles necessary to the operation of the principal use and of not more than three-quarter ton capacity may be stored within the permitted parking lot space.
- c. Building Design and Construction. In addition to other restrictions of this Chapter and any other regulations of the City, any industrial building or structure shall meet the following standards:
  - i. All exterior wall surfaces shall employ high exterior finishes such as glass, brick and stone. Specifically designed pre-cast concrete units shall be allowed if the surfaces have been integrally treated with an applied decorative material or texture. Factory fabricated and finished metal-framed panel construction, if the panel materials be any of those named above, other than unpainted galvanized iron or plastic.
  - ii. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of the same materials as the original construction

and shall be designed in a manner conforming with the original architectural design and general appearance.

- d. Heavy Industry. In addition to meeting the above requirements for light industry, heavy industry shall conform to the following additional standards:
    - i. Shall be located at least 50 feet from non-heavy industrial uses.
    - ii. The site shall have direct access to collector or arterial streets.
    - iii. Shall encourage shared parking with like heavy industrial uses.
12. Hospitals and Health Care Facilities. Hospitals and health care facilities shall conform to the following standards:
- a. The site shall have direct access to collector or arterial streets.
  - b. Emergency vehicle access shall not be adjacent to or located across a street from any residential use.
13. Kennels. The following applies to commercial kennels:
- a. The use shall not be located within 500 feet of any residential district.
  - b. Any outdoor exercise area shall be screened from view from abutting property with a landscaping buffer strip having a minimum width of eight (8) feet, consisting of coniferous and deciduous trees.
  - c. The site must be located on a collector street.
  - d. The structures associated with the kennel operation must be a minimum of two hundred feet from a wetland area.
14. Manufactured Home Park. Manufactured Home Parks shall conform to the following standards:
15. Multiple Family. Multiple family shall conform to the following standards:
- a. Adequate off-street parking and off-street loading is provided.
  - b. The development is adequately served by a collector or arterial street or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - c. Development is compatible in design and layout with existing and planned use of the area.
  - d. The lot, setback and building requirements are complied with.
  - e. The following requirements are established to provide uniform building design and to insure the quality of construction to provide adequate protection to all persons residing within the structure:
    - i. Window glass should be a minimum of 10% of the floor space of the living area in each unit.
    - ii. All below grade units shall have a floor grade not greater than 36 inches below ground.
    - iii. No building of a height greater than three (3) stories shall contain below grade dwelling units.
    - iv. Any multiple dwelling over three stories in height shall contain an elevator.
    - v. A multiple dwelling building over three stories shall supply building plans including site plans that are certified by an architect registered in the State of Minnesota, stating that the design of the building and the site has been prepared under their direct supervision. Any building of Type I or Type II construction, as provided in the Uniform Building Code, shall have its electrical, mechanical or structural systems designed by engineers registered in the State of Minnesota.
    - vi. The minimum floor area of an efficiency dwelling unit shall not be less than four hundred square feet. That of a one bedroom unit shall not be less than six hundred and fifty (650) square feet, and that of a two bedroom unit shall not be less than eight hundred (800) square feet.

16. Outdoor Auto, Truck, Recreational Vehicle, Equipment Sales and Display. Outdoor auto, truck, recreational vehicle, equipment sales and display shall comply with the following standards:

- a. Shall have adequate off-street parking.
- b. All access drives, parking and storage areas shall be surfaced with concrete or bituminous with curb and gutter.
- c. Shall be screened from adjacent residential districts by buffer fence of adequate design or a planting buffer screen.
- d. All used vehicles associated with the use shall comply with the following additional standards:
  - i. Shall be in an operable condition.
  - ii. Shall not be extensively damaged, with the damage including such things as broken or missing tires and wheels, motor, body parts, windows, drive train or transmission.
  - iii. Shall have a fair market value greater than the approximate value of the scrap in it.

17. Outdoor Dining.

- a. Outdoor dining on public sidewalks shall comply with the following standards:
  - i. Sidewalk pedestrian pass-by area must be wide enough to accommodate the six-foot (6') seating and pedestrian pass-by requirement.
  - ii. Outdoor dining and related obstructions shall be prohibited from the pedestrian pass-by area.
  - iii. Outdoor dining and seating shall not be placed in areas that negatively impact the line-of-sight of vehicles, specifically at intersections.
  - iv. Outdoor dining hours shall be restricted to the hours of 11 a.m. to 8 p.m.
  - v. Noise levels from the outdoor dining activity shall not exceed those levels stated within the City Code.
  - vi. The sale of alcoholic beverages in the outdoor dining area shall be prohibited entirely.
  - vii. The permit holder must show that the outdoor area is in compliance with federal, state, and local regulations regarding the preparation, sale, and service of food.
  - viii. The permit holder must reapply annually for a permit.
  - ix. Along with the application, a diagram indicating the location and size of tables, chairs, and walk area and exits must be submitted. The location of entryways and exits to the restaurant, with dimensions, must also be included along with any other information deemed necessary for the provision of the permit.
  - x. Fencing or an acceptable barrier shall be used to surround the outdoor dining area, separating the dining area from the pedestrian space.
  - xi. Tables, chairs and other items associated with the outdoor dining operation shall be removed at the end of each business day, thus restoring the sidewalk to its normal condition.
- b. Outdoor dining areas on private property on decks and patios shall comply with the following standards:
  - i. Outdoor dining may be allowed between the hours of 11:00 a.m. to 1:00 a.m.
  - ii. Railings or fencing shall be used to surround the outdoor dining area.
  - iii. Noise levels from the outdoor dining area shall not exceed levels stated within the City Code.
  - iv. Dining areas shall be constructed in compliance with all standards in the Zoning Ordinance and applicable Building and Fire Codes.
  - v. The sale of alcoholic beverages in the outdoor dining area shall be regulated and subject to the requirements of Chapter 4 Alcoholic Beverages of the City Code. All outdoor alcohol sales shall comply with the standards in Section 440 – Outdoor Sales.  
*(Amended by Ord. 179, 4/24/2006)*

18. Outdoor Storage. Outdoor storage shall conform to the following standards:

- a. All outdoor storage yards shall be completely screened from roads or developed areas with a solid fence or wall 6 feet or more in height, maintained in good condition, and screened with suitable planting.
  - b. No un-screened outdoor storage yards established after the effective date of this Chapter shall be located closer than 500 feet to existing State and Federal roads, nor closer than 100 feet to any other City streets.
19. Recreational Facilities in the C-2, or C-3 District. Recreational facilities in the C-2, or C-3 District shall comply with the following standards:
- a. Recreational facilities may be permitted as a conditional accessory use of one of the following permitted uses:
    - i. Restaurant
    - ii. Hotel/Motel
    - iii. Bar/Licensed Liquor Establishment
  - b. The recreational facility shall be fenced in its entirety with a 6-foot privacy fence, with access of ingress from the principal structure only. The privacy fence shall be constructed of wood, vinyl or similar, but shall not include chain link and slats.
  - c. The recreational facilities, including the fenced area, shall conform to the setback requirements for the District.
  - d. Recreational facilities shall not be permitted in any front yard or side street yard.
  - e. A diagram of the proposed facility, including walk areas and exits, must be submitted for review. The number of egress points shall be determined by the Fire Inspector or Code Official, based on occupant load. At least one point of egress shall be provided from the fenced in area directly to the outside of the fenced in area. The proposed plan must meet the minimum requirements of the current Fire and Building codes and shall be approved by the Fire Inspector or Code Official prior to issuance of a permit.
  - f. Use of the facility may be allowed between the hours of 9:00 a.m. to 10:00 p.m.
  - g. Noise levels from the recreational activity shall not exceed those levels stated within the City Code.
  - h. The sale of alcoholic beverages in the recreational area shall be prohibited entirely.
  - i. Any lighting associated with the recreational facility shall meet the standards of Section 1230.
20. Stables
- a. Submittal of a site plan showing stable operation, fencing, drainage, buildings, sewage treatment and well systems.
  - b. A minimum lot size of ten (10) acres.
  - c. Applicable animal densities may be increased for in-house operations pending submittal of the stables' functional plans showing that the animals' needs will be adequately cared for and including an area for daily exercise. In no event shall in-house confinement areas be less than 100 square feet per horse.
  - d. All structures, parking lots and storage areas shall be located at least 300 feet from an existing residential use or district boundary.
  - e. Submittal of a plan for removal and distribution of manure and other waste materials, which meets all requirements of the Minnesota Pollution Control Feedlot Rules. The plan shall provide for the storage of manure and other waste materials at least 300 feet from an existing residential use or district boundary and at least 100 feet from a well.
  - f. Depending upon the size of the operation, one or more caretaker units may be allowed as part of a public stable operation.
21. Vocational and Technical Schools. Vocational and Technical Schools shall conform to the following standards:

- a. Any automotive and/or machine repair or similar uses shall be contained entirely within a building.
  - b. The site shall have access on a collector or arterial roadway or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - c. An off-street passenger loading area shall be provided.
  - d. Buildings associated with the school must be setback at least 75 feet from a residential use.
22. Custom or limited manufacturing, assembly, or treatment of articles or merchandise from previously prepared materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool in the C-3, Downtown Districts and the RC-1 Residence and Neighborhood Commercial District shall conform to the following standards: *(amended by Ord. 303, 5-30-2018)*
- a. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted.
  - b. All business vehicles shall be accommodated by off-street parking.
  - c. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.
  - d. The standards of Section 1245.01 (Performance Standards) and 1245.02 (Architectural Standards and Guidelines) apply. *(Amended by Ord. 261, 5-11-2015)*
23. Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospitals shall conform to the following standards:
- a. Animals are allowed outside only under control and direct supervision of a responsible employee. When not in an approved, enclosed exercise/run area, animals shall at all times be under direct control on a leash.
  - b. Other than approved, enclosed exercise/run areas there shall be no outside storage on site.
  - c. A maximum number of animals allowed at the facility shall be established at the time of use permit issuance.
  - d. There shall be no animals outside the building from 9:00 p.m. to 6 a.m.
  - e. Dogs barking for one minute or longer shall be defined as excessive barking. Excessive barking is prohibited. If corrective measures, to the satisfaction of the City, are not taken to prevent continued excessive barking behavior, the conditional use permit may be revoked.
  - f. Indoor and outdoor facilities are kept in a clean, dry, and sanitary condition.
  - g. Animal waste shall be picked up immediately and disposed of in a sealed container. Animal exercise/run areas shall be designed to enable washing of surfaces to eliminate urine retention throughout all seasons.
  - h. Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
  - i. Indoor facilities shall be adequately ventilated and have ample light and heat.
  - j. Adequate screening shall be provided, as determined by the City Council at the time of conditional use permit issuance.
  - k. The facility and operation shall comply with all applicable city, county, state, and federal regulations.

**Subd. 4 Amendment of a Conditional Use Permit.** Any modification to the conditions of a conditional use permit shall be required to complete a conditional use permit amendment. A conditional use permit amendment is subject to all conditions and approvals required for conditional use permit review as specified in Section 1210.06. *(Amended by Ord. 216; 8-24-2009).*

**Subd. 5 Revocation of Conditional Use Permits.**



- A. A conditional use permit shall become null and void without further action by the Planning Commission or City Council unless work thereon commences within one year of the date of granting such conditional use.
- B. A conditional use shall expire if that use shall cease for more than 12 consecutive months.
- C. Inspections will be conducted at least annually and an update provided to the City Council to determine compliance with the terms of a conditional use permit.
- D. Failure to comply with any condition set forth in a conditional use permit shall be a misdemeanor and shall also constitute sufficient cause for the revocation of the conditional use permit by the City Council following a public hearing. The property owner shall be notified in advance of the City Council's review of the permit. A public hearing established to consider the revocation of a conditional use permit shall be conducted pursuant to the provisions of Subd. 2.C. of this Section.

**Subd. 6 Uses by Conditional Use Permit not Nonconforming Uses.** Uses authorized by conditional permit under this section shall not be deemed a nonconforming use, but shall without further action be considered a conforming use, but only in accordance with the conditions set forth in the conditional use permit.

**Subd. 7 Filing.** A certified copy of any Conditional Use Permit shall be filed with the Carver County Recorder or Registrar of Titles and shall include a legal description of the subject property.

#### **1210.07 Interim Use Permits.**

**Subd. 1 Purpose and Intent.** The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
- B. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- C. To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains compatibility with surrounding uses.
- D. To establish predictable and balanced regulations for the establishment of interim uses in the location and circumstances under which the uses may be established without detriment to the public health, safety, and welfare of neighboring property owners or occupants.

**Subd. 2 Procedure.** Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the criteria and procedures for a conditional use permit as established by Section 1210.06 of this chapter.

**Subd. 3 General Standards.** An interim use shall comply with the following:

- A. Meet the standards of a conditional use permit set forth in Section 1210.06 of this chapter.
- B. Conform to the applicable performance standards of Section 1245.01 of this chapter.
- C. The use is allowed as an interim use in the respective zoning district.
- D. The date or event that will terminate the use can be identified with certainty.
- E. The use will not impose additional unreasonable costs on the public.
- F. The user agrees to any conditions that the City Council deems appropriate for permission of the use.
- G. All obsolete and unused buildings and equipment shall be removed within six (6) months of cessation of operation at the site, unless an exemption is granted by the City Council.

**Subd. 4 Termination.** An interim use shall terminate subject to any of the following events, whichever occurs first:

- A. The date of termination stated within the approving resolution
- B. Upon violation of conditions under which the permit was approved.

- C. Upon change in the City's zoning regulations, which render the use nonconforming.
- D. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

#### 1210.08 Site Plan Review.

**Subd. 1 Purpose and Intent.** The purpose of this Section is to establish a formal site plan review procedure for commercial, industrial, institutional, and multi-family development projects and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Section. The site plan review process is intended to ensure that the negative impacts of newly developed properties or redeveloped properties are minimized to the greatest extent possible while maintaining and improving the City's tax base, preserving and enhancing the built environment, promoting the orderly and safe flow of traffic, ensuring compatibility with adjacent developments, the proper orderly development of the City, and compliance with the City Code.

**Subd. 2 Scope.** Site Plan approval shall be required as a condition to issuance of a building permit for construction or enlargement of any building or structure other than the following:

- A. Single and two-family dwellings and associated accessory structures.
- B. Buildings for agricultural uses on land zoned and utilized for agricultural purposes.

#### Subd. 3 Procedures.

- A. Application. A written application for site plan approval, along with the proposed site plan, application fee and any other information required, shall be filed with the City.
- 1. Required Materials. The applicant shall file with the City ten (10) 24" x 36" copies and two (2) 11" x 17" copies of the site plan, drawn to scale and dimensioned, with North arrow showing, completed and signed by a registered architect, civil engineer, landscape architect or other licensed design professional as approved by the City. At a minimum, the site plan shall contain the following information:
  - a. A current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:
    - i. Scale of plan, at one (1) inch equals fifty (50) feet or less.
    - ii. North point indication.
    - iii. Existing boundaries with lot dimensions and area.
    - ii. Existing site improvements.
    - iii. All encroachments.
    - iv. Easements of record.
    - v. Legal description of the property.
    - vi. Two-foot contours and spot elevations
    - vii. Ponds, lakes, rivers or other water features bordering on or running through the subject property.
    - viii. Species, quantity and diameter of existing vegetation.
  - b. A site plan utilizing a copy of the current certificate of survey as a base for the subject property, depicting the following:
    - i. Name and address of developer/owner.
    - ii. Name and address of architect/designer.
    - iii. Date of plan preparation.
    - iv. Dates and descriptions of all revisions.
    - v. Name of project or development
    - vi. All proposed improvements, including, but not limited to:
      - (1). Required and proposed setbacks.

- (2). Location, setback, and dimensions of all proposed buildings and structures.
  - (3). Location of all adjacent buildings located within one-hundred (100) feet of the exterior boundaries of the property in question.
  - (4). Location, number, and dimensions of proposed parking and loading spaces.
  - (5). Location, width, and setbacks of proposed curb cuts and driveways.
  - (6). Vehicular circulation.
  - (7). Sidewalks, trails, and walkways.
  - (8). Location and type of all proposed lighting, including details of all proposed fixtures.
  - (9). Species, quantity and diameter of all existing vegetation to be removed.
  - (10). Location of recreation and service areas.
  - (11). Location of rooftop equipment and proposed screening.
  - (12). Provisions of storage and disposal of waste, garbage and recyclables, including details for screening exterior trash/recycling enclosures.
  - (13). Location, size and type of water and sewer system mains and proposed service connections.
- vii. A grading/storm water management plan in accordance with the provisions established in Chapter 13 of the City Code.
  - viii. A landscaping plan in accordance with the provisions of Section 1255
  - ix. A lighting plan in accordance with the provisions of Section 1245.08
  - x. Other plans and information as required by the Zoning Administrator, including but not limited to:
    - (1). Architectural elevations, color drawings or renderings, and sample building materials or all principal and accessory buildings, identifying type and color of materials used on all exterior surfaces.
    - (2). Typical floor plan and room plan drawn to scale with a summary of square footage for each use or activity.
    - (3). Type, location, and size of all proposed signage.
    - (4). Vicinity map showing the property in relation to nearby highways or major street sections.
    - (5). Sound source control plan.

#### **Subd. 4 Process.**

- A. *Staff Review.* Upon acceptance of a complete site plan application, the Zoning Administrator shall forward the plans to the appropriate review committee members, including but not limited to the City Administrator, City Engineer, City Attorney, Public Works Director, Fire Chief, Police Chief, Building Inspector and any outside agencies or consultants determined necessary for review. The site plan shall be evaluated based on its compliance with the Comprehensive Plan, provisions of this Title, and other applicable City codes and policies.
  1. *Revision of Plan Sets.* Upon receipt of comments, the Zoning Administrator shall forward them to the applicant for inclusion in revised plan sets. The Zoning Administrator shall determine when the plan sets are sufficient to be forwarded to the Planning Commission for their review.
- B. *Planning Commission Review.* Upon completion of the Staff Review, the Zoning Administrator shall forward the site plan and a summary of Staff's findings to the Planning Commission. The Planning Commission shall make a recommendation on the site plan to the City Council. The Planning Commission may recommend approval, approval subject to conditions or that the site plan be denied. The reasons for any recommendation shall be stated in the record.
- C. *City Council Review.* The City Council shall, upon receipt of the recommendations of the Planning Commission, either approve, approve with conditions, or disapprove the site plan. The reasons for any decision shall be stated in the record.
- D. *Filing of Approved Plans.* Upon final action by the City Council on any site plan, five (5) copies consistent with the City Council's approval shall be provided and stamped approved by the Zoning Administrator and kept on file. One copy of the approved site plan shall be returned to the applicant.

E. *Building Permit Review.* Upon receipt of the approved site plan, the building official will be authorized to release a building permit for the proposed project pursuant to adopted building and fire codes. The site plan approval process does not imply compliance with the requirements of said building and fire codes.

**Subd. 5 Minor Modifications.** In the case of minor modifications of the site plan, the Zoning Administrator may give approval if the decision does not modify the overall theme of the development, affect public safety, or result in the reduction of any minimum standard as provided in this zoning chapter. Nothing contained herein shall be construed to allow the Zoning Administrator to vary the provisions of any statute, ordinance, city policy, or previous directives of the City Council. The Zoning Administrator shall have the discretion to refer any minor modification requests to the Planning Commission and City Council for their review and approval. Minor modifications may include the following:

- A. Lighting location and fixture type;
- B. Location, height, and style of fences and walls;
- C. Location of trash enclosures;
- D. Location and size of building signs and monument signs;
- E. Location and construction of on-site sidewalks, except on City right-of-way;
- F. Location, type, and size of plantings, provided the modification would have the same effective cover and screening;
- G. Location and construction of accessory buildings of less than 400 square feet;
- H. Minor relocation or addition of driveways or parking spaces.

**Subd. 6 Site Plan Amendment.** Any modification deemed not to be minor pursuant to Section 1210.08, Subd 5. of this Chapter shall be required to complete a site plan amendment. A site plan amendment is subject to all conditions and approvals required for site plan review.

**Subd. 7 Financial Guarantee.** The City may require a performance bond or escrow in an amount equal to one hundred (100) percent of the estimated cost to complete the site and landscape plan improvements, exclusive of structures, to be filed with the City.

**Subd. 8 Fees.** The applicant shall provide an application fee. The fee shall be set by Ordinance of the City Council in the fee schedule from time to time. In addition to the application fee, the applicant shall pay all cost incurred by the City for legal services, engineering services, and services of other persons or entities employed by the City (other than City Staff personnel) for, or in any way involved in, the review and inspection of the site plan. Under no condition shall the fee be refunded or waived for failure of the City to approve the site plan.

**Subd. 9 Expiration.** A site plan approved under the provisions of this chapter shall expire one year after the date of approval unless the property owner or applicant received a building permit and commenced construction of improvements on-site in accordance with the approved plan.

**Subd. 10 Extension of Approval.** If, at least 30 days prior to the expiration of the site plan approval, the applicant makes a written request to the zoning administrator for an extension of time to commence construction, setting forth the reasons for the requested extension, the City Council may grant one extension of not greater than one year. Extension requests shall state facts showing a good faith effort to complete work permitted under the original approval.

#### **1210.09 Zoning Administrator Approval and Zoning Permit Approval Process.**

**Subd. 1 Purpose.** The purpose of this Section is to establish a procedure for administrative review by the Zoning Administrator and the issuance of administrative permits where necessary.

**Subd. 2 Scope.** Approval by the Zoning Administrator or designee is required as specified within a zoning district, individual zoning standard, or for certain activities as provided within Chapter 12 of the City Code. An administrative permit is required as specified within a zoning district or zoning standard contained in Chapter

12 of the City Code. This Section does not apply where a specified process exists for review, including by not limited to those prescribed under Sections 1210.04 (Variance), 1210.05 (Amendment), 1210.06 (Conditional Use Permit), 1210.07 (Interim Use Permit), or 1240.02 (Planned Unit Development).

**Subd. 3 Procedures, Administrative Permit.** The Applicant shall file a written application for an administrative permit, along with any proposed plans, application fee, and any other information required by the Zoning Administrator. The written application shall be on a form provided by the City. The Zoning Administrator may waive information required under Section 1210.09, Subd. 3(A).

A. Information Requirement. The information required for all administrative permit applications shall include:

1. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
2. A copy of the approved site plan for the property or a sketch using an approved "as built" survey as the basis which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands and signs.
3. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
4. Information identified in Subsection 500.03.10, Subd. 3 of this Chapter as required by the Zoning Administrator.

B. The Zoning Administrator shall review the application and related materials to determine whether or not the application is complete. If the application is not complete the Zoning Administrator shall notify the applicant in writing of an incomplete application within fifteen (15) days of the date the application was submitted.

C. When the application is complete, the Zoning Administrator shall review the proposal to determine whether or not the activity proposed is consistent with required standards contained in the applicable section of Chapter 12. The Zoning Administrator shall make a determination and notify the Applicant of the decision in writing within sixty (60) days of filing a complete application. In making a determination, the Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors the following:

1. Compliance with and effect upon the Comprehensive Plan and public facilities plans, as may be amended.
2. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
3. The use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
4. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
5. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
6. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.

D. If approval is contemplated, a written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances and the standards of this Chapter shall be attached to the permit.

- E. If denial is contemplated, a determination of non-compliance with applicable codes, ordinances and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
- F. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 1210.02 (Appeals) of the City Code.

**Subd. 4 Administrative Approval (Non-Permit) Process.** In instances where administrative review and approval is required but a written administrative permit is not required, review by the Zoning Administrator shall follow the general procedures required under Section 1210.09, Subd. 3. All uses, events or activities allowed by administrative approval shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed and any/all standards applicable to the proposed request. *(Amended by Ord. 259, 4-27-15)*

## **Section 1215- Nonconforming Uses, Structures and Lots**

**1215.01 Purpose.** It is the purpose of this section to provide for the regulation of existing structures, uses and lots that do not conform to the requirements of the district in which they are located and to specify the requirements, circumstances and conditions under which the nonconformity may be continued.

### **1215.02 Regulations.**

- A. Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the effective date of this chapter may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
  - 1. The nonconformity or occupancy is discontinued for a period of more than one year; or
  - 2. Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
- B. A nonconforming use shall not be changed to another nonconforming use. When any nonconforming use has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- C. A nonconforming use may be changed to lessen the nonconformity of that use. Thereafter, the use may not be so altered as to increase the nonconformity.
- D. A nonconforming lot shall be deemed buildable if it is a lot of record as of the date of adoption of this Ordinance, the proposed building meets all of the setback requirements and is a conforming use of the zoning district within which located and the site is able to be connected to city sewer and water systems.

### **1215.03 Exceptions.**

- A. This section does not apply to sexually oriented business, as defined by this chapter.
- B. The City may impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare and safety.
- C. Notwithstanding Section 1215.02 A. the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain and shoreland areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

## **Section 1220- General Exceptions**

**1220.01 Permitted Height Exceptions.** The following shall be permitted to exceed the height restrictions for the district within which the use is located, including the Shoreland Overlay District, provided they are not for human occupancy:

- A. Ornamentation such as church spires, belfries, bell towers, cupolas, domes, monuments and flagpoles.
- B. Mechanical appurtenances such as solar collectors, chimneys, smoke stacks, elevators, and public utility facilities (i.e. water towers, transmission and power lines)
- C. Communication towers such as television antennae and radio and telephone transmissions towers.
- D. Buildings used for agricultural purposed such as grain elevators and silos.

**1220.02 Permitted Yard Encroachments.** Elements such as the following shall be permitted to encroach into required yards.

- A. Steps and ramps provided they do not encroach to a distance less than five (5) feet from a side yard and rear lot lines, or more than five (5) feet into a required front yard. No encroachment shall be permitted in existing or required drainage and utility easements.
- B. Architectural features such as cantilevers, cornices, eaves, canopies, sunshades, gutters, chimneys and flutes.
- C. Additions to an existing nonconforming principal structures in the R-2, R-3, and RC-1 District may encroach into the required front, rear or side yard setback provided that they are no closer to the property line than the established structure, are not constructed in any easement, drainage way or adjacent property and do not endanger the public health, safety or welfare.
- D. Construction in the R-3 and RC-1 District may encroach into the front yard setback at a distance equal to the average front yard setback of the houses located on the same side of the street within the same block provided that:
  - 1. There is a minimum setback of five (5) feet from the front property line;
  - 2. Construction does not occur in any easement or drainage way; and,
  - 3. Construction does not endanger the public health, safety or welfare of the surrounding properties and/or general public.

For purposes of this provision, there must be at least two other houses within the same block in order to compute the average, otherwise the front yard setback shall be established per the regulations of Section 1230.06

## **Section 1225 – Establishment of Districts**

**1225.01 Classification of Districts.** For the purpose of this Ordinance, the following districts are hereby established:

T-A Transition/Agriculture District  
R-1 Low Density Single Family Residential District  
R-2 Medium Density Single Family Residential District  
R-3 Medium Density Mixed Residential District  
R-4 Multiple Family Residential District  
RC-1 Residential Neighborhood Commercial District  
C-2 General Commercial District  
C-3 Downtown District  
B-1 Business Industrial District  
I-1 Light Industrial District  
P-1 Parks/Open Space (*Amended by Ord. 216; 8-24-2009*)

**1225.02 Location of Districts.** The boundaries for the zones listed in this Ordinance are indicated on the Zoning Map, which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments, which shall be adopted by reference.

**1225.03 Interpretation of District Boundaries.** Where uncertainty exists with respect to the boundaries of any zoning district indicated on the Zoning Districts Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets or highways shall be construed as following the center lines of streets or highways.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City boundary lines shall be construed as following such City boundaries.
- D. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as may be indicated on the Zoning Districts Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Districts Map.
- E. Boundaries following the shoreline of a stream, lake or other body of water shall be construed to follow the ordinary high water elevation (OHWE) and in the event of change in the shoreline shall be construed as moving with the OHWE. Boundaries indicated as approximately following the center-line of streams, rivers, channels or other bodies of water shall be construed to follow such center lines.
- F. Where the application of the aforementioned rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the City Board of Adjustments after recommendation from the City Planning Commission.

**1225.04 Official Zoning Map.** The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the Zoning Administrator.

**1225.05 Annexations.** All territory which may hereafter be annexed to the City shall be considered zoned as T-A, Transition/Agriculture until otherwise classified.

## **Section 1230 – Districts**

**1230.01 Purpose of Districts.** The districts are established with the following purposes established in each district below. These districts correlate with the Comprehensive Plan land use categories.

### **1230.02 Use Regulations.**

**Subd. 1. Prohibited Uses.** It shall be unlawful to use or permit the use of any building or premises within the City of Norwood Young America for any purpose other than as listed or described below. Uses not listed or described within this Section or within any Planned Development District shall be prohibited, except as provided in Subd. 3 below. Accessory uses or structures shall not be permitted unless the property has already been occupied by a principal structure. Unless otherwise provided in this Chapter, only one principal structure per lot of record shall be permitted.

**Subd. 2. Additional Regulations.** In addition to regulations and standards contained within this Section, all uses and structures shall be subject to all regulations contained within Section 1245 through 1265 of this Ordinance, all performance criteria established in the Comprehensive Plan and shall comply with all applicable local, State and Federal laws, rules and regulations.

**Subd. 3. Determination of Use Classification.** Any landowner may request a determination of the use classification (permitted, not permitted, conditional, interim or accessory) for a use not expressly listed as permitted, conditional, interim or accessory or which involves a combination of uses. An application for a determination shall be submitted to the Community Development Director and referred to the planning commission for recommendation to the council for decision. Use determinations shall be based on substantial similarity to existing use classifications and shall not be detrimental to the integrity of the applicable District. Use determinations shall become of future-binding force and effect and be maintained on file by the city clerk.



**1230.03 T/A Transition/Agricultural District.**

**Subd. 1 Intent.** The T/A, Transition/Agricultural District, is intended to serve as the district which will allow suitable areas of the City and newly annexed land to be retained and utilized by low density residential, open space and/or agricultural uses until such time as the land on which these uses lie are ready for urban development. The specific intent of this district is:

- A. To protect such areas against development patterns that may hinder their ultimate transition to the intended urban use.
- B. To prohibit those uses and densities, which would require the premature extension of urban public facilities and services.
- C. To promote logical and orderly development in the best interest of the health, safety, and welfare of the citizens of the community.

**Subd. 2 Permitted Uses.** The following uses are permitted in the Transition/Agricultural District.

- A. Farms, excluding livestock;
- B. Nurseries and Greenhouses;
- C. Single-family detached dwellings provided that:
  - 1. No more than one dwelling is located per quarter quarter section and;
  - 2. The dwelling shall be located within the quarter quarter section on a separately owned parcel at least 2.5 acres in size.
- D. A State licensed residential facility serving six (6) or fewer persons, a State licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children;
- E. Parks, wildlife refuges or preserves, open space preservation areas, and other recreational facilities of a non-commercial nature.

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Transition/Agricultural District.

- A. Home occupations, subject to Section 1245.09
- B. Swimming pools and other recreational facilities, subject to Section 1245.06
- C. Decks, patios, gazebos and porches, subject to Section 1245.04
- D. Fences, subject to Section 1245.05
- E. Detached garages, tool houses, sheds and outbuildings for storage of domestic supplies and noncommercial recreation equipment subject to Section 1245.04;
- F. Buildings used for agricultural purposed such as grain elevators and silos.

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

- A. Farms, including livestock, at a maximum of one animal unit per acre:
 

<u>Animal</u>	<u>Animal Unit</u>	<u>Animal/Acre</u>
Horse	1.0	1.0
Cattle	1.0	1.0
Sheep, goats, or similar	0.2	5.0
Large poultry (turkeys, duck, or similar)	0.04	25.0
Small poultry and animals(chickens, rabbits, or similar)	0.02	50.0
- B. Cemeteries;
- C. Kennels;
- D. Reserved; (*Ord 298; 3-26-18*)
- E. Stables

**Subd. 5 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the T/A District, with the exception of “Lot Coverage” and “Building Height” which shall be the maximum amount allowed:

- A. Lot Area:
  - Farmstead: 40 acres
  - Single-Family: 2.5 acres (one per quarter-quarter section)
  - Stable/Kennel: 10 acres
  - All other uses: 10 acres
- B. Lot Width: 200 feet
- C. Lot Coverage: 30%
- D. Building Height: 35 feet (principal structure)  
25 feet (accessory structure\*)

\*Agriculture accessory structures may exceed maximum height requirements per Section 1220.01

E. Setbacks:

***Principal Structures:***

- Front yard: 50 feet
- Side yard: 10 feet
- Street side yard: 30 feet
- Rear yard: 50 feet

***Accessory Structures:***

- Front yard: not permitted in front yards
- Side yard: 5 feet
- Street side yard: 30 feet
- Rear yard: 5 feet
- Alley rear yard: 10 feet

**1230.04 R-1 Low Density Single Family Residential District.**

**Subd. 1 Intent.** The R-1, Low Density Single Family Residential District, is intended to provide and preserve areas within the City currently established or primarily designated for low-density residential development by the Comprehensive Plan.

**Subd. 2 Permitted Uses.** The following uses are permitted in the R-1, Low Density Single Family Residential District:

- A. Single-family dwellings;
- B. A State licensed residential facility serving six (6) or fewer persons, a State licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children;
- C. Public parks, open spaces and other recreational uses, non-commercial in nature;

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the R-1, Low-Density Single Family Residential District.

- A. Home occupations, subject to Section 1245.09
- B. Swimming pools and other recreational facilities, subject to Section 1245.06
- C. Decks, gazebos, patios and porches, subject to Section 1245.04
- D. Fences, subject to Section 1245.05
- E. Detached garages, tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreation equipment, subject to Section 1245.04

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

- A. Bed and Breakfasts
- B. Churches, schools and similar public uses.
- C. Guest Cottages

**Subd. 5 Lot Requirements and Setbacks.** The following requirements and setbacks are established as the minimum amount allowed in the R-1 District, with the exception of “Lot Coverage” and “Building Height” which shall be the maximum amount allowed:

- A. Lot Area: 10,000 square feet
- B. Lot Width: 80 feet
- C. Lot Coverage: 30%
- D. Building Height: 35 feet (principal structure)  
25 feet (accessory structure)
- E. Setbacks:
  - Principal Structures:***
    - Front yard: 30 feet
    - Side yard: 10 feet
    - Street side yard: 30 feet
    - Rear yard: 25 feet
  - Accessory Structures:***
    - Front yard: not permitted in front yards
    - Side yard: 5 feet
    - Street side yard: 30 feet
    - Rear yard: 5 feet
    - Alley rear yard: 10 feet
- F. Minimum foundation size for detached and attached single family residential units: 900 square feet.  
(Amended by Ord 265, 7-27-15).

### 1230.05 R-2 Medium Density Single Family Residential District.

**Subd. 1 Intent.** The R-2, Medium Density Single Family Residential District, is intended to provide and preserve areas within the City currently established for low-medium density residential development by the Comprehensive Plan at densities slightly higher than the R-1 District.

**Subd. 2 Permitted Uses.** The following uses are permitted in the Medium Density Single Family Residential District:

- A. Single-family dwellings;
- B. Twin Homes;
- C. A State licensed residential facility serving six (6) or fewer persons, a State licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children;
- D. Public parks, open spaces and other recreational uses, non-commercial in nature;

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Medium-Density Single Family Residential District.

- A. Home occupations, subject to Section 1245.09
- B. Swimming pools and other recreational facilities, subject to Section 1245.06
- C. Decks, gazebos, patios and porches, subject to Section 1245.04
- D. Fences, subject to Section 1245.05
- E. Detached garages, tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreation equipment, subject to Section 1245.04

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

- A. Churches, schools and similar public uses
- B. Bed and Breakfast
- C. Guest Cottages

**Subd. 5 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the R-2 District, with the exception of "Lot Coverage" and "Building Height" which shall be the maximum amount allowed:

- A. Lot Area: 8,500 square feet (single-family)  
7,000 square feet (per unit, Twin Home)
- B. Lot Width: 70 feet
- C. Lot Coverage: 30%
- D. Building Height: 35 feet (principal structure)  
25 feet (accessory structure)
- E. Setbacks:
  - Principal Structures:**
    - Front yard: 25 feet
    - Side yard: 5 feet  
0 feet (twin home common wall side lot line)
    - Street side yard: 25 feet
    - Rear yard: 20 feet
  - Accessory Structures:**
    - Front yard: not permitted in front yards
    - Side yard: 5 feet
    - Street side yard: 25 feet
    - Rear yard: 5 feet
    - Alley rear yard: 10 feet
- F. Minimum foundation size for detached and attached single family residential units: 900 square feet.  
(Amended by Ord 265, 7-27-15).

### 1230.06 R-3 Medium Density Mixed Residential

**Subd. 1 Intent.** The R-3, Medium Density Mixed Residential District, is intended to preserve the residential areas established with the City's original plat and provide for a variety of housing types to be developed at densities slightly higher than the traditional single-family dwelling as guided by the Comprehensive Plan.

**Subd. 2 Permitted Uses.** The following uses are permitted in the Medium Density Mixed Residential District:

- A. Single-family dwellings;
- B. Twin homes;
- C. Two-family dwellings;
- D. Townhomes, up to 4 units per attached group;
- E. A State licensed residential facility serving six (6) or fewer persons, a State licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children;
- G. Public parks, open spaces and other recreational uses, non-commercial in nature;

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Medium Density Mixed Residential District.

- A. Home occupations, subject to Section 1245.09

- B. Swimming pools and other recreational facilities, subject to Section 1245.06
- C. Decks, gazebos, patios and porches, subject to Section 1245.04
- D. Fences, subject to Section 1245.05
- E. Detached garages, tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreation equipment, subject to Section 1245.04

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

- A. Churches, schools and similar public uses
- B. Bed and Breakfast
- C. Guest Cottages
- D. Multi-family dwellings, up to 4 units per structure;

**Subd. 5 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the R-3 District, with the exception of "Lot Coverage" and "Building Height" which shall be the maximum amount allowed:

- A. Lot Area: 7,000 square feet (single-family detached structure)  
6,000 square feet (per unit, twin homes and two-family structures)  
3,000 square feet (per unit up to four units)
- B. Lot Width: 50 feet (single-family)  
70 feet (two-family, multi-family up to 4 units)  
30 feet (town home)
- C. Lot Coverage: 35%
- D. Building Height: 35 feet (principal structure)  
25 feet (accessory structure)
- E. Setbacks:
  - Principal Structures:***
    - Front yard\*: 20 feet  
10 feet (unenclosed porches, decks, patios)
    - Side yard: 5 feet  
0 feet (twin home and town home common wall side lot line)
    - Street side yard: 20 feet
    - Rear yard: 20 feet
  - Accessory Structures:***
    - Front yard: not permitted in front yards
    - Side yard: 5 feet
    - Street side yard: 20 feet
    - Rear yard: 5 feet
    - Alley rear yard: 10 feet

\*See additional provisions regarding front yard setbacks in Section 1220.02- Permitted Yard Encroachments

- F. Minimum foundation size for detached and attached single family residential units: 900 square feet.  
(Amended by Ord 265, 7-27-15).

#### **1230.07 R-4 Multiple Family Residential District.**

**Subd. 1 Intent.** The R-4, Multiple Family Residential District, is intended to provide for multifamily residential structures at a maximum net density of 18 dwelling units per acre on land guided for high density residential uses by the city comprehensive plan.

**Subd. 2 Permitted Uses.** The following uses are permitted in the Multiple Family Residential District:

- A. Multiple-family dwellings of 5 or more units per structure;

- B. Nursing homes, assisted living and retirement homes;
- C. Public parks, open spaces and other recreational uses, non-commercial in nature;

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Multiple Family Residential District.

- A. Home occupations, subject to Section 1245.09
- B. Swimming pools and other recreational facilities, subject to Section 1245.06
- C. Decks, gazebos, patios and porches, subject to Section 1245.04
- D. Fences, subject to Section 1245.05
- E. Detached garages, tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreation equipment, subject to Section 1245.04

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

- A. Licensed Daycare Center
- B. Manufactured Home Parks
- C. A state licensed residential facility serving from 7 through 16 persons
- D. Churches, schools and similar public uses

**Subd. 5 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the R-4 District, with the exception of "Lot Coverage" and "Building Height" which shall be the maximum amount allowed:

- A. Lot Area:
  - 2,400 square feet per unit (efficiency units)
  - 3,000 square feet per unit (1-bedroom units)
  - 3,500 square feet per unit (2-bedroom units)
  - 4,000 square feet per unit (3-bedroom units)
  - 30,000 square feet (all other uses)
  - 1. *Lot area reduction.* Up to 400 square feet may be deducted from the total required lot area for every tuck-under or underground garage proposed.
- B. Lot Width:
  - 150 feet (up to 7 multi-family units)
  - 200 feet (8+ multi-family units and all other uses)
- C. Lot Coverage: 50%
- D. Building Height: 45 feet (principal structure) (*Amended by Ord. 216; 8-24-2009*)  
25 feet (accessory structure)
- E. Setbacks:
  - Principal Structures:***
    - Front yard: 35 feet
    - Side yard: 10 feet
    - Street side yard: 35 feet
    - Rear yard: 35 feet
  - Accessory Structures:***
    - Front yard: not permitted in front yards
    - Side yard: 10 feet
    - Street side yard: 35 feet
    - Rear yard: 10 feet
    - Alley rear yard: 10 feet

### 1230.08 RC-1 Residential/Neighborhood Commercial District

**Subd. 1. Intent.** The intent of the RC-1 District is to provide certain areas of the City for the development of specialty service and commercial focusing on neighborhood related business in areas where residential dwellings predominate. The District is intended to include primarily established residential areas where

changing conditions have made certain commercial uses suitable and not incompatible with the basic residential character of the district. The district is also intended for certain residential areas which, by reason of proximity to existing commercial areas and major streets, would be suitable for limited office use. It is further the intention of this Section that the classification as RC-1 of an area will aid in the preservation and stabilization of property values. To this end, it is the intention that the conversion and alteration of existing residential structures or construction of new residential structures be compatible by means of landscaping, open space, and architectural treatment with neighboring residences and that new commercial buildings be compatible with the requirements set forth in Section 1245.02.

**Subd. 2. Permitted Uses.** The following uses are permitted in the Residential Neighborhood Commercial District

- A. Single-family dwellings;
- B. Twin homes;
- C. Two-family dwellings;
- D. Townhomes, up to 4 units per attached group;
- E. A State licensed residential facility serving six (6) or fewer persons, a State licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children;
- F. Public parks, open spaces and other recreational uses, non-commercial in nature;
- G. Professional services, such as medical/dental clinics, law offices, and accounting offices
- H. Finance, Insurance and Real Estate
- I. Personal or Business Services
- J. Retail Trade
- K. Specialty shops, such as book and stationary stores, candy stores, ice cream parlors, tobacco, coffee, gift and florist shops.
- L. Standard Restaurants
- M. Residential uses in conjunction with commercial uses permitted in this district

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Residential/Neighborhood Commercial District:

- A. Off-street parking and loading facilities, subject to Section 1250
- B. Fences, subject to Section 1245.05
- C. Lighting, subject to Section 1245.08
- D. Decks, patios and porches in conjunction with the principal use;
- E. Signs, subject to Section 1260
- F. Home occupations for residential uses
- G. Detached garages, tool houses, sheds and similar buildings for use accessory to the principal use, subject to Section 1245.04

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

*Principal Uses:*

- A. Churches, schools and similar public uses
- B. Condominiums
- C. Contractor Operations (*Amended by Ord. 216; 8-24-2009*)
- D. Licensed Daycare Facilities, other than those permitted in Subd. 2.E. above
- E. Converted residential dwellings for lodging services, such as hotels, motels and bed and breakfasts.
- F. Multifamily, up to 4-units per dwelling
- G. Custom or Limited Manufacturing, Assembly, or Treatment of Articles or Merchandise from Previously Prepared Materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool (*Amended by Ord. 303, 5-30-2018*)

*Accessory Uses:*

- A. Outdoor Dining

**Subd. 5 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the RP-1 District, with the exception of “Lot Coverage” and “Building Height” which shall be the maximum amount allowed:

- A. Lot Area: 7,000 square feet
- B. Lot Width: 50 feet
- C. Lot Coverage: 70%
- D. Building Height: 35 feet (principal structure)  
25 feet (accessory structure)

E. Setbacks\*:

*Principal Structures:*

- Front yard: 10 feet
- Side yard: 5 feet
- Street side yard: 10 feet
- Rear yard: 10 feet

*Accessory Structures:*

- Front yard: not permitted in front yards
- Side yard: 5 feet
- Street side yard: 10 feet
- Rear yard: 5 feet
- Alley rear yard: 10 feet

\*See additional provisions regarding setbacks in Section 1220.02- Permitted Yard Encroachments

- F. Minimum foundation size for detached and attached single family residential units: 900 square feet.  
(Amended by Ord 265, 7-27-15).

### 1230.09 C-2 General Commercial District

**Subd. 1 Intent.** The C-2, General Commercial District is intended to recognize development opportunity and the need for commercial establishments fronting on or with direct access to major highways, a frontage road, or a major street intersecting a highway, serving area residents as well as vehicular traffic generated from the surrounding area.

**Subd. 2 Permitted Uses.** The following uses are permitted in the General Commercial District:

- A. Banking/Financial institutions.
- B. Churches and schools
- C. Commercial recreational uses.
- D. Convenience stores, without motor fuel facilities.
- E. Daycare Centers
- F. Dwelling Units, if located above the street level in non-residential structures
- G. Funeral homes/Mortuaries
- H. Garden Centers
- I. Grocery stores.
- J. Medical, professional and commercial offices.
- K. Motels/hotels
- L. Personal Services
- M. Retail Trade
- N. Standard restaurants.

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the General Commercial District.



- A. Commercial or business buildings and structures for a use accessory to the principal use;
- B. Fences, subject to Section 1245.05;
- C. Lighting, subject to Section 1245.08;
- D. Signs, subject to Section 1260;

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

*Principal Uses:*

- A. Auto, Truck, Recreational Vehicle and Equipment Sales and Display;
- B. Automobile Service Station
- C. Convenience stores with motor fuel sales;
- D. Fast Food Restaurant
- E. Hospitals;
- F. Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospital.

*Accessory Uses:*

- A. Recreational Facilities in association with an on-sale liquor establishment or standard restaurant.
- B. Outdoor Dining;
- C. Outdoor Storage;

**Subd. 5 Interim Uses.** The following uses are permitted as an interim use, subject to the provisions of Section 1210.07:

- A. Outdoor Storage

**Subd. 6 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the C-2 District; with the exception of "Lot Coverage" which shall be the maximum amount allowed:

- A. Lot Area: 20,000 square feet
- B. Lot Width: 200 feet
- C. Lot Coverage: 80%
- D. Building Height: 35 feet (principal structure)  
25 feet (accessory structure)
- E. Setbacks:
  - Principal Structures:***
    - Front yard: 25 feet
    - Side yard: 5 feet
    - Side yard: 30 feet (if adjacent to a residential district)
    - Street side yard: 25 feet
    - Rear yard: 20 feet
    - Rear yard: 30 feet (if adjacent to a residential district)
  - Accessory Structures:***
    - Front yard: not permitted in front yards
    - Side yard: 5 feet
    - Street side yard: 25 feet
    - Rear yard: 5 feet
    - Alley rear yard: 10 feet

**Subd. 7 Architectural Standards and Guidelines.** Architectural Standards and Guidelines shall follow the provisions of Section 1245.03 of this Chapter.

**1230.10 C-3 Downtown Districts**

**Subd. 1 Intent.** The C-3, Downtown Districts, which include the original Norwood downtown, known as “Downtown Business” and the original Young America downtown, known as “Community Uptown”, is intended to serve as the specialized service, retail, employment, and public business district for the community. The specific intent of this district is:

- A. To be the focal point for specialty services and goods focusing on neighborhood service related businesses;
- B. To allow for mixed commercial and residential uses since the district offers convenient access to services.
- C. To promote pedestrian-friendly design and development and encourage gathering areas.

**Subd. 2 Permitted Uses.** The following uses are permitted in the Downtown District:

- A. General commercial office space;
- B. Professional Services, such as medical/dental clinics, law offices, and accounting offices;
- C. Finance, Insurance and Real Estate;
- D. Personal or Business Services, such as laundry, barber, shoe repair, beauty salons, photography studios and physical fitness centers less than 5,000 square feet
- E. Public facilities serving all or portions of the city, such as municipal offices, library, post office.
- F. Retail Trade, such as grocery, hardware, drug, clothing, appliance and furniture stores.
- G. Dwelling units, if located above the street level in nonresidential structures.
- H. Specialty Shops, such as book and stationary stores, candy stores, ice cream parlors, tobacco, coffee, gift and florist shops;
- I. Standard restaurants
- J. On and off-sale liquor establishments
- K. Public Parks
- L. Residential uses on the first floor of commercial structures provided:
  - 1. The residential use does not compose greater than fifty (50) percent of the ground floor area;
  - 2. A store front is retained in the front of the building adjacent to public streets;
  - 3. A separate entry is provided for the residential use;
  - 4. The residential use is not adversely impacted by the adjoining commercial use of odor or noise, or increased traffic generation;
  - 5. Off-street parking is provided for the residential use.

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Downtown Districts.

- A. Off-street parking and loading facilities, subject to Section 1250
- B. Fences, subject to Section 1245.05
- C. Lighting, subject to Section 1245.08
- D. Decks, patios and porches in conjunction with the principal use;
- E. Signs, subject to Section 1260

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

*Principal Uses:*

- A. Contractor Operations (*Amended by Ord. 216; 8-24-2009*)
- B. Lodging Services, such as hotels, motels and bed and breakfasts.
- C. Entertainment Services, such as motion picture theaters and bowling alleys
- D. Licensed Daycare Facilities
- E. Custom or limited manufacturing, assembly, or treatment of articles or merchandise from previously prepared materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool (*Amended by Ord. 261, 5-11-2015*)
- F. Auto Dealership Sales, Storage, and Display with or without ancillary minor auto repair and service, provided:

- i. Sales, display, and storage are limited to new and used passenger automobiles.
- ii. A valid dealership license is maintained.
- iii. Office space devoted to perform transactions in conjunction with the business is provided on site.
- iv. Service and repair, if provided, are clearly secondary and subordinate to the use of the property for auto dealer sales, display, and storage.
- v. Auto service and repair, if provided, shall be conducted indoors and all automobiles undergoing service or repair shall be stored off-street.
- vi. Auto repair shall not include vehicle painting or auto body work.  
*(Amended by Ord 274, 6-27-16)*

H. Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospital.

*Accessory Uses:*

- A. Outdoor Dining;
- B. Recreational Facilities;

**Subd. 5 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the C-3 District, with the exception of "Lot Coverage" and building height, which shall be the maximum amount allowed:

- A. Lot Area: no minimum established
- B. Lot Width: no minimum established
- C. Lot Coverage: no maximum established
- D. Building Height: 45 feet (principal structure) *(Amended by Ord. 216; 8-24-2009)*  
25 feet (accessory structure)

E. Setbacks:

***Principal Structures:***

- Front yard: 0 feet
- Side yard: 0 feet
- Side yard: 5 feet (if adjacent to a residential district)
- Street side yard: 0 feet
- Rear yard: 0 feet
- Rear yard: 10 feet (if adjacent to a residential district or alley)

***Accessory Structures:***

- Front yard: not permitted in front yards
- Side yard: 5 feet
- Street side yard: 0 feet
- Rear yard: 5 feet
- Alley rear yard: 10 feet

**Subd. 6 Architectural Standards and Guidelines.** Architectural standards and guidelines shall follow the provisions of Section 1245.02 of this Chapter.

### 1230.11 B-1 Business Industrial District

**Subd. 1 Intent.** The B-1, Business Industrial District is intended to provide an area identified for light industrial and large-scale office-park development.

**Subd. 2 Permitted Uses.** The following uses are permitted in the Business Industrial District:

- A. Automobile repair, major
- B. Contractor Yards
- C. Light Industrial
- D. Office Complexes
- E. Garden and landscaping services

- F. Mini-storage facilities
- G. Retail in association with a contractor yard or wholesale trade business
- H. Vocational and Technical Schools
- I. Warehouses
- J. Wholesale Trade and Showrooms

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Business Industrial District.

- A. Commercial or business buildings and structures for a use accessory to the principal use;
- B. Fences, subject to Section 1245.05;
- C. Lighting, subject to Section 1245.08;
- D. Signs, subject to Section 1260.

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

*Principle Uses:*

- A. Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospital.

*Accessory Uses:*

- A. Outdoor Auto, Truck, Recreational Vehicle and Equipment Sales and Display;
- B. Outdoor Storage;
- C. Barbed-wire Fencing

**Subd. 5 Interim Uses.** The following uses are permitted as an interim use, subject to the provisions of Section 1210.07:

- A. Outdoor Storage

**Subd. 6 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the B-1 District; with the exception of "Lot Coverage" which shall be the maximum amount allowed:

- A. Lot Area: 30,000 square feet
- B. Lot Width: 200 feet
- C. Lot Coverage: 80%
- D. Building Height: 40 feet (principal structure)  
25 feet (accessory structure)
- E. Setbacks:
  - Principal Structures:***
    - Front yard: 25 feet
    - Side yard: 5 feet
    - Side yard: 30 feet (if adjacent to a residential district)
    - Street side yard: 25 feet
    - Rear yard: 20 feet
    - Rear yard: 30 feet (if adjacent to a residential district)
  - Accessory Structures:***
    - Front yard: not permitted in front yards
    - Side yard: 5 feet
    - Street side yard: 25 feet
    - Rear yard: 5 feet
    - Alley rear yard: 10 feet

**Subd. 7 Architectural Standards and Guidelines.** Architectural standards and guidelines shall follow the provisions of Section 1245.03 of this Chapter.

## 1230.12 I-1 Light Industrial District

**Subd. 1 Intent.** The purpose of the I-1, Light Industrial District, is to create industrial areas within the City that will be acceptable and will not adversely affect adjacent business or residential neighborhoods. The overall character of the I-1 District is intended to have low-impact manufacturing/warehouse character. Industrial uses allowed within the District shall be either:

- A. Those whose operations are relatively free from objectionable influences; or
- B. Those whose objectionable features will be mitigated by design or appropriate devices.

**Subd. 2 Permitted Uses.** The following uses are permitted in the Light Industrial District:

- A. Contractor Operations;
- B. Laboratories;
- C. Light Industry;
- D. Utilities (public sewer, water);
- E. Warehousing;
- F. Wholesale Trade and Showrooms

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Low-Density Residential District.

- A. Commercial or business buildings and structures for a use accessory to the principal use.
- B. Fences, subject to Section 1245.05
- C. Lighting, subject to Section 1245.08

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

*Principal Uses:*

- A. Antennas, satellite dishes, communication and radio towers;
- B. Vocational and Technical Schools;
- C. Adult Uses

*Accessory Uses:*

- C. Freight and yard equipment;
- D. Outdoor Auto, Truck, Recreational Vehicle and Equipment Sales and Display;
- E. Outdoor Storage;
- F. Barbed-wire Fencing

**Subd. 5 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the R-4 District, with the exception of "Lot Coverage" which shall be the maximum amount allowed:

- A. Lot Area: 87,120 square feet (2 acres)
- B. Lot Width: 200 feet
- C. Lot Coverage: 80%
- D. Building Height: 40 feet (principal structure)  
25 feet (accessory structure)
- E. Setbacks:

*Principal Structures:*

- Front yard: 30 feet
- Side yard: 15 feet
- Street side yard: 30 feet
- Rear yard: 50 feet
- Rear yard: 75 feet (if adjacent to a residential district)

***Accessory Structures:***

Front yard:	not permitted in front yards
Side yard:	10 feet
Street side yard:	30 feet
Rear yard:	10 feet
Alley rear yard:	10 feet

**1230.13 P-1 Parks/Open Space**

**Subd. 1 Intent.** It is the intent of the P-1 Parks/Open Space District, to provide for recreational areas for enjoyment by the general public as well as preserve significant natural features and amenities such as lakes, rivers, marshes, steep hills, extensive woodlands and woodlands in their natural state in order to assure continuation of the existing natural drainage system, to prevent harmful soil erosion, and to maintain ecological balance to the greatest extent possible.

**Subd. 2 Permitted Uses.** The following uses are permitted in the Parks/Open Space District:

- A. Public parks, open spaces and other recreational uses, non-commercial in nature;

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Parks/Open Space District:

- A. Essential service structures including but not limited to playgrounds, gazebos, shelters, concession areas, grandstands, and athletic fields;

**Section 1235 – *Reserved***

**Section 1240 – *Overlay District***

**1240.01 Shoreland Management Overlay District**

**Subd. 1 Statutory Authorization and Policy**

- A. Statutory Authorization. This section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- B. Policy. The uncontrolled use of shorelands of the City of Norwood Young America, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Norwood Young America.

**Subd. 2 General Provisions**

- A. Jurisdiction. The provisions of this section shall apply to the shorelands of the public water bodies as classified in Subd. 4. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this section.

- B. Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this section and other applicable regulations.
- C. Enforcement. The Zoning Administrator is responsible for the administration and enforcement of this section. Any violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this section can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Chapter.
- D. Interpretation. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- E. Severability. If any part, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.
- F. Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.

### **Subd. 3 Administration**

- A. Variances.
  - 1. Requests for variances shall be made in accordance with the procedures and requirements set forth in Section 1210.04 of this Chapter.
  - 2. Variances shall only be granted when the standards and criteria set forth in Section 1210.04 of this Chapter have been met; variances shall not be granted which would circumvent the purposes and intent of this section.
  - 3. A copy of all notices of any Public Hearings scheduled to consider requests for variances from this section shall be sent to the Commissioner of the Department of Natural Resources and post marked at least ten (10) days prior to the hearing.
  - 4. A copy of the final decision granting a requested variance from this section shall be sent to the Commissioner of the Department of Natural Resources and post marked within ten (10) days of the final action.
  - 5. In considering a variance request, the Planning Commission must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- B. Notifications to the Department of Natural Resources.
  - 1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
  - 2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

### **Subd. 4 Shoreland Classification System and Land Use Districts**

- A. Shoreland Classification System. The public waters of the City of Norwood Young America have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Carver County, Minnesota.

1. The shoreland area for the waterbodies listed in Subd. 4.A.2 and Subd. 4.A.3 shall be as defined in Subsection 1200.04 of this Chapter and as shown on the Official Zoning Map.
2. Natural Environment Lakes Protected Waters Inventory I.D.#
 

Brand Lake	110P
Braunworth Lake	107P
Young America Lake	105P
Barnes Lake	109P
Tiger Lake	108P
3. Rivers and Streams-Tributary System Protected Waters Inventory I.D.#
 

Unnamed to Unnamed, from Section 14 (Basin 110—Brand Lk), Twp 115, Range 26 to Section 14, Twp 115, Range 26	10009A
--	--------

**B. Land Use District Descriptions**

1. Criteria For Designation. The subdivision, use, and development of shoreland areas must be consistent with the following goals, policies, and objectives:
  - a. General Considerations and Criteria for All Land Uses:
    - i. preservation of natural areas;
    - ii. present ownership and development of shoreland areas;
    - iii. shoreland soil types and their engineering capabilities;
    - iv. topographic characteristics;
    - v. vegetative cover;
    - vi. in-water physical characteristics, values, and constraints;
    - vii. recreational use of the surface water;
    - viii. road and service center accessibility;
    - ix. socioeconomic development needs and plans as they involve water and related land resources;
    - x. the land requirements of industry which, by its nature, requires location in shoreland areas; and
    - xi. the necessity to preserve and restore certain areas having significant historical or ecological value.
  - b. Factors and Criteria for Planned Unit Developments:
    - i. existing recreational use of the surface water and likely increases in use associated with planned unit developments;
    - ii. physical and aesthetic impacts of increased density;
    - iii. suitability of lands for the planned unit development approach;
    - iv. level of current development in the area; and
    - v. amounts and types of ownership of undeveloped lands.
2. Land Use District Descriptions. Uses permitted in shoreland areas shall be those permitted by the underlying zoning districts specified in Section 1230 of this Chapter.

**Subd. 5 Zoning and Water Supply/Sanitary Provisions**

- A. Lot Area and Width Standards. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this section for lakes and river/stream classifications are the following:

1. Unsewered Lakes
 

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800
2. Sewered Lakes



	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

3. River/Stream Lot Width Standards. There are no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for river/stream classifications are:

	Urban & Tributary	
	No sewer	Sewer
Single	100	75
Duplex	150	115
Triplex	200	150
Quad	250	190

4. Additional Special Provisions.

- a. Residential subdivisions with dwelling unit densities exceeding those in the tables in Subd. 5.A.2 and Subd. 5.A.3 can only be allowed if designed and approved as residential planned unit developments under Subd. 8. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Subd. 5.A.2 can only be used if publicly owned sewer system service is available to the property.
- b. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
  - i. each building must be set back at least 200 feet from the ordinary high water level;
  - ii. each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
  - iii. watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - iv. no more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- c. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
  - i. they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots;
  - ii. if docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- iii. they must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- iv. covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The

activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

**B. Placement, Design, and Height of Structures.**

1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

a. Structure and On-Site Sewage System Setbacks (in feet) from Ordinary High Water Level.\*

Classes of	Setbacks*		
Public Waters	Structures Unsewered	Sewage Treatment Sewered	System
Lakes Natural Environment	150	150	150
Rivers Urban, and Tributary	100	50	75

\*One water-oriented accessory structure designed in accordance with Subd. 5.B.2 may be set back a minimum distance of ten (10) feet from the ordinary high water level.

b. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback (in feet)
i. top of bluff	30
ii. unplatted cemetery	50
iii. right-of-way line of federal, state, or county highway; and	50
iv. right-of-way line of town road, public street, or other roads or streets not classified.	20

c. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

d. Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Design Criteria For Structures.

a. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

- i. for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
    - ii. for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
    - iii. water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
  - b. Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subd. 5.B.1 if this water-oriented accessory structure complies with the following provisions:
    - i. the structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
    - ii. the setback of the structure or facility from the ordinary high water level must be at least ten feet;
    - iii. the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
    - iv. the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
    - v. the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
  - c. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
    - i. stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
    - ii. landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
    - iii. canopies or roofs are not allowed on stairways, lifts, or landings;
    - iv. stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
    - v. stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
    - vi. facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
  - d. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

- e. Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
  - 3. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.
  - 4. Cantilevers. Cantilevers may be allowed at a maximum of 2 feet within the required structure setback to the OHWL. In all cases, the footings shall be located outside the required setback to the OHWL.
- C. Shoreland Alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- 1. Vegetation Alterations.
    - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subd. 4 5.D are exempt from the vegetation alteration standards that follow.
    - b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subd. 5.F.2 and Subd. 5.F.3, respectfully, is allowed subject to the following standards:
      - i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
      - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
        - (1) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
        - (2) along rivers, existing shading of water surfaces is preserved; and
        - (3) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
  - 2. Topographic Alterations/Grading and Filling.
    - a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in Subd. 5.C must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
    - b. Public roads and parking areas are regulated in Subd. 5.D
    - c. Notwithstanding Items a. and b. above, a grading and filling permit will be required for:
      - i. the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
      - ii. the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
    - d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
      - i. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:

- (1) sediment and pollutant trapping and retention;
- (2) storage of surface runoff to prevent or reduce flood damage;
- (3) fish and wildlife habitat;
- (4) recreational use;
- (5) shoreline or bank stabilization; and
- (6) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

\*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- ii. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
  - iii. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
  - iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
  - v. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
  - vi. Fill or excavated material must not be placed in a manner that creates an unstable slope;
  - vii. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
  - viii. Fill or excavated material must not be placed in bluff impact zones;
  - ix. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 103G;
  - x. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
  - xi. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- e. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

**D. Placement and Design of Roads, Driveways, and Parking Areas.**

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified engineer that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Subd. 5.C.2 must be met.

**E. Stormwater Management.** The following general and specific standards shall apply:

1. General Standards:
    - a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
    - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
    - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
  2. Specific Standards:
    - a. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
    - b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified engineer that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
    - c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- F. Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.
1. Standards for Commercial, Industrial, Public, and Semipublic Uses.
    - a. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
      - i. in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this section, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
      - ii. uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
      - iii. uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
        - (1) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
        - (2) signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
        - (3) other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
    - b. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
  2. Agriculture Use Standards

- a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- b. Animal feedlots must meet the following standards:
  - i. new feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
  - ii. modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
3. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."
4. Extractive Use Standards.
  - a. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
  - b. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
5. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.
- G. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures as specified in Section 1210.06 of this Chapter. The following additional evaluation criteria and conditions apply within shoreland areas:
  1. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
    - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
    - b. The visibility of structures and other facilities as viewed from public waters is limited;
    - c. The site is adequate for water supply and on-site sewage treatment; and
    - d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
  2. Conditions attached to conditional use permits. The City Council, upon consideration of the criteria listed above and the purposes of this section, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following:
    - a. Increased setbacks from the ordinary high water level;
    - b. limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
    - c. special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

#### H. Water Supply and Sewage Treatment

1. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
  - a. Publicly-owned sewer systems must be used where available.
  - b. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080," a copy of which is hereby adopted by reference and declared to be a part of this Section.
  - c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Subd. 5.B.1.
  - d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (i)-(iv). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation Criteria:

    - (1). Depth to the highest known or calculated ground water table or bedrock;
    - (2). soil conditions, properties, and permeability;
    - (3). slope;
    - (4). the existence of lowlands, local surface depressions, and rock outcrops;
  - e. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Subd. 6.3.

**Subd. 6 Nonconformities.** Nonconformities will be managed according to Section 1215 of this Chapter; except that the following standards will also apply in shoreland areas:

#### A. Construction on nonconforming lots of record.

1. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Subd. 5.A may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Section are met.
2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Planning Commission shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Subd. 5.A, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Subd. 5.A as much as possible.

#### B. Additions/Expansions to Nonconforming Structures.

1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subd. 5. Any deviation from these requirements must be authorized by a variance pursuant to Subd. 3.A.
2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
  - a. The structure existed on the date the structure setbacks were established;
  - b. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;



- c. the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
  - d. the deck is constructed primarily of wood, and is not roofed or screened.
- C. Nonconforming Sewage Treatment Systems.
- 1. A sewage treatment system not meeting the requirements of Subd. 5.H must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
  - 2. The governing body of the City of Norwood Young America has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The City of Norwood Young America will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed 2-years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

**Subd. 7 Subdivision/Platting Provisions.**

- A. Land suitability. Each lot created through subdivision, including planned unit developments authorized under Subd. 8, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City Council shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or the City.
- B. Consistency with other controls. Subdivisions must conform to all applicable regulations, including Chapter 11 of the City Code. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Subd. 5.B and Subd. 5.H can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subd. 5.A, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems.
- C. Information requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
  - 1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
  - 2. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
  - 3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
  - 4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

- 5. A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- D. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- E. Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
- F. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Subd. 5.A.4.C

**Subd. 8 Planned Unit Developments (PUD’s)**

- A. Intent. Developments with modification of density and design standards as set forth in Subsection 1240.01 Subd. 8 may be allowed as exceptions for Planned Unit Developments (PUD) which are proposed and approved in accordance with Subsection 1240.02 of this Chapter, and with the requirements in Subsection 1240.01, Subd. 8.
- B. Coordination with Other Zoning Regulations. P.U.D.s shall comply with general and specific P.U.D. standards as listed in Subsection 1240.02 Subd. 6-7.
- C. Application for a PUD. Notice of hearing for the required PUD sent to the Commissioner of the Department of Natural Resources as prescribed by Subsection 1240.01 Subd. 8 shall include a copy of the Preliminary PUD Plan, Plat, and other pertinent materials submitted with the application to permit review with respect to that portion of the Planned Unit Development, which is within the Shoreland Management Overlay District.
- D. Site “Suitable Area” Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Subsection 1240.01 Subd. 8.E.
  - 1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions	Unsewered (feet)	Sewered (feet)
Natural environment lakes	400	320
All river classes	300	300

- 2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
- E. Residential PUD Density Evaluation. The procedures for determining the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.
  - 1. Residential PUD “Base” Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Subsection 1240.01, Subd. 8.F.
  - 2. Density Increase Multipliers:
    - a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Subsection 1240.01, Subd. 5 are met or exceeded and the design criteria in Subsection 1240.01, Subd. 8.F are satisfied. The allowable density increases in Item 2 below will only be allowed if structure setbacks from the ordinary high

water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

- b. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential Planned Unit Developments:

Density evaluation tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

**F. Maintenance and Design Criteria**

1. Maintenance and Administration Requirements.
  - a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
  - b. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
    - i. vegetation and topographic alterations other than routine maintenance prohibited;
    - ii. construction of additional buildings or storage of vehicles and other materials prohibited; and
    - iii. uncontrolled beaching of watercraft prohibited.
  - c. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
    - i. membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
    - ii. each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
    - iii. assessments must be adjustable to accommodate changing conditions; and
    - iv. the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
2. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:
  - a. At least 50 percent of the total project area must be preserved as open space;
  - b. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
  - c. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
  - d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
  - e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
  - f. Open space may contain water-oriented accessory structures or facilities;
  - g. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
  - h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing

- developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state.
3. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
    - a. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
    - b. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area.
  4. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
    - a. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Subsections 1240.01 Subd. 5. B. and H. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
    - b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Subsection 1240.01, Subd. 8.E.2. for developments with density increases;
    - c. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
    - d. structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
    - e. accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
    - f. water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subsection 1240.01, Subd. 5.B. and are centralized.

#### **1240.02 Planned Unit Development Overlay District.**

**Subd. 1 Purpose.** The purpose of this Section is to provide for the public health, safety, and general welfare, of the community and its people by providing for flexibility in site design requirements when exceptional quality site development and/or subdivision designs result in planned developments that:

- A. Preserve environmentally significant and/or environmentally sensitive areas; and/or
- B. Provide exceptional or unique open space amenities; and/or
- C. Achieve land use, housing, Legacy Greenway, and other goals set forth in plans approved by the City Council which may from time to time be amended; and/or
- D. Incorporate creative design in the layout of buildings, open space and use of land through such site design approaches/techniques as conservation design, open space design, traditional neighborhood design, and/or low impact development.

In addition, this Section must result in planned unit developments that:

- A. Are compatible with surrounding land uses and neighborhood character; and,
- B. Conform to the goals and policies of the Comprehensive Plan, the Legacy Greenway Concept Plan, trail/sidewalk plans, transportation plans, sub-area plans; and,
- C. Support compact and orderly growth of urban development and redevelopment; and,
- D. Promote quality development; and,
- E. Provide efficiency in the layout and provision of roads, utilities, land use, and other infrastructure.

**Subd. 2 Intent.** This Section is intended to promote an efficient arrangement of land uses, design innovation and variety, improved amenities, orderly development, and compatibility with adjacent and nearby development. This Section is also intended to facilitate flexibility in the development and use of land and other resources in compliance with the City's Comprehensive Plan, the Legacy Greenway Concept Plan, and other planning instruments approved by the City. For those reasons, the PUD Overlay District provides a way to regulate the development and use of land to the same degree as do other districts, but to vary from the uniform requirements of other districts in order to respond to development requests resulting in a demonstrated public benefit and/or to employ alternative design/development techniques such as conservation design, open space design, traditional neighborhood design, and/or low impact development.

It is the intent of the City Council through the regulations of this Section that Planned Unit Developments be allowed only upon a determination by the City Council that the criteria in this Section are or will be met.

Throughout this Section, "PUD" shall mean the same as "planned unit development."

**Subd. 3 Definitions.** The following definitions shall apply to this Section 1240.04- Planned Unit Development Overlay District:

- A. *Density* shall mean the number of dwelling units (residential) based on minimum lot size of the underlying zoning district classification as a portion of the entire developable site area, or building square footage (non-residential) as a portion of the entire developable site area, based on the minimum lot size and structural coverage limits of the underlying zoning district classification.
- B. *Developable Area* shall mean "*Project Area, Net*".
- C. *Intensity* shall mean the amount of building coverage as a percentage of the lot size.
- D. *Planned Unit Development (PUD)* shall refer to a site and/or subdivision development of one or more lots, tracts, or parcels of land to be developed as a single entity. The plan for the PUD may propose density or intensity transfers, density or intensity increases, mixing of land uses, or any combination thereof. Under a PUD, the City Council may allow departure from strict conformance with lot size, bulk, type of dwelling or building, density, intensity, lot coverage, parking, required common open space, or other standards of the underlying zoning district requirements that are otherwise applicable to the area in which it is located or certain design standards such as street width and curbing contained in the Subdivision Ordinance.
- E. *Project Area, Gross* shall mean the total area proposed to be developed as a PUD.
- F. *Project Area, Net* shall mean the remaining project area after subtracting from the gross project area all stream areas, public waters, wetlands (National Wetland Inventory), preserved floodplains, steep slopes, all floodways, significant/sensitive resources included in the City of Norwood Young America

Comprehensive Plan, and other natural resource areas in which development is prohibited under the City's Zoning Ordinance or Subdivision Ordinance.

**Subd. 4 Demonstrated Public Benefit Required.** Planned Unit Developments shall demonstrate at least one of the following benefits to the public. The Applicant shall submit factual evidence to support an intended public benefit(s) will result from the planned development. The Applicant bears the burden of proving a public benefit(s) exist, the City Council shall make a determination a public benefit exists.

- A. The preservation in perpetuity of environmentally significant and/or environmentally sensitive areas including surface waters, ravines, shorelands, public water basins, wetlands (National Wetland Inventory), prime agricultural soils, hydric soil, pre-settlement vegetation, drainageways, and resources identified within the Carver County Biological Survey, the Norwood Young America Comprehensive Plan, or a Natural Resource Inventory. Preservation of such areas will require the establishment and implementation of best management practices to protect and enhance said environmentally significant and/or sensitive areas. Preservation in perpetuity may be achieved through a permanent conservation easement and/or dedication to the public. The open space may or may not be required to provide access to the public as determined by the City Council and dictated by the nature of the amenity being preserved or protected.
- B. The preservation in perpetuity or establishment and preservation in perpetuity of exceptional quality open space amenities such as those which provide: for continuity and/or connectivity of the Legacy Greenway Corridor, for the establishment or protection of scenic views/visual amenities; for the establishment or linkage of habitat areas, wildlife corridors, or drainage facilities; for linkage to existing or planned park or linear pathway facilities; and/or for preservation, protection and enhancement of significant mature stands of vegetation. An open space preservation plan and a maintenance plan shall be established and implemented. Preservation in perpetuity may be achieved through a permanent conservation easement and/or dedication to the public. The open space may or may not be required to provide access to the public as determined by the City Council and dictated by the nature of the amenity being preserved or protected.
- C. The creation of a master planned community within a development featuring a variety of housing types (i.e. single family, attached; single family, detached; and/or apartments) and/or values (i.e. affordable, market rate, luxury rate) combined with: above average open space and/or construction of a unique or scenic recreational facility (e.g. golf course, equestrian facility, artificially constructed lake [but not a required stormwater facility] and similar facilities) and/or commercial uses in transitional zoning areas such as those providing a transition from a high intensity use like commercial or industrial to a low intensity use such as single family residential.
- D. The preservation of buildings that are architecturally or historically significant or significantly contribute to the character of the City and/or retaining of scenic vistas or viewsheds that contribute to the character of the community. Such determination as 'significant' or 'contributing to the character of the City' shall be defined by a professional historian, a representative from the State Historic Preservation Office, a representative from MnDOT Cultural Resources Department, or by listing on the National Register of Historic Places.
- E. The elimination of blighted areas, deteriorated structures or incompatible uses within a previously built-up urban area through redevelopment or rehabilitation. A finding of 'blighted area' shall be made by the City Council with Federal Small Cities Development Program guidelines used as a reference. A finding of 'deteriorated structure' shall be made by the City Building Official. A finding of an incompatible use shall be made by the Community Development Director. A minimum of fifty (50) percent of the PUD must meet "blighted area" or "deteriorated structure" standards.
- F. The creation of a master planned community in conjunction with enhanced amenities such as the construction of a unique or scenic recreational facility or amenity such as a golf course, an equestrian facility, an artificially constructed lake (but not a required stormwater facility) and similar facilities. Such amenities shall be held in perpetuity. Preservation in perpetuity may be achieved through a permanent conservation easement, and/or dedication to the public, and/or other means approved by the City Council.

- G. The incorporation of low impact design/development strategies and best management practices that mimic a site’s natural hydrology by using techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source resulting in a hydrologically functional landscape.

**Subd. 5 Planned Unit Development as an Overlay District.**

- A. Planned unit developments shall be superimposed over existing zoning classifications.
- B. Allowable uses within the PUD shall be those uses allowed in the underlying zoning classification or classifications.
- C. Maximum density standards of the underlying zoning district(s) apply, except that:
  - 1. Allowable net densities may be transferred from one area of the development and/or subdivision and clustered in another area of the same development and/or subdivision meaning that lots within the PUD may vary in size but the total of lots may not exceed those allowed as calculated under this Section using the underlying zoning classification as a base.
  - 2. A density increase may be allowed provided:
    - a. A public benefit resulting in
      - i. The preservation of environmentally significant or sensitive areas (under Section 1240.02.04, Subd. 1A); or
      - ii. The preservation or establishment of exceptional quality open space amenities (under Section 1240.02.04, Subd. 1B; or,
      - iii. The creation of a master planned community (under Section 1240.02.04, Subd. 1C or Section 1240.02.04, Subd. 1F).
    - b. Is combined with a public benefit under:
      - i. The preservation of buildings that are architecturally or historically significant or scenic views (under Section 1240.02.04, Subd. 1D); or,
      - ii. The elimination of blighted areas, deteriorated structures, or incompatible uses within a previously built up urban area (under Section 1240.02.04, Subd. 1E); or,
      - iii. The incorporation of low impact design/development strategies and best management practices (under Section 1240.02.04, Subd. 1G).
    - c. Such density increases shall not be greater 133% of that allowed by the underlying zoning district(s).
  - 3. The Community Development Director shall calculate the number of units (residential portions) or square footage (non-residential portions) allowed within a PUD by calculating the net project area, and then:
    - a. For residential portion(s) of the PUD: The Community Development Director shall calculate the number of units available by dividing the net project area by the smallest lot size required by the underlying zoning district or districts that that apply to the project.
    - b. For non-residential portion(s) of the PUD: The Community Development Director shall calculate the maximum square footage of building coverage allowed based on the smallest lot size allowed by the underlying zoning district and the maximum allowable lot structural coverage.

**Subd. 6 Allowable Types of Planned Unit Development and Where Permitted**

- A. Required Conditions for each type and where permitted:

Type of PUD	Required Conditions	Standards Considered	Where Permitted
PUD, Residential	Residential development site design plan and/or plat which proposes a transfer and/or	As a result of approved density transfers or increases:	Subject to verification of a public benefit and approval of the use of

<b>Cluster</b>	<p>increase of allowable net density from one portion of the PUD to another as a means of:</p> <ul style="list-style-type: none"> <li>• Preserving environmentally significant or sensitive areas,</li> <li>• Preserving architectural or historically important existing structures under</li> <li>• Elimination of blighted areas, deteriorated structures or incompatible uses within a previously built-up urban area through redevelopment or rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>• Requirements of the underlying zoning district related to: lot area, lot size, lot coverage, lot width, and lot depth may be decreased.</li> <li>• Setbacks may be reduced as per Subd. 7.D. of this Section.</li> <li>• In addition, the width requirements for local streets and right of way required under Chapter 1130 of the City Code (Subdivision/Platting Standards Design Standards as amended) may be reduced under Subd. 7.D. of this Section.</li> <li>• In the event low impact development standards are proposed, the City may allow alternatives to traditional roll-over or high back curbing as required under Chapter 1150 of the City Code (Subdivision/Platting Standards, Required Improvements as amended).</li> </ul>	<p>PUD by the City Council, Residential Clusters are permitted in areas within the Comprehensive Plan Urban Growth Boundary, as may be amended, that coincide with the Legacy Greenway Conceptual Area provided necessary greenway continuity, establishment, and/or connectivity are provided and, that, if subdivided, is not determined to be 'premature' under Chapter 11 of the City Code.</p>
----------------	--	---	---

<b>Type of PUD</b>	<b>Required Conditions</b>	<b>Standards Considered</b>	<b>Where Permitted</b>
PUD, Open Space	Residential development site design plan and/or plat proposing a transfer and/or increase of allowable net density from one portion of the PUD to another as a means of preserving in perpetuity or establishing and preserving in perpetuity open space amenities.	<p>As a result of approved density transfers or increases:</p> <ul style="list-style-type: none"> <li>• Requirements of the underlying zoning district related to: lot area, lot size, lot coverage, lot width, and lot depth may be decreased.</li> <li>• Setbacks may be reduced as per Subd. 7.D. of this Section.</li> <li>• In addition, the width requirements for local streets and right of way required under Chapter 1130 of the City Code (Subdivision/Platting Standards Design Standards as amended) may be reduced under Subd. 7.D. of this</li> </ul>	<p>Subject to verification of a public benefit and approval of the use of PUD by the City Council, Open Space PUDs are allowed within all residential zoning classifications providing:</p> <ul style="list-style-type: none"> <li>• The entire project area is at least twenty (20) acres in size. The size limitation is intended to retain adequate useful open space and development opportunities; and,</li> <li>• The subject area is within the</li> </ul>



		<p>Section.</p> <ul style="list-style-type: none"> <li>In the event low impact development standards are proposed, the City may allow alternatives to traditional roll-over or high back curbing as required under Chapter 1150 of the City Code (Subdivision/Platting Standards, Required Improvements as amended).</li> </ul>	<p>Comprehensive Plan Urban Growth Boundary, as may be amended, that coincides with the Legacy Greenway Conceptual Area and provided said open space creates necessary greenway continuity, establishment, and/or connectivity; and,</p> <ul style="list-style-type: none"> <li>That, if subdivided, is not determined to be 'premature' under Chapter 11 of the City Code.</li> </ul>
--	--	---	--

Type of PUD	Required Conditions	Standards Considered	Where Permitted
<p>PUD, Residential Amenity</p>	<p>A primarily residential development site design plan and/or plat proposing a transfer and/or an increase of allowable net density from one portion of the PUD to another as a means of providing for a unique scenic or recreational amenity or facility.</p>	<p>As a result of approved density transfers or increases:</p> <ul style="list-style-type: none"> <li>Requirements of the underlying zoning district related to: lot area, lot size, lot coverage, lot width, and lot depth may be decreased.</li> <li>Setbacks may be reduced as per Subd. 7.D. of this Section.</li> <li>In addition, the width requirements for local streets and right of way required under Chapter 1130 of the City Code (Subdivision/Platting Standards Design Standards as amended) may be reduced under Subd. 7.D. of this Section.</li> <li>In the event low impact development standards are proposed, the City may allow alternatives to traditional roll-over or high back curbing as required under Chapter 1150 of the City Code (Subdivision/Platting</li> </ul>	<p>Subject to verification of a public benefit and approval of the use of PUD by the City Council, Residential Amenity PUDs are allowed within all residential zoning classifications providing:</p> <ul style="list-style-type: none"> <li>The entire project area is at least twenty (20) acres in size. The size limitation is intended to retain adequate useful open space and development opportunities; and,</li> <li>The subject area is within the Comprehensive Plan Urban Growth Boundary, as may be amended, with consideration given to the Legacy Greenway Conceptual Area and creation of necessary greenway continuity,</li> </ul>

		Standards, Required Improvements as amended).	establishment, and/or connectivity; and, <ul style="list-style-type: none"> <li>• That, if subdivided, is not determined to be 'premature' under Chapter 11 of the City Code.</li> </ul>
--	--	---	--

Type of PUD	Required Conditions	Standards Considered	Where Permitted
PUD, Residential Mixed Use	A primarily residential development site design plan and/or plat proposing a transfer of allowable net density from one portion of the PUD to another and/or an increase in density as a means of providing for mixed housing types and values combined with superior site amenities.	As a result of approved density transfers or increases: <ul style="list-style-type: none"> <li>• Requirements of the underlying zoning district related to: lot area, lot size, lot coverage, lot width, and lot depth may be decreased.</li> <li>• Setbacks may be reduced as per Subd. 7.D. of this Section.</li> <li>• In addition, the width requirements for local streets and right of way required under Chapter 1130 of the City Code (Subdivision/Platting Standards Design Standards as amended) may be reduced under Subd. 7.D. of this Section.</li> <li>• In the event low impact development standards are proposed, the City may allow alternatives to traditional roll-over or high back curbing as required under Chapter 1150 of the City Code (Subdivision/Platting Standards, Required Improvements as amended).</li> </ul>	Subject to verification of a public benefit and approval of the use of PUD by the City Council, Residential Mixed Use PUDs are allowed within the R-2 Medium Density Single Family Residential, the R-3 Medium Density Mixed Residential, the R-4 Multiple Family Residential, and/or the RC-1 Residential Neighborhood Commercial Districts, providing: <ul style="list-style-type: none"> <li>• The entire project area is at least twelve (12) acres in size. The size limitation is intended to retain adequate space for the creation of superior amenities and a mix of residential development; and,</li> <li>• The majority of the project area is envisioned as a transitional area from higher intensity uses such as commercial or industrial to lower intensity uses such as single family residential; and,</li> <li>• That, if subdivided, is</li> </ul>

			not determined to be 'premature' under Chapter 11 of the City Code.
--	--	--	---

Type of PUD	Required Conditions	Standards Considered	Where Permitted
<p>PUD, Traditional Neighborhood Design</p>	<p>A primarily residential development site design plan and/or plat with or without a subordinate commercial component that includes a transfer of allowable net density from one portion of the PUD to another or an increase in density as a means of creating a traditional neighborhood reminiscent of neighborhoods within the original townsite which often feature buildings forward on lots, rear or alley loading garages, front porches, front sidewalks/walks, smaller lot sizes, reduced setbacks and lots which frame streets and/or public 'greens'.</p> <p>Traditional neighborhood design concepts may include a combination of commercial and residential uses on separate parcels within one neighborhood design.</p>	<p>As a result of approved density transfers or increases:</p> <ul style="list-style-type: none"> <li>• Requirements of the underlying zoning district related to: lot area, lot size, lot coverage, lot width, and lot depth may be decreased.</li> <li>• Setbacks may be reduced as per Subd. 7.D. of this Section.</li> <li>• In addition, the width requirements for local streets and right of way required under Chapter 1130 of the City Code (Subdivision/Platting Standards Design Standards as amended) may be reduced under Subd. 7.D. of this Section.</li> </ul>	<p>Subject to verification of a public benefit and approval of the use of PUD by the City Council, Traditional Neighborhood Design PUDs are allowed within the R-2 Medium Density Single Family Residential District, the R-3 Medium Density Mixed Residential District, the R-4 Multiple Family Residential District, the RC-1 Residential Neighborhood Commercial District, the C-3 Downtown District, or any combination thereof, providing:</p> <ul style="list-style-type: none"> <li>• The development consists of separate parcels within a master planned area which is intended to eliminate blight, deteriorated structures, or incompatible uses within a previously built-up urban area through redevelopment or rehabilitation; and,</li> <li>• That, if subdivided, is not determined to be 'premature' under Chapter 11 of the City Code.</li> </ul>

Type of PUD	Required Conditions	Standards Considered	Where Permitted
<p>PUD, Non-Residential Single Use</p>	<p>A non-residential single use (commercial, industrial, or institutional) development site</p>	<p>As a result of approved density transfers:</p>	<p>Subject to verification of a public benefit and approval of the use of</p>

	<p>design plan and/or plat that includes a transfer of allowable net density from one portion of the PUD to another provided at least one public benefit is demonstrated. Density increases are not allowed.</p>	<ul style="list-style-type: none"> <li>• Requirements of the underlying zoning district related to: lot area, lot size, lot coverage, lot width, and lot depth may be decreased.</li> <li>• Setbacks may be reduced as per Subd. 7.D. of this Section.</li> <li>• In addition, the width requirements for local streets and right of way required under Chapter 1130 of the City Code (Subdivision/Platting Standards Design Standards as amended) may be reduced under Subd. 7.D. of this Section.</li> <li>• In the event low impact development standards are proposed, the City may allow alternatives to traditional roll-over or high back curbing as required under Chapter 1150 of the City Code (Subdivision/Platting Standards, Required Improvements as amended).</li> </ul>	<p>PUD by the City Council, Non-Residential Single Use PUDs are allowed within the any commercial, industrial, or public/institutional district, providing:</p> <ul style="list-style-type: none"> <li>• The entire project area consists of a commercial, an industrial, or a public/institutional use and not a combination thereof; and,</li> <li>• That, if subdivided, is not determined to be 'premature' under Chapter 11 of the City Code.</li> </ul>
--	--	---	---

- B. A PUD may be comprised of one or more of the above types, subject to compliance with allowable uses within the underlying zone(s) in which the PUD is proposed to be located, the standards contained in Subd. 6.A. above, and all other requirements of this Section.
- C. Prohibited Planned Unit Developments. Any type not identified by the City Council as reasonably similar to those expressly allowed are prohibited from qualifying for PUD overlay status and must conform to the standards of the City of Norwood Young America Zoning and Subdivision Ordinances.

**Subd. 7 General Requirements for all PUDs.**

- A. Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple owners, the approved final plan shall be binding on all owners.
- B. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize the impact of the PUD on adjacent properties and, conversely, to minimize the impact of adjacent land use and development characteristics on the PUD.
- C. Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City's Comprehensive Land Use Plan.
- D. The PUD plan shall contain provisions to assure the continued operation and maintenance of such open space, common areas, amenities, preservation areas, and service facilities to a pre-determined reasonable standard. Common areas, open space, amenities, and/or preservation areas shall be held in perpetuity through:

1. Dedication to the public, where a community-wide use is anticipated and the Council agrees to accept the dedication;
2. Landlord control, where only the use by tenants is anticipated;
3. Placement in a conservation or similar easement; or a
4. Property Owners Association, provided all of the following conditions are met:
  - a. Prior to the use or occupancy or sale or the execution of contracts for sale or rental of an individual building unit, parcel, tracts, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions shall be filed with the City.
  - b. The declaration of covenants, conditions and restrictions or equivalent documents shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
  - c. The declaration of covenants, conditions and restrictions shall provide that an owners association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
  - d. The declaration shall additionally, among other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the City incurs any expenses in enforcing its rules and regulations, with said expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its prorata share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.
  - e. Membership must be mandatory for each owner and any successive buyer.
  - f. The common area, open space, amenity, and/or preserved area restrictions must be permanent and not for a given period of years.
  - g. The Association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it.
  - h. Property owners must pay their prorata share of the cost of the Association by means of an assessment to be levied by the Association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
  - i. The Association must be able to adjust the assessment to meet changed needs.
  - j. The by-laws and rules of the Association and all covenants and restrictions to be recorded must be approved by the Council prior to the approval of the final PUD plan.
5. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.
6. To prevent the appearance of excessive structural bulk, a single structure shall not have a single exterior wall longer than forty (40) feet without an offset in the exterior wall height or depth. The employment of windows and doors may be substituted for offsets in wall height or depth if approved by the City Administrator and provided such windows/doors are designed in a manner which is substantially consistent with the windows/door styles employed in the building front (entry).
7. Building Height. Building height shall be governed by the requirements of the underlying zone district classification.
8. All permitted, permitted accessory and or conditional uses contained in the underlying zoning district shall be allowed uses in PUD overlay district. Uses not listed as permitted or conditional in

- the underlying zoning district(s) shall be prohibited unless the City Council finds the use is complimentary to the functionality of the development and the other uses found therein.
9. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required in the underlying zoning district. However, the City may reduce the number of parking spaces required provided PUD applicants submit information reasonably demonstrating a reduced need for parking facilities, including but not limited to, senior housing complex, PUD's featuring joint parking facilities, submittal of a parking study, and, proximity to and availability of bus service coupled with transit-friendly design.
  10. The streets connecting with any planned unit development must be of sufficient size and character to accommodate the traffic to be produced by the project. The streets connecting with any PUD shall not significantly alter the character of existing residential neighborhoods. Evaluation of the proposal pursuant to this section shall include consideration of:
    - a. The increase in traffic which will be generated by the development;
    - b. The present width and condition of streets to be affected;
    - c. Presence or absence of improved sidewalks;
    - d. Potential impacts upon the value of surrounding properties;
    - e. Anticipated effect upon availability of parking;
    - f. Existence of a particular conflict between vehicular and pedestrian traffic; and,
    - g. The street type designated in the comprehensive plan.
  11. The required right-of-way width for streets with a functional classification of 'local' may be reduced up to 30% provided the proposed width is adequate to accommodate pavement width and other improvements required within the right-of-way. In exchange relief in required paved portions of streets, parking may be restricted on one or both sides streets with reduced right-of-way widths. The minimum paved width available for vehicular travel shall not be less than 24 feet so as to provide adequate clearance for emergency vehicles.
  12. Utilities. In any PUD, all utilities, including telephone, electricity, gas, and telecable shall be installed underground.
  13. Setbacks.
    - a. The front, side and rear yard restrictions of the periphery of the PUD site at a minimum shall be the same as imposed in the respective districts as illustrated in the Table below.
    - b. No building shall be located less than twenty (20') feet from the front property line along streets within the PUD.
    - c. No building within a PUD shall be located less than five (5) feet from the side property line, except that:
      - i. Attached units may share lot lines.
      - ii. Structures with an underlying zoning of C-3 may share lot lines.
      - iii. Structures exceeding two (2) stories or thirty (30) feet in height, whichever is less, shall be setback an additional one-half (1/2) foot for each one (1) foot of building height.
    - d. No building within a PUD shall be located less than ten (10) feet from the rear property line.
    - e. No building within the project shall be nearer to another building than ten (10) feet.

#### **Subd. 8 Subdivision Requirements.**

- A. The approval of a subdivision shall be required of all projects which involve or contemplate the platting or replatting of land.
- B. Property currently described by metes and bounds shall be platted if contemplated for development as a PUD.
- C. The procedures and data requirements set forth in the Subdivision Ordinance shall be followed concurrently with the PUD standards. The Community Development Director may waive requirements determined to be redundant.

- D. Required data, parkland/fee in-lieu of parkland dedication, design standards and required improvements shall be the same as per a conventional subdivision and as set forth within the City's Subdivision Ordinance unless changes to design standards are permitted under this Section.
- E. Consideration of applicability of parkland dedication standards, shall take into consideration the Developer's contribution in the form of a public benefit(s) and shall be reduced accordingly.

**Subd. 9 Phased Development.**

- A. Development of a PUD may be phased, in which case each complete phase may be processed separately through both preliminary development plan review and final development plan review, subject to the following.
  - 1. The Developer shall submit a map illustrating all property owned or controlled by the Developer which is contiguous to the development site or which is within the area determined by the City to be relevant for comprehensive planning and environmental assessment purposes.
  - 2. A map with a conceptual plan of said properties' eventual development through all potential phases shall be submitted with the application for the first phase. The conceptual plan shall conform to the purposes of this chapter and shall be used by the city to review all phases of the development. All phases of the development shall conform to the conceptual plan, all conditions of approval, and applicable regulations
- B. A Master PUD and/or Subdivision Agreement shall be required for all phased projects. The Master PUD and/or Subdivision Agreement shall be in addition to Developer or Development Agreements required for individual phases.

**Subd. 10 PUD Development Process: Informational Meeting and Concept Plan Required; Preliminary and Final Plan Required.**

- A. Prior to contemplating any development, including conceiving or drafting conceptual plans, the applicant of the proposed PUD shall arrange for and attend an informational meeting with City staff. At such conference, the City Administrator shall describe City planning documents, ordinances, and policies applicable to the subject parcel(s). The primary purpose of the meeting shall be to provide the applicant with an opportunity to gain an understanding of City expectations concerning the subject parcel and the potential flexibility in design and development standards under a PUD verses conventional development. The pre-application meeting is specifically required prior to conceiving or drafting conceptual plans so as to provide guidance as to City planning documents, ordinances, and policies relating to specific parcel(s) prior to the Developer incurring substantial expense in the preparation of plans, surveys, and other data.
- B. Following the pre-application meeting but prior to submitting a preliminary plan/plat application, the Developer shall submit to the City a general concept plan. The general concept plan shall be reviewed by the Community Development Director, the Planning Commission, and the City Council. The general concept plan provides an opportunity for the applicant to submit a plan to the City showing their basic intent and the general nature of the entire development without incurring substantial cost and after being informed of City plans, ordinances, and policies relating to the subject parcel(s) at the pre-application meeting. The following elements of the proposed general concept plan represent the immediate significant elements which the City shall review and for which a decision shall be rendered regarding the suitability of a PUD for the subject parcel(s):
  - 1. Public benefit contemplated.
  - 2. Type of PUD contemplated.
  - 3. Overall maximum PUD density range.
  - 4. General location of major streets and pedestrian walkways.
  - 5. General location and extent of public and/or common open space.
  - 6. Preservation areas.

7. General location of residential and non-residential land uses with approximate intensities of development.
8. Staging and timetable of development.
9. Other special criteria for development.

C. Preliminary PUD and Final PUD Plan Required.

1. Each PUD shall require preliminary and final plan approval.
2. The preliminary development plan and the final development plan may be combined and together processed through review as a final development plan. In addition the applicant may file a concurrent rezone application in accordance with the procedures set forth in the zoning ordinance.
3. The approved final development plan shall be a binding site plan.

**Subd. 11 Preliminary PUDs- Content of Complete Application**

- A. The applicant shall file with the City a preliminary development plan (five large scale copies, one 11 X 17 reproducible copy, and one electronic copy).
- B. The data submittal requirements of the following Table entitled *"Table of Data Submittal Requirements"* for preliminary PUD Plans shall apply.
- C. Text describing conditions or features which cannot be adequately displayed on maps or drawings;
- D. A narrative stating how the proposed development complies with the goals and policies of the Comprehensive Plan;
- E. A narrative stating how the proposed plan impacts adjacent property owners;
- F. A narrative describing in factual terms the public benefit of the proposed PUD;
- G. A narrative describing proposed operation/maintenance of the development including open areas, preservation areas, stormwater features and recreational facilities resulting from the subdivision;
- H. Information normally required within the underlying zoning classification relating to site plan review.
- I. Other information required by the City.

**Subd. 12 Table of Data Submittal Requirements.**

**TABLE OF DATA SUBMITTAL REQUIREMENTS**

X = required at indicated review stage

Item Description	Preliminary PUD Plan	Preliminary Plat	Final PUD Plan	Final Plat
<b>General Information</b>				
Name, address of owner and applicant	X	X	X	X
Name, license number, address, and signature of persons involved in preparation of the plan/plat (i.e. architect, surveyor, engineer)	X	X	X	X
Title block	X	X	X	X
Key map showing location of tract with reference to surrounding area	X	X	X	X
A listing of required and proposed performance standards including lot area, width, depth, setbacks, lot coverage, and required parking.	X	X	X	X
North arrow and scale	X	X	X	X
Proof taxes are current	X	X	X	X
Appropriate certification blocks		X		X



**TABLE OF DATA SUBMITTAL REQUIREMENTS**  
 X = required at indicated review stage

Item Description	Preliminary PUD Plan	Preliminary Plat	Final PUD Plan	Final Plat
Existing and proposed legal descriptions		X		X
Acreage of tract	X	X	X	X
Location and dimensions of existing and proposed streets	X	X	X	X
Proposed lot lines and area of lots in square feet	X	X	X	X
Existing or proposed deed restrictions or covenants	X	X	X	X
Existing or proposed easements or land reserved for or dedicated to public use	X	X	X	X
Proposed development staging or timeline for development	X	X	X	X
List of required regulatory approvals or permits	X	X	X	X
Requested or obtained variances	X	X	X	X
Requested or obtained rezoning	X	X	X	X
Payment of application fee	X	X	X	X
<b>Setting &amp; Environmental Information</b>				
Property boundaries of all parcels within 200' of the subject parcel	X	X	X	X
Existing streets, water courses, flood plains, wetlands, or other environmentally sensitive areas on and within 200 feet of the subject site	X	X	X	X
Existing rights-of-way and/or easements on and within 200' of the subject site	X	X	X	X
Topographical features of the subject property	X	X	X	X
Existing and proposed contour intervals for subject property and within 200' of the subject site	X	X	X	X
Boundary, limits, nature, and extent of wooded areas, specimen trees, and other significant physical features	X	X	X	X
Existing system of drainage of subject site	X	X	X	X
Drainage area map	X	X	X	X
Drainage calculations	X	X	X	X
Percolation tests	X	X	X	X
<b>Improvements &amp; Construction Information</b>				
Proposed utility infrastructure plans, including sanitary sewer, water, and storm water management	X	X	X	X
Soil erosion and sediment control plans	X	X	X	X
Spot and finished elevations at all property corners, corners of all structures or dwellings,	X	X	X	X

**TABLE OF DATA SUBMITTAL REQUIREMENTS**

X = required at indicated review stage

Item Description	Preliminary PUD Plan	Preliminary Plat	Final PUD Plan	Final Plat
existing or proposed first floor elevations				
Construction details	X	X	X	X
Road and paving cross sections and profiles	X	X	X	X
Proposed street names	X	X	X	X
New block and lot numbers	X	X	X	X
Lighting plan and details	X	X	X	X
Landscape plan and details	X	X	X	X
Site identification signs, traffic control signs, and directional signs	X	X	X	X
Vehicular and pedestrian circulation patterns	X	X	X	X
Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions	X	X	X	X
Preliminary architectural plan and elevations			X	X

**Subd. 13 Process for Processing Preliminary PUD Plan.**

- A. Following the pre-application meeting and following review of the concept plan, the applicant shall prepare a request for approval of the preliminary plan for the planned unit development, as provided within this Section. The request shall be filed with the City on an official application form. A fee as provided for by City Council Ordinance shall accompany such application.
- B. The Community Development Director shall review the application to determine whether or not the application and required material submissions are complete. The preliminary plan shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid. If the Community Development Director determines the application is incomplete, the applicant shall be notified of all deficiencies in the application within fifteen (15) calendar days of receipt of the application. The Council shall approve or disapprove the preliminary plan within one hundred twenty (120) days following the receipt of a completed application in compliance with this Ordinance unless an extension of the review period has been approved.
- C. Upon receipt of the completed application the Community Development Director shall set a public hearing for public review of the preliminary plan by the Planning Commission. Notice of the hearing may be a legal or display advertisement and shall consist of a legal property description, description of the request, and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to the hearing. Requests affecting and located within non-planted areas of the City shall be noticed to all property owners within three hundred fifty (350) feet of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
- D. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
- E. The Community Development Director shall prepare technical reports or cause such technical reports to be created. The Community Development Director shall provide general assistance in preparing a recommendation on the action to the Planning Commission. Technical reports may include those from the City Engineer, City Planner, Building Official, City Attorney, and public or private utility departments, and others.

- F. The Community Development Director or designee shall also refer copies of the plan map to the following individuals or bodies:
1. City Engineer;
  2. City Attorney;
  3. School District;
  4. Commissioner of Transportation if the proposed planned unit development includes land abutting an established or proposed trunk highway;
  5. County Engineer if the proposed planned unit development includes land abutting a County or County State-Aid Highway;
  6. State Commissioner of Natural Resources if the proposed planned unit development adjoins a public body of water;
  7. The Watershed District Board, if applicable;
  8. Other City department heads as appropriate;
  9. Park and Recreation Commission;
  10. Planning Commission.
- G. The Park and Recreation Commission, Planning Commission, City Council, and City staff shall have the authority to request additional information from the applicant concerning the proposed planned unit development and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- H. The Planning Commission shall conduct a public hearing. The applicant or a designated representative thereof may appear before the Council at the public hearing in order to answer questions concerning the proposed request. Following the closing of the public hearing, the Planning Commission shall take one of the courses of action:
1. Approval of the preliminary plan: as presented – with findings of fact.
  2. Conditional approval of the preliminary plan: conditions for approval and findings of fact itemized.
  3. Denial of the preliminary plan, with findings of fact.
  4. The Planning Commission may, at its discretion and with the approval of the applicant, postpone action on the matter pending further information from the applicant that will help it render a recommendation to the City Council. An extension of the preliminary plan review period (i.e. total of 120 days) may be necessary.
- I. The Community Development Director shall notify the applicant of the Planning Commission's recommended action together with the findings of fact for such recommended action and what requirements, if any, will be necessary for the Planning Commission to recommend approval of the Plan. The recommended approval of the Preliminary Plan does not constitute an acceptance of the planned unit development.
- J. Following review by the Planning Commission, the request shall be scheduled for review by the City Council.
- K. City Council Action:
1. The reports and recommendations of City staff, Park and Recreation Commission and the Planning Commission shall be entered in and made part of the permanent written record of the City Council meeting.
  2. The Council shall approve or disapprove the preliminary plan within one hundred twenty (120) days following delivery of an application completed in compliance with this Ordinance unless an extension of the review period has been agreed upon by the applicant and the City.
  3. When the preliminary plan is approved, conditionally approved or denied by the City Council, the findings of fact for such action shall be recorded in the proceedings of the Council and shall be

transmitted in writing to the applicant. If the preliminary plan is approved or conditionally approved, such approval shall not constitute acceptance of the final design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Ordinance to be indicated on the final plan. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plan or final plan as it deems necessary to protect the health, safety, comfort, general welfare and convenience of the City.

L. Preliminary PUD, Criteria For Approval

1. Preliminary PUD approval shall be granted by the City only if the applicant demonstrates:
  - a. The proposed project shall not be detrimental to present and potential surrounding land use.
  - b. There is a factual and defined public benefit.
  - c. Land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible.
  - d. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project, in light of the criteria set forth in the Subdivision Ordinance and the Comprehensive Plan.
  - e. Services including potable water, sanitary sewer and storm drainage are available or can be provided by the development prior to occupancy.
  - f. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.
  - g. The project conforms with the purpose of this Section and the standards prescribed herein.
  - h. The project conforms to the Comprehensive Plan.
  - i. The project determined not to be 'premature' for development.
2. Conformance with the design standards and required improvements as set forth within the Subdivision Ordinance.

**Subd. 14 Minor/Major Changes to Approved Preliminary PUD Prior to Final PUD Approval.**

- A. Proposed minor changes to an approved PUD do not require a public hearing and shall be incorporated into the application for final PUD approval, and any notification regarding such final PUD approval shall describe the proposed minor change(s). A "minor change" means any departure from the conditions of preliminary approval which is not a "major change" and includes but is not limited to the following:
  1. Revisions to number of dwelling units in an approved residential structure not increasing density;
  2. Revisions to number of non-residential structures not increasing density approved;
  3. Revisions to heights of buildings and other structures provided they do not exceed the standard contained in the underlying zoning district;
  4. Revisions to exact location of internal roads that do not alter the PUD design concept;
  5. Revisions similar in nature to those above as determined by the City.
- B. A proposed major change to an approved preliminary PUD shall require reapplication for preliminary PUD approval and any notification regarding such preliminary PUD approval shall describe the proposed major change or changes. A major change is any departure from the conditions of preliminary PUD approval which would result in any of the following:
  1. Revisions to the approved design concept;
  2. Revisions to the approved use(s);
  3. Revisions to approved public benefit(s);
  4. An increase in residential density;

5. An increase in square footage of non-residential structures;
6. A decrease in the amount of landscaping, site perimeter buffering, and open space that has the affect of altering the approved design concept as determined by the City; or
7. An increase in traffic volumes or change in circulation patterns which impacts surrounding development that has the affect of altering the approved design concept as determined by the City.

#### **Subd. 15 Final PUDs- Contents of Complete Application**

- A. Unless otherwise approved within a Master PUD agreement, within 12 months following the approval of the preliminary PUD, the applicant shall file with the City a final PUD conforming to the approved preliminary PUD.
- B. The final PUD shall meet the data submittal requirements illustrated in the *"Table of Data Submittal Requirements"* contained in Section 1240.02.12 of this Section apply.
- C. The applicant shall submit with the final plan a current Abstract of Title or Registered Property Certificate, along with any unrecorded documents, and a Certificate of Title.
- D. When the City has agreed to install improvements in a development, the developer may be required to furnish a financial statement satisfactory to the City indicating the developer's ability to develop the plan.
- E. In the event that development standards were submitted and approved as part of the preliminary development plan, development standards shall be made binding upon all future developers of the property in a manner acceptable to the city and may be submitted in lieu of elevation and perspective drawings of project improvements.

#### **Subd. 16 Procedures for Processing a Final PUD Plan.**

- A. Once a preliminary plan has been approved by the City Council, the developer may submit a request for final plan approval. In certain cases the City may allow a final plan to be submitted concurrent with a request for preliminary plan approval.
- B. The applicant shall prepare a request for approval of the final plan for the planned unit development filed with the City on an official application form. A fee as provided for by City Council Ordinance shall accompany such application. The application shall be accompanied by one (1) reduced scale (not less than 11"x17") copy and an electronic copy of the final plan and supportive information in conformity with the requirements of this Ordinance. The final plan shall incorporate all changes, modifications and revisions required by the City, otherwise, it shall strictly conform to the approved preliminary plan.
- C. The Community Development Director shall review the application to determine whether or not the application and required material submissions are complete. The final plan shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid. If the Community Development Director determines the application is incomplete, the applicant shall be notified of all deficiencies in the application, in writing within fifteen (15) calendar days of receipt of the application. The Council shall approve or disapprove the final plan within sixty (60) days following the receipt of a completed application in compliance with this Ordinance unless an extension of the review period has been approved.
- D. Upon receipt of a final plan, copies shall be referred to the City Council, appropriate City staff and to all applicable utility companies, County and State agencies.
- E. Prior to approval of a final plan, the applicant shall have executed a Development Agreement with the City, which controls the installation of all required improvements and assures compliance with all conditions of approval unless determined unnecessary by the City Attorney. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.
- F. The City Council shall take action on a final plan not more than sixty (60) days after the final plan is filed with the City. If the final plan is not approved, the findings of fact for such action shall be recorded in the official proceedings of the City and shall be transmitted to the applicant.
- G. Required findings for final plan. The City Council shall make each of the following findings before granting final plan approval:

1. The applicant demonstrates that the final PUD substantially conforms to the approved preliminary PUD and any/all conditions for approval of the preliminary plan. For the purposes of this section, “substantially conforms” means that, as compared to the preliminary PUD, the final PUD contains no revisions in density, uses, design or development standards or in the site plan, other than the minor changes.
  2. All submission requirements have been satisfied.
  3. The plan conforms to all applicable requirements of this Section, subject only to approved rule exceptions.
- H. The applicant shall be notified by the City of the City Council’s action together with the findings of fact for such action.
- I. Final PUD, Extension of Filing Period. For good cause shown, the City, at its discretion, may grant an extension of time of one year for filing the final PUD and required accompanying papers, and may grant additional one-year extensions; provided, however, the city shall have the right to re-examine and update any conditions made to mitigate development impact.
- J. Final PUD, Failure to File, Termination.
1. In the event the final PUD or any required attendant papers are not filed within twelve (12) months following approval of a preliminary PUD. The approval of the preliminary PUD shall lapse unless extended and the approval shall be deemed null and void and without force or effect.
  2. When it is determined as part of the preliminary PUD approval that the final PUD is to be phased, the final PUD for the first phase shall be submitted within twelve (12) months of preliminary approval. The final development plan for each subsequent phase shall be submitted within the schedule established at the time of preliminary PUD approval.
  3. The time period for filing of final PUDs shall not include periods of time during which progress on the final PUD was reasonably halted or delayed due to the filing and pendency of legal actions challenging an approval granted by the city pursuant to this chapter; provided, that in all cases when more than two years have elapsed subsequent to the date of approval of a preliminary PUD the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the city prior to being granted approval of the final PUD; provided, that a change in zoning district classification enacted subsequent to approval of the final development plan shall not affect the project.

**Subd. 17 Adjustments to Final PUD Plan.**

- A. The Community Development Director is authorized to allow adjustments in accordance with Section 1240.02.17, Subdivision 2 (which immediately follows this Section) of this Ordinance. The Community Development Director shall allow only such adjustments as are consistent with guidelines established in Subdivision 2 of this section, and in no case shall an adjustment be allowed if it will increase the total amount of floor space authorized in the approved final PUD, or the number of dwelling units or density, or decrease the amount of parking or loading facilities or permit buildings to locate substantially closer to any boundary line or change substantially any point of ingress or egress to the site.
- B. For the purposes of this section, “adjustments” means any departure from the conditions of final PUD approval which complies with the following criteria:
1. The adjustment maintains the design intent, public benefit, and integrity of the original approval;
  2. The amount of landscaping, buffering, and open space shall not be reduced;
  3. The number of dwelling units in residential developments and the square footage of non-residential structures shall not increase;
  4. The adjustment shall not relocate a building, street, or other use so as to alter the design concept;
  5. The adjustment shall not reduce any required yard and/or setback;
  6. The height of buildings and other structures provided they do not exceed the standard contained in the underlying zoning district;
  7. Views from structures on-site and off-site shall not be substantially reduced;

8. Traffic volumes shall not increase and pedestrian and vehicular circulation patterns shall not substantially change;
9. Minor changes in colors, plant material and parking lot configurations may be approved;
10. The adjustment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original documents;
11. The Community Development Director determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

**Subd. 18 Financial Guarantee Required.** No final PUD shall be implemented until the applicant files an adequate financial guarantee with the City. The Financial Guarantee shall be determined to be adequate provided it is consistent with that required under the Subdivision Ordinance.

**Subd. 19 Operation and Maintenance Requirements.**

- A. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.
- B. Staging of common open space. The construction and provision of all common or public open space and/or public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the installation of improvements. The total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

**Subd. 20 Building Permits, Certificates of Occupancy.** The City shall issue building permits for buildings and structures which conform with the approved final PUD and with all other applicable City ordinances and regulations. The City shall issue a certificate of occupancy for completed buildings or structures which conform to the requirements of the approved final PUD and all other applicable city ordinances and regulations. The construction and development of all the open spaces and public and recreational facilities of each project phase must be completed or bonded before any certificate of occupancy will be issued.

**Subd. 21 Extension of Construction Timeline.** For good cause shown, the City, at its discretion, may grant one extension of time for commencement or continuation of construction subsequent to approval of the final PUD.

**Subd. 22 Termination of PUD, Failure to Commence or Continue Construction.**

- A. If the construction has not been started within five years from the date of approval of a final PUD with an associated subdivision, or two years from the date of approval of any other final PUD, or if construction has been commenced but the work has been abandoned for a period of one year or more, and if no extension of time has been granted as provided in herein, the authorization granted for the planned unit development project shall terminate and all permits and approvals issued pursuant to such authorization shall expire and be null and void.
- B. The time period of commencing or continuing construction shall not include periods of time during which commencement of construction or continuation of construction was reasonably halted or reasonably delayed due to the filing of a pendency of legal action challenging an approval granted by the City pursuant to this chapter; however, in all cases, when more than five years have elapsed subsequent to the date of approval of a final PUD with associated subdivision, or more than two years have elapsed subsequent to the date of approval of any other final PUD the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the City; provided, that a change in zoning district classification enacted subsequent to approval of the final development plan shall not affect the project.

**Subd. 23 Sale of Lots.** Lots in a platted planned unit development may be sold to separate owners according to the separate lots as shown in the plat filed and approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as to create a new lot line except as provided in the subdivision ordinance, minor subdivision standard.

**Subd. 24 Lots Subject to Final PUD.** All lots or other divisions of a subdivided planned unit development shall remain subject to compliance with the final development plan regardless of the fact of subdivision in compliance with the subdivision ordinance or lot(s)/division(s) of a subdivided PUD were subsequently conveyed.

## **Section 1245- Supplementary District Regulations**

### **1245.01 Performance Standards.**

**Subd. 1 Purpose.** Performance Criteria establish specific and quantifiable limitations on identified types of pollution and other activities, which have a high nuisance potential. The performance standards apply in all zoning districts unless specifically stated to the contrary.

**Subd. 2 Noise and Vibration.** Noises emanating from any use shall be in compliance with and regulated by the standards of the Minnesota Pollution Control Agency. Any use established or remodeled after the effective date of this Ordinance shall be so operated to prevent vibration discernible at any point beyond the lot line of the site on which such use is located. The City may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhoods. Ground vibration and noise caused by motor vehicles, trains, aircraft operations or temporary construction or demolition shall be exempt from these regulations. However, if deemed appropriate, the City may establish limits on the hours of operation of temporary construction or demolition operation to limit off-site impacts.

**Subd. 3 Smoke and Particulate Matter.** No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency at any point beyond the lot line of the site on which the use is located.

**Subd. 4 Odor.** No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency.

**Subd. 5 Sewage and Water Facilities.** All new developments shall be connected to City sewer and water facilities.

**Subd. 6 Refuse.** All waste material, debris, refuse, or garbage shall be kept in an enclosed building or property contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

**Subd. 7 Radioactivity, Electrical, Toxic or Noxious Disturbance.** No activity shall emit dangerous radioactivity at any point, or electrical disturbances adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance, nor any concentration of toxic or noxious matter across the property line which exceeds applicable regulations of the Minnesota Pollution Control Agency.

### **1245.02 Architectural Standards and Guidelines in the Residential Neighborhood Commercial and Downtown Districts.**

**Subd. 1. Purpose and Intent.** It is the intent of the City to promote and encourage high standards of creative, traditionally based, architectural design in the Residential Neighborhood Commercial and Downtown Districts. New development within the Districts shall comply with the following design standards and guidelines. The restoration, remodeling and/or expansion of existing buildings shall, to the maximum extent possible, bring exterior facades back to the appearance they had when they were originally constructed, or maintain a similar



architectural style to the original construction, or comply to the extent possible with these design standards and guidelines.

**Subd. 2. Standards and Guidelines.**

- A. *Setbacks.* Property owners shall construct new development or significant redevelopment to the property line for front facades. For corner buildings, this applies to each façade that fronts a public street.
- B. *Building width.* Buildings more than 45 feet in width are encouraged to be divided into smaller increments through the articulation of facades.
- C. *Building height.* Building height shall be at least 24 feet and shall not exceed four stories or 45 feet. Buildings less than two stories shall be designed so that the main floor frontage is visually distinct from the upper portion of the building. The addition of windows in the upper portion is encouraged.
- D. *Ground level.* The ground level of multistory structures shall be visually distinct from the upper stories. This distinction can be achieved a number of ways including an intermediate cornice line, awning, arcade or portico, change in building materials or detailing or a change in window shape or treatment. All ground-level equipment shall be screened using fencing or vegetation. Windows and doors shall comprise at least 50 percent of the length and at least 30 percent of the area of the ground-level façade facing a public street. Reflective glass is not permitted.
- E. *Roof design.* Flat or pitched roofs, or combinations of these, may be used. Pitched roofs should have a minimum roof pitch of one foot rise to four feet of run. Flat roofs shall be defined with an ornamental parapet or cornice.
- F. *Building materials.* Buildings shall be constructed of high-quality materials. The following list is allowed for primary materials:
  - 1. Brick
  - 2. Natural Stone
  - 3. Wood consisting of horizontal lap siding with a painted surface.
  - 4. Precast concrete units and concrete block, provided that surfaces are molded, serrated or treated with a textured material.
  - 5. Transparent glass

Accent materials shall not consist of more than 20 percent of the building's face, and include the following:

- 1. Metal
- 2. Glass block
- 3. Spandrel glass
- 4. Other materials as approved by the planning commission.

The following materials are prohibited:

- 1. Plain or painted concrete block
  - 2. Tip-up concrete panels
  - 3. Prefabricated steel or sheet metal panels
  - 4. Aluminum, vinyl, fiberglass, asphalt or fiberboard siding.
  - 5. Pole buildings
- G. *Building colors.* Building colors shall consist of subtle, neutral or muted colors with low reflectance. Recommended colors include browns, grays, tans, beiges, and dark or muted green, blues and reds. No more than two principal colors shall be used on a façade. Bright, white or primary colors shall be used only as accents.
  - H. *Building lighting.* Buildings shall be lit with external lighting consistent with the style, materials and details of the building.
  - I. *Vacant buildings.* Vacant buildings in the downtowns shall be kept up so that the visual appearance does not deteriorate and the building does not become hazardous. Windows shall be maintained as if the building were occupied and shall not be boarded up.

- J. *Signs.* Signs in the Residential Neighborhood Commercial and Downtown District are regulated in Section 1260. Signs should be architecturally compatible with the style, compositions, materials, colors and details of the building.

### **1245.03 Architectural Standards and Guidelines for Commercial and Business Industrial.**

**Subd. 1 Purpose and Intent.** The City of Norwood Young America recognizes that the visual character of the City is an important attribute of its quality of life. The City intends that all commercial, and business-industrial development within the City should strive towards the highest level of quality in both design and construction. The architectural standards and design guidelines have been established to guide the quality, character and compatibility of new development and redevelopment within the City.

**Subd. 2 Applicability.** The provisions of this Section shall apply to all new construction of commercial, business industrial, office/institutional and multifamily development. Within each zoning district, the standards shall be in addition to the underlying requirements. The following activities are exempt from design review unless staff determines that the project creates a significant change in the design characteristics of the development:

- A. Internal alteration to buildings that do not result in a change to the building height, roof line or footprint.
- B. Replacement or repair of existing materials
- C. The standards shall apply only to the building or site elements being developed or altered.

### **Subd. 3 Building Material and Detail.**

- A. *Exterior Wall Finish.* All exterior wall finishes on any building structure shall be constructed of the following materials or combination of materials:
  - 1. Brick
  - 2. Stone
  - 3. Glass
  - 4. Textured masonry units
  - 5. Wood, consisting of lap siding and painted
  - 6. Stucco
  - 7. Tilt up concrete panels
  - 8. Prefabricated steel or sheet metal panels or pre-engineered buildings for Permitted Industrial Uses in the B-1 District only, assuming that permitted materials listed in 1-7 above shall occupy 100% of the street-facing side(s) of the building and the lot shall be landscaped as required by the City which solely reserves the right to require additional landscaping in exchange for allowing the pre-engineered or prefabricated application. Commercial uses (retail or service occupying fifty percent or more of the site) are specifically excluded from this clause (1245.03, A, 10) as may be amended.
  - 9. Fiber cement or cement/concrete board lapsiding
  - 10. Metal subject to the following limitations:
    - a. Aluminum is prohibited in any form.
    - b. Minimum metal gauge of 24.
    - c. Concealed fasteners required.
    - d. Horizontal application is required, that is lapsiding versus vertical steel panel.
    - e. When façade of the building faces a public right of way; a minimum of twenty-seven percent (27%) of the façade must be transparent (e.g. window, door openings) and twenty-five percent (25) must be an accent material consisting of brick, stone, textured masonry units, or stucco.
    - f. Portions of facades not facing public streets are exempt from subsection (e) relating to transparency and accent material.
    - g. Metal roofing shall feature standing seams, concealed fasteners, and guards above building openings to prevent snow from accumulating in entrances.

Accent material may occupy up to 25 percent of the building's façade. These may include:

1. Metal
2. Glass Block
3. Spandrel glass
4. Similar materials as approved by the City

The following materials may not be used in any visible exterior application except when specifically permitted by the City in areas with limited public view or accent areas:

1. Unadorned plain or painted concrete block
2. Painted brick
3. Unfinished, corrugated, or galvanized metal panels.
4. Reflective glass
5. Aluminum, vinyl, fiberglass, asphalt or fiberboard siding

- B. *Color.* Colors shall be harmonious and consist of muted colors with low reflectance. Recommended colors include browns, grays, tans, beiges and dark or muted greens, blues and reds. Bright or brilliant colors and sharply contrasting colors may be used only for accent purposes.
- C. *Horizontal Articulation.* To avoid long unbroken expanses, building of more than 40 feet in width shall be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques:
1. Façade modulation- stepping back or forward or extending a portion of the façade.
  2. Vertical divisions using different textures or materials.
  3. Variation in the rooflines by alternating dormers and stepped roofs, gables or other roof elements to reinforce the modulation or articulation intervals.
- D. *Ground-level Articulation.* The ground level of any multi-story structure shall be visually distinct from the upper stories. This can be achieved through the use of one or more of the following techniques. Others that may meet the objective shall be reviewed and approved by the Planning Commission:
1. An intermediate cornice line
  2. A sign band
  3. An awning arcade or portico
  4. A change in the building materials, texture or detailing
  5. A change in window shape or treatment
- E. *Entries.* The main entrance should always face the primary street and shall be placed at grade. Main entries shall be designed with one or more of the following:
1. Canopy, portico, overhang or arch above the entrance
  2. Recesses or projections in the building façade surrounding the entrance
  3. Peaked roof or raised parapet over the door
  4. Display windows surrounding the entrance
  5. Architectural detailing such as tile work or ornamental moldings
- F. *Building Placement.* All buildings in the General Commercial District shall be located as close as possible to the front yard setback line and building entrances shall be as close as possible to abutting streets. Parking shall be to the rear or side of the building to the greatest extent possible.
- G. Pre-fabricated and/or pre-engineered buildings are prohibited in the C-2 and B-I Districts, except as provided under 1245.03, Subd. 3, A, 10. Pre-fabricated buildings are those primarily built in a factory off-site and then shipped to and assembled on site. Pre-engineered buildings are products generally designed by manufacturers according to standard design models as opposed to buildings designed by a stand-alone architect and project engineer who select/employ materials from a variety of independent sources for the specific needs of the property and building.

**Subd. 4 Loading and Refuse Areas.** Screening of service yards, refuse, and waste-removal areas, loading docks, truck parking areas, and other areas which tend to be unsightly shall be accomplished by use of walls, privacy fencing, dense planting, or any combination of these elements. Screening shall block views from public right-of-way.

**Subd. 5 Lot Frontage and Parking Location.**

- A. *Highway 212 and Highway 5 Corridor.*
  1. In any lot that abuts Highway 212 or Highway 5, directly, the lot line abutting the highway shall be considered the front lot line.
  2. In any lot that abuts either an access boulevard parallel to Highway 212 or Highway 5, the lot line abutting the boulevard shall be considered the front lot line.
  3. The majority of parking shall be located to the side or rear yards of the building.
- B. *All other non-commercial districts listed under the provisions of this section.* Parking areas should be distributed around large buildings in order to shorten the distance to the entrance and to other buildings and reduce the overall scale of the paved surface. No more than 50 percent of the parking area for the site shall be located between the front façade of the principal building and the primary abutting street.

**Subd. 6 Franchise Architecture.** Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) shall be incorporated in such a manner to comply with the design standards of this Section.

**1245.04 Accessory Structures**

**Subd. 1 Purpose.** The intent of this section is to establish the minimum regulations for accessory structures in order to protect the public health, safety and welfare; to protect use areas; to promote orderly development; to provide adequate light, air, and convenience of access to property; to provide for compatibility of different uses; to prevent overcrowding of land and undue concentration of structures.

**Subd. 2 General Provisions.**

- A. *Setbacks.* Detached accessory structures shall be located in the side or rear buildable lot area subject to meeting the setback requirements. Unenclosed Decks, Porches, and Patios are permissible in the front yard subject to meeting the setback requirements.
- B. *Aggregate Coverage Limitation.* In the R-1, R-2, R-3, R-4 and RC-1 Districts, the sum of the building area of all garages, utility buildings and other detached accessory structures shall not exceed a total of:

Lot Area (in square feet)	Maximum Total Floor Area of all Accessory Structures*	Maximum Number of Detached Accessory Structures
10500 and smaller	1,000 square feet	Two
10,501 to 21,780	1,200 square feet	Two
21,781 to 43,560	1,400 square feet	Two
43,561 and larger	1,600 square feet	Two, unless variance granted

- (1) Subject to maximum lot coverage limit contained in the underlying zoning district.
- (2) Commercial, industrial, or business buildings and structures for a use accessory to the principal use shall not exceed thirty (30) percent of the gross floor area of the principal use.
- (3) At no time shall the ground floor area of a detached residential accessory structure within an R-1, R-2, R-3, R-4, or RC-1 District exceed forty (40) percent of the combined ground floor area of the principal and accessory structure.
- (4) Notwithstanding the provisions of Section 1245.04, Subd. 2(B)(2) or Section 1245.04, Subd 2 (B)(3) of the City Code, Single-family residential properties located in the C-3 (Downtown) and C-2 (General Business) Districts shall be allowed one (1) accessory structure up to 1,000 square feet in gross floor area.
- C. *Design characteristics.* Detached accessory structures shall be constructed of material similar to the principal structure, and in character with the surrounding built environment. Design characteristics shall include, but not be limited to, the following:

1. Roof type (e.g. gabled, hipped, mansard), roof orientation, and roof pitch
  2. Eave, overhang depth, and fascia/soffit type and appearance.
  3. Exterior building material, and,
  4. Exterior color.
- D. *Minimum Roof Pitch.* The minimum accessory structure roof pitch shall be 4:12ths
- E. *Prohibited Roof Types.* Rolled roofs and mono-sloped roofs are prohibited
- F. *Prohibited Exterior Materials.* Galvanized and unpainted metal are prohibited as exterior building materials.
- G. *Exceptions.* Agricultural buildings on agricultural lots shall be exempt from this Section.
- H. *Attachment Required.* In cases where an accessory building is attached to the principal structure, it shall be made structurally part of the principal structure and shall comply in all respects with the requirements for principal structures.
- I. *Principal Structure Required.* No accessory structure or building shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- J. *Front Yard Placement Prohibited.* No accessory structure shall be place in the front yard.
- K. *Structures 120 Square Feet or Less.* Structures sized 120 square feet or less are exempt from this Section, except those standards relating to required setbacks and number of total detached structures allowed.
- L. *Accessory Structures Must Be Subordinate Structures.* Detached accessory structures shall be clearly and reasonable subordinate to the principal structure in terms of height, footprint, and total square footage.
- M. *Maximum Height.* Sidewall height for detached accessory structures may not exceed ten (10) feet. Total detached accessory structure height may not exceed eighteen (18) feet as measured from the ground level to the highest point of the roof. Where these standards conflict with other standards, the strictest rule shall apply.
- N. *Setbacks.* Setbacks established in the underlying zoning district classification shall apply as indicated for accessory structures. *(Amended by Ord. 258; 2-23-2015)*

**Subd. 3 Opt-Out of Minnesota Statutes, Section 462.3593 as may be amended from time to time.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Norwood Young America, Minnesota opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

#### 1245.05 Fences

**Subd. 1 Building Permit Required.** No fence, except temporary fencing, shall be constructed without a building permit. The application shall be accompanied by a plot plan clearly describing the type, location, and method of anchoring the fence.

**Subd. 2 Setbacks.** Boundary line fences shall be located at least one (1) foot from the property line, except as provided for in Subd. 4 and 5 of this Section. The persons, firms or corporations constructing or causing the construction of such fence shall be responsible for maintaining that part of their property between fence and property line. City staff shall require any applicant for a fence permit to establish the boundary lines of his property by a certificate of survey thereof to be made by any registered land surveyor or by showing the accurate stake markers of the surveyed lot.

**Subd. 3 Fencing Conformity.** Fencing in all districts shall conform to the following:

- A. Fences in all districts shall be maintained so that the exposed outer/inner surface shall be uniformly painted or stained in a neat and aesthetically acceptable condition.
- B. The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- C. No fence shall be permitted on a public right-of-way or boulevard area.

- D. No fence shall be erected on a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic within a sight triangle defined by measuring thirty (30) feet from intersecting streets. *(Amended by Ord. 312; 10-22-2018)*



- E. All snow-stop fencing may be used from November 1 to April 1. No permit shall be required for temporary fencing.
- F. All fencing shall be constructed straight, true, and plum
- G. Fences which are in need of repair or maintenance through type of construction or otherwise, or are otherwise dangerous to the public safety or general welfare and health are considered a public nuisance and the City may commence proceedings for the abatement thereof under Chapter 6, Nuisance Abatement of the City Ordinance. Electric fences may not be used. Material such as chicken, sheep, or hog wire fencing, barbed wire fencing, or snow fencing will not be allowed as permanent fencing, except as stated in paragraph E *(Amended by Ord. 312; 10-22-2018)* in this section.
- H. All fences shall have a gate or opening to allow access from the exterior of the lot.
- I. All fences shall be constructed of durable materials such as treated or painted wood, cedar, chain link, aluminum, wrought iron, and similar materials intended to be used for fencing in urban areas. Agricultural fences, woven wire, electric wire, plastic, and fences made of flimsy or non-traditional materials/items are prohibited. Barbed wire is prohibited in residential districts but may be allowed on the top of fences in commercial and industrial districts as provided under Subd. 5 "Fencing in Commercial, Business, and Industrial Districts". *(Amended by Ord. 312; 10-22-2018)*

#### Subd. 4 Fencing in All Residential and Agricultural Districts.

- A. *Setback and design.* A fence may be located within the rear yard and side yard to a maximum height of six (6) feet up to the point where it is parallel with the front edge of the building. Fences located in front of a dwelling shall not exceed three and one half feet in height and shall not be placed within two (2) feet of a property line. Fences may be placed in street side corner yards provided the fence is at least fifty (50) percent opaque and not more than four (4) feet in height. A clear sight triangle as defined in Section 1245.05, Subd. 3(D) is required. Fence height shall be measured from grade. *(Amended by Ord. 312; 10-22-2018)*
- B. Fences around dog kennels not exceeding one hundred (100) square feet in size, fences around garden fences will not require building permits but shall adhere to the other regulations of this subdivision.
- C. All garbage can areas in multi-family developments shall be protected by a privacy fence not less than six (6) feet in height. The privacy fence shall be constructed of wood, vinyl or similar, but shall not include chain link with slats. All gates shall have a self-closing and self-latching latch installed on the outside of the fence.

#### Subd. 5 Fencing in Commercial, Business and Industrial Districts.

- A. Business and industrial fences may be erected up to eight (8) feet in height as measured from grade. Fences in excess of eight (8) feet shall require a conditional use permit.
- B. Business and industrial fences with barbed or razor wire security arms shall be erected a minimum of six (6) feet in height as measured from grade (measured without the security arm) and shall require a Conditional Use Permit. The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public. *(Amended by Ord. 312; 10-22-2018)*
- C. Single-family residential properties located in the Civic (C), Central Business District (CBD), and Commercial/Industrial (C-I) Districts shall conform to the provisions of Subd. 3 of this Section.

#### 1245.06 Swimming Pools

**Subd. 1 Permit Required.** A permit is required for the installation of any in-ground swimming pool, or any above ground swimming pool 5,000 gallons or larger. The construction, plumbing and electrical work connected with any pool to be constructed shall be subject to inspection and shall conform to all applicable building codes of the City and State.

- A. The fee for the permit shall be based on the state chart of fees, and shall be determined by the Building Inspector.
- B. The permit shall include the following information:
  - 1. Two sets of plans drawn to scale that show in sufficient detail the following:
    - a. The proposed location and its relationship to the other principal buildings on the lot and on adjacent properties.
    - b. The size of the pool.
    - c. Fencing and other fixtures existing on the lot, such as utility location and trees.
    - d. The location, size and a statement as to the types of equipment to be used in connection with the pool including but not limited to the filter unit, pump, wiring, heating unit, fencing, and the pool itself.

#### Subd. 2 Setbacks Required.

- A. All swimming pools shall be at least 10 feet from underground or overhead utility lines, walkways, or other easements, both public and private.
- B. The filter unit, pump, heat unit, and any other noise making mechanical equipment shall be located at least 25 feet from any residential structure on adjacent property.
- C. All swimming pools shall be at least 10 feet from any side or rear lot line, and six feet from any principal building.
- D. No swimming pool, as regulated in this Section, shall be located within any front yard.
- E. Private swimming pools located on the site of multiple-family dwellings shall have no part of the water surface, any pumps, filters, or other apparatus located less than 50 feet from any lot line or easement.

#### Subd. 3 General Requirements.

- A. *Drainage.* To the extent feasible, back flush water or water from the pool drainage shall be directed onto the owner's property or onto approved public drainage ways. In no case may the water be drained into the sanitary sewer.
- B. *Fence/Guard Required.* All pools that are submerged fully or partially shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure or any combination thereof with sufficient density as to be inaccessible.
  - 1. If fences are used they shall be at least four feet high. The bottom of the fence shall not be more than four inches from the ground.
  - 2. Fences shall be of non-corrosive material. If lumber is used it shall be treated, redwood or cedar.
  - 3. Fences shall be constructed so as to not be easily climbed. All fence openings points of entry into the pool area shall be equipped with gates or doors. All gates or doors shall be equipped with self-

closing and self-latching devices placed at a sufficient height so as to be non-accessible to small children.

4. The fence or safeguard used shall be completely installed before filling the pool.
- C. *Damages.* The lot owner shall be liable for any damages to public or private property caused by the swimming pool construction.
- D. *Lighting.* Any pool lighting above the ground shall be directed toward the pool and not the adjacent property.

#### 1245.07 Mail Receptacles

**Subd. 1 Mailboxes in the Public Right-of-way.** The installation and maintenance of mailboxes or receptacles for the receiving and sending of mail by residents is permitted within the right-of-way of the public streets, subject to the standards and regulations of the United States Postal Service and such standards and regulations as may from time to time be promulgated by the City not otherwise set forth in this section. The use of street receptacles is not required. Residents may continue to use post office boxes at the local post office.

- A. The mailbox must be installed along the side of the street and in such a manner as to not interfere with or impede the normal flow of vehicle traffic.
- B. All residents wishing curbside delivery and existing rural routes within the city must apply for an Extension of Mail Service with the United States Postal Service. Mailboxes cannot be installed unless extension is approved by the United States Postal Service.
- C. It is the responsibility of each resident user to maintain the mailbox in such a manner that it functions properly according to United States Postal Service Standards.
- D. Pursuant to United States Postal Service regulations, mail delivery is not allowed to individual locations within cul-de-sacs. Mail delivery for these locations will be made only to mailboxes that are located at the entrance or exit of the cul-de-sac to be served. Mailboxes serving such cul-de-sacs shall be grouped together in a manner approved by the City and at a location determined by the United States Postal Service and the City.
- E. Mailboxes may be grouped together in a manner approved by the City and at a location determined by the United States Postal Service and the City.
- F. One additional receptacle for deliveries such as newspapers and advertisements is allowed but must be installed directly underneath the mailbox.
- G. The City may establish regulations by resolution for the use of a certain type or design of mail receptacle in order to be uniform throughout the city.
- H. The City shall not be responsible or liable for any damages to mail receptacles not in compliance with this ordinance or damages to mail receptacles from snow thrown or moved as a result of snow plowing.
- I. The City is not responsible for snow removal on or around the mail receptacles. It is the responsibility of each resident user of the mail receptacle to remove snow or other obstructions from around the mail receptacle.

#### 1245.08 Lighting

**Subd. 1 Light Distribution Plan Required.** Except for one and two family dwellings, a light distribution plan as defined herein shall be required for all new development, redevelopment and addition which exceed 20% of the floor area of the principal structure. This plan shall include the type and arrangement of proposed lighting and proposed lighting levels in foot-candles at all locations on the site including its property boundaries. *(Amended by Ord. 152, 7/28/03)*

**Subd. 2 Illumination and Glare.** Exterior lighting shall be designed and arranged to limit direct illumination and glare in any contiguous parcel of land. Reflected glare or spill light shall not exceed five tenths (0.5) foot-candle when the source of light abuts any residential or public use parcel, or one (1.0) foot-candle when the source of light abuts any commercial or industrial parcel or any public right-of-way measured at one (1) foot above the ground at the property line. The latter requirement shall not apply to properties abutting public streets having foot-candle levels above one (1). *(Amended by Ord. 152, 7/28/03)*



**Subd. 3 Hours of Operation.** The City may limit the hours of operation of outdoor lighting equipment if the City believes it is necessary to reduce the impact of light on the surrounding neighborhood. *(Amended by Ord. 152, 7/28/03)*

**Subd. 4 Height Restrictions.** Light poles or standards for exterior lighting shall not exceed a height of 35 feet, except when a luminaire is located within 100 feet of a residential property, in which case the maximum height shall be 25 feet. *(Amended by Ord. 152, 7/28/03)*

**Subd. 5 Cut-off Angle.** All luminaires shall have a cutoff angle equal to or less than 70 degrees. *(Amended by Ord. 152, 7/28/03)*

**Subd. 6 Wall Mounted Luminaries.** Wall mounted luminaries should not be used to illuminate parking lots; instead pole lights should be used in order to minimize off-site glare. The height of wall-mounted luminaries shall not exceed 18 feet above ground level at the building line. *(Amended by Ord. 152, 7/28/03)*

**Subd. 7 Flashing Light.** No light which is flashing, revolving or otherwise resembles a traffic-control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.

#### **1245.09 Home Occupations.**

**Subd 1 In General.** Home Occupations may be allowed in any district where they do not jeopardize the health, safety and general welfare of the surrounding neighborhood. All home occupations conducted in the home shall comply with the provisions of this Section. This Section shall not be construed, however, to apply to home occupations accessory to farming.

##### **Subd. 2 Purpose and Intent.**

- A. The purpose of this Section is to provide for the conducting of home occupations while protecting the health, safety, and general welfare of the surrounding neighborhood.
- B. The intent of this Section is to establish operational standards and review procedures for home occupations.

##### **Subd. 3 Scope.**

- A. All occupations conducted in a dwelling unit or on the premises of a principal residential use shall comply with the provisions of this Section, the provisions of the district in which it is located, and all other Sections of the City Code.
- B. Home occupations are defined as and limited to all of the following:
  1. Gainful occupations or professions engaged in by the occupant(s) of a dwelling;
  2. Which are carried on within a dwelling unit or structure(s) accessory thereto; and,
  3. Which are clearly incidental to the principal use of the property as a residential dwelling unit.
- C. Nothing in this Section is intended to prohibit or regulate non-commercial activities in residential neighborhoods.

##### **Subd. 4 Prohibited Home Occupations.**

- A. Home occupations involving illegal substances, illegal devices, and/or unlawful activities are prohibited.
- B. Home occupations involving sexually oriented materials and/or activities as defined by Mn. Statutes as may be amended are prohibited.
- C. Home occupations conducted in a manner which produce noise, vibration, smoke, dust, odors, heat, electrical interference, or glare detectable at or beyond the premises are prohibited.

- D. Home occupations involving materials or storage of items declared a public nuisance, as defined in Chapter Six of the City Code, as may be amended are prohibited.
- E. Home occupations with outdoor storage of items, including but not limited to, materials, products, merchandise, equipment, or parts relating to said home occupation are prohibited.
- F. Home occupations with contractor storage yards are prohibited. Contractor storage yards are defined as areas out-of-doors used for the storage of tools, equipment, building materials, sand, soil, rock, gravel, vegetation, paints, pipe, or electrical components which are used in or associated with building or construction contractor. Building or construction contractors include general contractors, excavation contractors, landscaping contractors, building contractors, plumbing contractors, electrical contractors, HVAC contractors, concrete or masonry contractor, and other specialty contractors.
- G. Home occupations generating hazardous waste or noxious matter are prohibited.

**Subd. 5 Performance Standards.**

- A. Home Occupations shall comply with all of the following Performance Standards.
  - 1. Home occupations shall be conducted in a manner which produces no indication of light, glare, noise, odor, vibration, smoke, dust, or heat detectable at or beyond the premises.
  - 2. Equipment used in conjunction with a home occupation shall not create electrical interference to surrounding properties.
  - 3. Home occupations shall comply with Chapter Six of the City Code relating to nuisances.
  - 4. Home occupations shall be clearly incidental, secondary, and subordinate to a principal residential use of the property and shall not change the residential character of the neighborhood, be incompatible with surrounding land uses, disturb surrounding residential uses, or be intrusive to surrounding dwellings.
  - 5. Home occupations shall not require internal or exterior structural modifications or alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
  - 6. Operation of a home occupation shall be limited to the residential dwelling, an attached garage, or an accessory structure.
  - 7. Home occupation walk-in traffic shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m.
  - 8. Only two other persons beyond those who customarily reside on the premises shall be employed.
  - 9. Home occupations shall not occupy or use greater than twenty-five percent (25%) of the combined footprint of structures on the subject parcel. In addition, a home occupation shall not occupy or use greater than twenty-five percent (25%) of the lot area; except that home day care providers may use greater than twenty-five percent (25%) of the lot area for play/recreation purposes.
  - 10. Signage for home occupations shall be limited to one (1) non-illuminated sign which shall not exceed four (4) square feet in area.
  - 11. Exterior storage of items related to the home occupation is prohibited unless specifically allowed elsewhere within the City Code.
  - 12. Home occupations shall not generate excessive employee, customer, or client traffic that is detrimental to the character of the surrounding properties.
  - 13. Areas used for home occupations shall meet all applicable fire and building codes.
  - 14. A home occupation shall not be established before a dwelling unit exists on the subject property.
  - 15. Home occupations shall be operated and licensed as required by applicable state and/or federal law.

**Subd. 6 Nonconforming Use.** Home occupations lawfully existing on the date of this Ordinance may continue as nonconforming uses. Expansion of a nonconforming home occupation is prohibited. Any existing occupation that is discontinued for a period of more than one (1) year, or is in violation of the Ordinance provisions under which it was initially established, shall be brought into conformity with the provisions of this Section.

**Subd. 7 Inspection.** The City of Norwood Young America hereby reserves the right to inspect the premises in which the home occupation is being conducted to insure compliance with the provisions of the Section.

Administrative standards contained in Chapter One, Section 120 of the City Code, as may be amended, shall apply. *(Amended by Ord. 262, 8/24/2015)*

### **1245.10 Energy Systems.**

**Subd 1 Findings.** The City finds accessory solar energy systems, subject to certain standards, promote the public safety, health, and welfare by:

- A. Investing in abundant, clean, and renewable energy resources, and
- B. Reducing greenhouse gas emissions, and
- C. Promoting utility cost savings, and
- D. Creating access to community-based solar energy.

**Subd 2 Purpose.** The purpose of this Subdivision is to allow for rooftop and building integrated solar energy systems as accessory uses in all zoning classifications.

**Subd. 3 Solar Energy Systems As Accessory Uses.** Rooftop and building integrated solar energy systems are allowed in all zoning classifications, subject to the following:

- A. The solar energy system meets the definitions of “Solar Energy System, Rooftop” and/or “Solar Energy System, Building Integrated” as defined in Section 1245.10, Subd. 6.
- B. A maximum of one (1) solar energy system is allowed per lot.
- C. Rooftop solar energy system components:
  - 1. Shall not exceed the maximum height allowed in the applicable zoning district.
  - 2. Shall be setback at least one (1) foot from every roof edge, peak, ridge, and valley.
- D. Solar energy system components shall be placed to limit visibility from public rights-of-way provided that minimizing visibility shall still allow the owner to reasonably capture solar energy.
- E. Solar energy system components which visually impact buildings with local historic significance or character are discouraged.
- F. Glare from solar energy systems to adjacent or nearby properties shall be minimized. In the event there is a dispute regarding glare, the City may require the owner of the solar energy system produce a glare study. The Solar Glare Hazard Analysis Tool (SGHAT) or equivalent method may be used for the glare study.
- G. Solar energy system annual power output (kWh) shall be no more than one hundred twenty (120) percent of the total energy used by the lot or parcel over the previous year. The City, at its discretion, may allow an array designed to produce more than 120% of the energy used provided an interim use permit is issued.
- H. A building permit is required.
- I. An electrical permit is required.

**Subd 4 Prohibited Solar Energy Systems.** The following solar energy systems are prohibited:

- A. Ground mounted solar energy systems.
- B. Wall mounted solar energy systems.
- C. Solar energy systems which are not accessory to the use of the property. Accessory means they are clearly subordinate and incidental to the principle use of the subject property.
- D. Utility scale solar energy systems.

**Subd 5 Solar Access Easements Allowed.** The City elects to allow solar easements to be filed consistent with Minnesota Statutes, Chapter 500.30, as may be amended from time to time. Owners of land or solar skyspace are responsible for negotiating, drafting, and executing solar easements. Solar easements shall be filed with the City and the Carver County Recorder’s Office.

**Subd 6 Definitions.** For the purpose of this Section, certain terms and words are defined as follows:

- A. Solar Easement means an easement that limits the height or location or both of permissible development on land on which the easement is placed in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to sunlight as defined in Minnesota Statutes Section 500.30, Subdivision 3 as may be amended.
- B. Solar Energy System means a device, combination of devices, or structural design feature, of which a substantial purpose is to provide for the collection, storage, use, and distribution of solar energy for electricity generation, space heating or cooling, or water heating.
- C. Solar Energy System, Building Integrated means an active solar energy system that is designed and fabricated as an integral part of a structure or structural component rather than a separate mechanical or mounted device.
- D. Solar Energy System, Ground Mounted means a solar energy system structurally mounted to the ground which is not roof mounted.
- E. Solar Energy system, Rooftop means an active solar energy system that is structurally mounted to a code-compliant roof of an existing building or structure.
- F. Solar Energy System, Wall-Mounted means an active solar energy system that is structurally mounted to a code-compliant wall of an existing building or structure.
- G. Solar Energy System, Utility Scale means a solar energy system designed solely for the purpose of producing large quantities of electricity for sale to an electric utility provider. Utility-scale systems are those exceeding limits defined under Section 1255.10, Subd. 3(G) as may be amended.

## **Section 1250 – Off-street Parking and Loading**

**1250.01 Scope.** Off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this chapter.

**1250.02 Required Site Plan.** Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this chapter.

**1250.03 Reduction and Use of Space.** Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for a similar new building or use. Off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter. Such required parking or loading space shall not be used for storage of goods or for storage vehicles that are inoperable or for sale or rent.

**1250.04 Computing Requirements.** In computing the number of parking spaces required, the following rules shall apply:

- A. Floor space shall mean the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

**1250.05 Yards.** Off-street parking and loading facilities shall be subject to the front yard, side yard and rear yard regulations for the use district in which the parking is located, except that:

- A. In any of the residence districts, parking or loading space may not be located within fifteen (15) feet of any property line.
- B. In the R-4, Multiple Family Residential District, C-2, General Commercial District, B-1, Business Industrial District or I-1, Light Industrial District, no parking or loading space shall be located within ten (10) feet of any property line nor shall any parking space be located within twenty-five (25) feet of any residence district.

- C. In the C-3, Downtown District or RC-1, Residential Neighborhood Commercial District, no parking and loading space shall be located within five (5) feet of any property line nor shall any parking space be located within ten (10) feet of any residence district.

**1250.06 Buffer Fences and Planting Screens.** Off-street parking and loading areas in, near or adjoining residence districts, except areas serving single-family dwellings, shall be screened by a buffer fence of adequate design or a planting buffer screen. Plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan and such fence or landscaping shall be installed as part of the initial construction.

**1250.07 Access.**

- A. Parking and loading space shall have adequate access from a public right-of-way.
- B. Access drives shall be so located as to minimize traffic and congestion and abnormal traffic hazards. 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 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.
- E. Residential, commercial, and industrial driveways shall be hard-surfaced with materials such as concrete, asphalt, or brick/paver, except that driveways accessed from non-hard-surfaced alleys may be non-hard-surfaced.
- F. Residential parking pads shall be setback a minimum of five (5) feet from side property lines.  
*(Amended by Ord. 267; 11-9-2015)*

**1250.08 Combined Facilities.** Combined or joint parking facilities may be provided for one (1) or more buildings or uses provided that the total number of spaces shall be determined as provided in Section 1250.12.

**1250.09 Construction and Maintenance.** In all districts, parking areas, access drives and curb and gutter shall be hard-surfaced with materials such as concrete, asphalt, or brick/paver, except that in industrial districts parking areas in side or 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. *(Amended by Ord. 267; 11-9-2015)*

**1250.10 Lighting.** Light of parking and loading spaces shall be indirect or diffused and shall not be directed upon the public right-of-way or adjacent properties.

**1250.11 Parking Lot Dimensions.**

**Table 1**

Angle of Parking	Stall Width	Stall Length	Aisle Width
45°	12.5' 15.5' handicapped	18'	16'
60°	10.5' 13.5' handicapped	18'	18'
90°	9.0' 12.0' handicapped	18'	24'

Note: All angle parking requires one-way aisles

**1250.12 Required Number of Off-street Parking Spaces.** Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, residents and employees shall be provided on the premises of each use. The following standards are minimum criteria. The city may increase the requirements beyond the minimum based upon findings that, due to proposed use and/or design, that additional parking demand is anticipated. The City may decrease the number of spaces required for uses in the C, Civic District and CBD, Central Business District. The number of required parking spaces shall comply with the following:

- A. Calculating the number of spaces shall be in accordance with the following:
  - 1. If the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.
  - 2. In churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four (24) inches of such seating shall be counted as one (1) seat for the purpose of this division.
  - 3. Except in shopping centers or where joint parking arrangements have been approved, if a structure contains two (2) or more uses, each use shall be calculated separately in determining the total off-street parking spaces required.
  - 4. For mixed use buildings, parking requirements shall be determined by the City based on the existing and potential uses of the building. In cases where future potential uses of a building will generate additional parking demand, the City may require a proof of parking plan for the difference between minimum parking requirements and anticipated future demand.
  - 5. If warranted by unique characteristics and/or documented parking demand for similar developments, the City may allow reductions in the number of parking spaces actually constructed as long as the applicant provides a proof of future parking plan. The plan must show the location for all minimum required parking spaces in conformance with applicable setback requirements. The city may require installation of the additional parking spaces wherever a need arises.
  - 6. One (1) handicapped parking stall shall be provided for each fifty (50) stalls. Handicapped parking spaces shall be in compliance with the Uniform Building Code and State Law.
  - 7. The parking requirements for uses not listed in this division may be established by the City based on the characteristics of the use and available information on parking demand for such use.
- B. Table 2 designates the minimum number of parking spaces that are required to be provided and maintained at the time any new use or structure is occupied, or any existing use or structure is enlarged or increased in capacity.
- C. For uses not specifically listed in this chapter or for joint parking facilities serving two or more different uses, the planning commission shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed below.

**Table 2**

<b>Type</b>	<b>Required Parking Spaces</b>
Assembly or exhibition hall, auditorium, theater or sports arena	One parking space for each four (4) seats, based upon design capacity.
Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sale, auto repair	One parking space for each five hundred (500) square feet of floor area
Automobile service station	Four (4) parking spaces, plus two (2) parking spaces for each service stall; such parking spaces shall be in addition to parking space required for gas pump areas
Boarding and Lodging Houses	Two (2) parking spaces for each four beds
Bowling alley	Five (5) parking spaces for each bowling lane
Car Washes (in addition to stacking space) Automatic Drive-Through Service Self-Service	Two (2) spaces per attendant Ten (10) spaces per attendant
Churches	One (1) parking space for each three (3) seats, based on the design capacity of the main seating area, plus one (1) space per classroom
Cinemas and Movie Theaters	One (1) space for every three seats
Convenience Stores	One (1) parking space per 200 square feet of floor space
Day Care Centers	One (1) stall for each six (6) children of design capacity
Dwellings:	

Single-Family and Two-Family Townhouses/Multi-Family Senior Housing	Two (2) parking spaces Two (2) parking spaces per dwelling unit Dependent upon parking study
Financial institutions	One (1) space for each two hundred fifty (250) square feet of floor space
Furniture or appliance store	One (1) space for each four hundred (400) feet of floor space
Hospitals and nursing homes	One (1) space for every two (2) beds, plus one (1) space for every two (2) employees on the largest single shift
Manufacturing or processing plant	One (1) parking space for each employee on the major shift and one (1) parking space for each motor vehicle when customarily kept on the premises
Medical and Dental clinics and animal hospitals	One (1) parking space for each one hundred fifty (150) square feet of floor area
Mortuaries	One (1) parking space for every three (3) seats
Motel or hotel	One (1) parking space for each rental room or suite, plus one (1) space for every two (2) employees
Office buildings (administrative, business or professional)	4.5 stalls per 1,000 square feet gross floor area
Public Service buildings - including municipal administrative buildings, community center, public library, post office, etc.	One (1) parking space for each five hundred (500) square feet of floor area in the principle structure, plus one (1) parking space for each four (4) seats within public assembly or meeting rooms
Recreational facilities, including country club, swimming club, racquet club, public swimming pool	20 (twenty) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure or two (2) spaces per court
Research, experimental or testing stations	One (1) parking space for each four hundred (400) square feet of gross floor area within the building, whichever is greater
Restaurant, café, nightclub, tavern or bar Without full liquor license	One space per sixty (60) square feet of gross floor area or one (1) space per two and one-half (2 ½) seats whichever is greater
With full liquor license	One space per fifty (50) square feet of gross floor area or one (1) space per two (2) seats, whichever is greater
Retail stores and service establishments	One (1) space for each two hundred (200) square feet of gross floor area
Schools: Elementary (public, private or parochial)	One parking space for each classroom plus one space for every 50 students
Junior, Senior High School and Colleges	One parking space for every classroom plus one space for every 4 students
Shopping Center: Up to 50,000 square feet	Five (5) parking spaces for every 1,000 square feet of floor space
More than 50,000 square feet	Four (4) parking spaces for every 1,000 square feet of floor space
Storage, wholesale, or warehouse establishments For each 2,000 square feet	One (1) space, or one space for every employee on the

	shift utilizing the most employees, whichever is greater.  One (1) space for each company vehicle operating from the premises
--	---

## Section 1255 – Landscaping

**1255.01 Intent.** The primary purpose of these regulations is to establish minimum standards for landscaping and ground cover to provide an aesthetic environment. These standards shall be implemented concurrently with site plan approval by the city.

**1255.02 Landscaping Area.** All areas designated to be landscaped and street boulevards that are not devoted to drives, sidewalks, patios or other such uses shall be landscaped. All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.

**1255.03 Landscape Requirements for All Uses.** Ground cover shall be established within one year of issuance of Certificate of Occupancy.

**1255.04 Landscape Requirements for New Non-Residential Uses.**

- A. Tree planting at the rate of one (1) tree per 1000 square feet of gross building area;
- B. A combination of berming, shrub and tree planting; and
- C. Berming with low ground cover (slopes shall be no greater than one foot in elevation per three horizontal feet).

**1255.05 Landscape Requirements for Expansion of Non-Residential Uses.** Tree planting of a minimum of one (1), or one (1) tree per 1000 square feet of gross expanded building area.

**1255.06 Landscape requirements for Multi-Family Residential Uses.** Townhomes, manufactured home parks and apartment dwelling structures shall require as a minimum: one (1) new tree per dwelling unit, unless otherwise approved by the City Council.

**1255.07 Size Standards.** The minimum size of planted trees shall be a minimum two and one half (2 ½) caliper inches for deciduous trees and six feet in height for coniferous trees.

**1255.08 Species.** Types of trees allowed shall be species listed on the city landscaping list.

**1255.09 Landscape Warranty.** All required landscape plants shall be alive and in satisfactory growth for a minimum of two (2) years after planting, or be replaced at the owners expense.

**1255.10. Compliance Time Frame.** All planting and sodding shall be completed, and all seeding established within one (1) year of issuance of Certificate of Occupancy. *(Amended by Ord. 180, 5/22/2006)*

## Section 1260 – Signs

**1260.01 Purpose and Intent.** The purpose of the sign ordinance is to establish regulations that govern the use, approval, construction, change, replacement, location and design of signs and related informational tools within the city. The sign ordinance is not intended to and does not restrict, limit, or control the content or message of signs. The sign ordinance has a number of specific purposes:

1. To encourage the effective use of signs as a means of communication.



2. To promote health, safety, and welfare by limiting hazardous or distracting signage.
3. To ensure and improve pedestrian and traffic safety.
4. To protect, conserve, and enhance property values.
5. To enhance the attractiveness and economic wellbeing of Norwood Young America as a place to live and conduct business.
6. To encourage creative and well-designed signs that contribute in a positive way to the city's visual environment, express local character, and help develop a distinctive pedestrian image in the city.
7. To recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.
8. To create a framework for a comprehensive and balanced system for sign regulation, to facilitate an easy and pleasant communication between people and their environment, and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and overall community appearance.
9. To encourage and, to the maximum extent feasible, require that all signs within the city be brought into compliance with the terms of the sign ordinance.

### 1260.02 Definitions

**Abandoned Sign:** A sign (including any structure whose primary function is to support such Sign) a) whose display surface remains blank for a period exceeding sixty (60) days; b) which pertains to a time, building, event or purpose that passed or ceased to apply more than sixty (60) days prior to the then applicable date; or c) that has remained for more than sixty (60) days after demolition of the building that it served.

**Address Sign:** A sign including postal identification numbers, whether written or in number form, and, optionally, the name of a building occupant.

**Awning Sign:** A Sign permanently affixed to an awning providing a shelter or cover over the approach to any building entrance or shading a window area.

**Banner:** A Temporary Sign made out of flexible paper, cloth or plastic-like material.

**Building Face:** That portion of any exterior elevation of a building or other structure extending from grade to the top of a wall and the entire width of that particular building or structure elevation.

**Canopy and Marquee:** A roof-like structure projecting over the entrance to a building.

**Commercial Speech:** speech advertising a business, profession, commodity, service, or entertainment.

**Development:** A commercial use of three or more principal structures with common characteristics, as determined by the City, or a platted residential use of twenty (20) or more lots with common characteristics, as determined by the City. Common characteristics may include shared access, similar architecture, single ownership or history or site plan review approval.

**Directional Sign:** A Sign erected on a property by the owner of such property solely for the purpose of guiding vehicular and pedestrian traffic, which does not contain any commercial speech.

**Dynamic Sign:** A Sign or portion thereof that appears to have movement or that appears to change using any method other than a person physically removing and replacing the Sign or its components. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

**Freestanding Sign:** A Sign which is placed in the ground and not affixed to any part of any structure.

**Government Sign:** A Sign which is erected or maintained by a governmental unit.

**Illuminated Sign:** A Sign or portion thereof that: 1) incorporates an artificial light source as part of the Sign including, but not limited to, a Sign with LED lights, neon lights or an interior light; or 2) a Sign that has an artificial light source directed upon it.

**Marquee Sign:** A Sign that is permanently attached to a marquee.

**Monument Sign:** Any one-sided or two-sided free-standing Sign with its entire Sign Area mounted on the ground or mounted on a base at least eighty percent (80%) as wide as the Sign Area.

**Mural:** A work of graphic art painted or applied to a wall of a building or other structure which contains no commercial speech.

**Non-Commercial Speech:** Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

**Nonconforming Sign:** A Sign lawfully existing prior to the adoption of this ordinance but does not conform to the newly enacted requirements of the ordinance.

**Off-Site Sign:** A sign, including the supporting sign structure, advertising a business, commodity, or service which is not located or performed on the premises on which the sign is located; commonly known as a "billboard."

**Portable Sign:** A sign designed to move from one location to another, not permanently attached to the ground or any other surface.

**Pylon Sign:** Any free-standing sign supported by a column-like structure, posts or poles set firmly in or below the ground surface.

**Roof Sign:** A sign erected or painted upon or above a roof or parapet of a building.

**Scoreboard:** A sign displayed at an athletic field and in conjunction with the activities occurring at the athletic field.

**Shielded Light Source:** Shall have the meaning associated with the nature of the light source, as follows: 1) For an artificial light source directing light upon a Sign, Shield Light Source shall mean a light source diffused or directed so as to eliminate glare and housed to prevent damage or danger. 2) For light source located within a Sign, Shielded Light Source shall mean a light source shielded with a translucent material of sufficient opacity to prevent the visibility of the light source. 3) For a light source designed to directly display a message (e.g. LED and neon lighting), Shielded Light Source means a light source specifically designed by its manufacturer for outdoor use.

**Sidewalk Sign:** A temporary, freestanding, Portable Sign placed at ground level, with no moving parts or flashing lights, displayed on a public or private sidewalk adjacent to and directly in front of a business.

**Sign:** Any letter, symbol, device, poster, picture, statuary, reading matter or representation in the nature of any advertisement, announcement, message, or visual communication, whether painted, pasted, printed, affixed or constructed, which is displayed outdoors for informational or communicative purposes and is visible to members of the public who are not on the premises on which it is located.

**Sign Area:** The entire area within a continuous perimeter enclosing the extreme limits of the Sign message and background. However, such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part of the Sign. The area of a Sign within a continuous perimeter shall be computed by means of the smallest circle, rectangle or triangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building façade against which it is placed.

**Special Events Sign:** A Temporary Sign displayed before or during a one-time, special, or annual event or a holiday.

**Temporary Sign:** A Sign displayed concurrent with a specific event or occurrence for a limited duration, after which the Sign is to be removed, which does not necessarily meet the structural requirements for a permanent sign.

**Wall Sign:** Any Sign which is affixed to the wall of any building or structure.

**1260.03 Jurisdiction.** No sign permit shall be issued for any lot, tenant, or development after the effective date of and which is not in substantial conformity with the provisions of these regulations. Nor shall any sign, except as hereinafter specified, be erected, substantially improved, converted, enlarged, moved, or structurally altered without conforming with the provisions of these regulations. The lawful use of a sign existing at the time of the enactment of this chapter may be continued although such use may not conform to the regulations herein. For those signs permitted before the adoption of these regulations, such signs shall be classified and governed as nonconforming structures under this Chapter.

**1260.04 Permit Required.** Except as herein exempted, no person firm or corporation shall maintain, install, erect, relocate or modify any sign in the City without first obtaining a permit therefore. The fee for the permit shall be based on the chart of fees as adopted by the City Council by Ordinance from time to time, and shall be determined by the Building Inspector.

The permit shall include two sets of plans drawn to scale that show in sufficient detail the following:

- A. The proposed and its relationship to the other principal buildings on the lot and on adjacent properties.
- B. The size and height of the sign.
- C. The elevation of the centerline of the roadway upon which the sign is oriented, when applicable.
- D. Material of the sign and supporting pole.
- E. Drawing of any landscape or other b
- F. Any other information required by the Building Inspector to accurately review the application for conformance to the code. Including but not limited to a certified land survey.

**1260.05 Registration Required.** Those signs permitted within this section, not requiring a permit which must be registered with the City, shall include the following information.

- A. Name of the person or company responsible for the sign.
- B. Address of the responsible party.
- C. Number of signs and their location(s).
- D. Dates signs will be posted.
- E. Description of the sign including the size, height and copy of any text or graphics shown on the sign.

**1260.06 Variance.** A variance may be sought from this regulation in accordance with the variance procedure outline in Section 1210.04 of this Chapter.

**1260.07 Maintenance and Continuation.** All signs shall be constructed in such manner and of such material as to be safe and substantial. The exposed backs of all signs and sign structures shall be painted a neutral color. Signs determined by the Zoning Administrator to be in a state of disrepair shall be considered a nuisance pursuant to Chapter 6 of the City Code. Any Abandoned Sign or Sign that no longer advertises or identifies a business in

operation, a service rendered, or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use and/or control of the buildings or structure upon which the sign may be found. Any sign found to be in violation of this Section shall be enforced in the same manner as described in Chapter 6, Section 610 – General Abatement Procedures.

#### **1260.08 General Provisions Applicable to All Districts.**

**Subd. 1 Prohibited Signs.** The following signs are prohibited in all districts:

- A. Signs in, upon, or projecting into any public right-of-way or easement, excepting Government Signs.
- B. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency..
- C. Any type of sign painted, attached, or in any manner affixed to trees, rocks, or similar natural surfaces.
- D. Roof Signs.
- E. Signs which interfere with the ability of vehicle operators or pedestrians to see traffic signs or signals, or which impedes the vision of traffic by vehicle operators or pedestrians.
- F. Signs that contain or are an imitation of an official traffic sign or signal or include the terms “stop”, “look”, “caution”, “danger”, “warning” or similar words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse motorists.
- G. Signs which obstruct any window, door, fire escape or opening intended to provide ingress or egress to any structure or building.
- H. Portable Signs, except for sidewalk signs expressly permitted within.
- I. Any Sign not in conformance with these regulations, other than a Non-Conforming Sign.
- J. Any other Sign not expressly permitted by the provisions of these regulations.

**Subd. 2 Illuminated Signs.** Each Illuminated Sign shall:

- A. Have a Shielded Light Source
- B. Not exceed a maximum light intensity of .5 foot-candles at each property line:
- C. Not cause beams or rays of light to be directed at any portion of the road or of such intensity or brilliance as to cause glare or impair vision of a driver of any motor vehicle; and
- D. Be equipped with (i) an automatic dimmer control to produce the illumination change required by Section 1260.08, Subd. 2.A.2 above and (ii) a means to immediately turn off the display or lighting if the Illuminated Sign malfunctions.

**Subd. 3 Address Signs.** To aid emergency personnel, postal delivery, and the navigation of traffic, one address sign shall be required per residential and commercial building in all districts. No permits or registration is required.

**Subd. 4 Scoreboards.** One scoreboard up to 450 square feet per playing field, located in a public or private park, shall be permitted.

**Subd. 5. Temporary Signs.** The following regulations apply to Temporary Signs within the City. If they are not removed by the date specified, the signs may be taken down by the City and the cost of removal charged to the sign’s owner or registrant.

- A. *Signs Containing Non-Commercial Speech.* Subject to Minnesota Statute Section 211B.045, as it may be amended from time to time, and notwithstanding the other provisions contained in this Section 1260, Signs containing Non-Commercial Speech may be posted beginning forty six (46) days before a primary election in a general election year until ten (10) days following the general election. No permit or registration is required for this type of sign.
- B. *Banners.* Banners may be displayed for one-time or special events for up to forty-five (45) days. Banners may be up to forty (40) square feet in area. They must be registered with the City under the guidelines established in this chapter and removed within five (5) business days of the closing date listed on the registration permit.

- C. *Grand Openings.* Air inflated devices, Banners exceeding forty (40) square feet in area, non-mechanical whirling devices, spotlights, or any sign resembling the same may be permitted for a period of one (1) week in conjunction with a grand opening, meaning the initial commencement of a business. Such signs are prohibited at all other times.
- D. *Special Events.* Special Event Signs may be permitted with the following conditions:
  - 1. Non-Residential property: Special Event Signs may be erected and maintained on non-residential property for a period not to exceed thirty (30) days prior to the date of the event and shall be removed within five (5) business days following the event.
  - 2. Residential property: Special Event Signs, not exceeding four (4) square feet, may be erected on residential property for a period not to exceed five (5) days and shall be removed within one (1) day following the event.
- E. *Property for Sale or Lease.* A sign may be placed upon property in and District while it is for sale or for lease. Only one (1) sign shall be permitted per street frontage with the following conditions:
  - 1. Each such Sign shall be removed within seven (7) days following the date of leasing or sale.
  - 2. The maximum Sign Area for each such Sign is as follows:
    - a. R-1, R-2, R-3, T-A Districts- nine (9) square feet
    - b. R-4, RC-1 Districts- eighteen (18) square feet
    - c. Commercial and Industrial Districts- thirty-two (32) square feet
  - 3. No such Sign shall exceed eight (8) feet in height.
  - 4. Subdivision developments which have more than two sites remaining available may place one sign at each entry point. Such signs shall not be greater than thirty two (32) square feet and not to exceed eight (8) feet in height.
- F. *Construction.* One sign may be installed at a construction site in any district for the period of the construction subject to the following conditions:
  - 1. The Sign must be registered with the City under the guidelines established in this chapter.
  - 2. The Sign shall be removed within five (5) days of the closing listed on the registration permit or end of construction period, whichever is sooner.
  - 3. No such Sign shall exceed twenty-four (24) square feet or eight (8) feet in height.

**Subd. 6 Off-Site Signs.** Off-Site signs are not allowed in any district, except that on Off-Site sign lawfully existing prior to January 23, 2017 shall be considered a Nonconforming Sign, subject to Section 1215 of the Zoning Code.

**Subd. 7 Dynamic Signs.** Dynamic Signs may be permitted with the following conditions:

- A. Dynamic displays are permitted as follows:
  - 1. R-1, R-2, R-3 and R-4 Districts: only on monument signs for conditionally permitted uses. Dynamic displays may occupy no more than 35 percent of the Monument Sign Area.
  - 2. C-2 District: on monument and pylon signs for any permitted or conditionally permitted use, occupying up to 35 percent of the Sign Area, and on permitted Off-site Signs, occupying up to 100 percent of the Sign Area.
  - 3. C-3 District: on monument and wall signs for any permitted or conditionally permitted uses, occupying up to 35 percent of the Sign area.
  - 4. B-1 and I-1 Districts: only on monument and pylon signs for any permitted or conditionally permitted use, occupying up to 35 percent of the Sign Area, and on permitted Off-Site Signs, occupying up to 100 percent of the Sign Area.
- B. Dynamic displays may not change or move more often than the following, except one for which changes are necessary to correct hour-and minute, date, or temperature information:

Speed Limit	Maximum number of changes
25-34	Once every two (2) minutes
35-54	Once every five (5) minutes
55 and over	Once every ten (10) minutes

- C. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display.
- D. A display of time, date, or temperature must remain for at least the minimal allowable display time for the district in which it is located before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three (3) seconds.
- E. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.
- G. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- H. Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour and 15 inches on a road with a speed limit of 55 miles per hour or more.
- I. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this ordinance.
- J. Dynamic displays must comply with the brightness standards contained in Section 1260.08, Subd. 2.

**Subd. 8. Interior Building Signs.** Unless specifically named in this ordinance, signs which are located on the interior of a building shall be exempt from the provisions of this ordinance.

**1260.09 District Regulations.** Signs herein designated shall be permitted in each specified District and shall conform as to size, location, and character according to the requirements herein set forth.

**Subd. 1 Residential District (R-1, R-2 and R-3) Regulations.** The following signs are permitted within the residential districts.

- A. Address Sign: One sign not to exceed two (2) square feet in area for each dwelling unit.
- B. Monument Signs: One Monument Sign per street frontage, not to exceed two (2) Monument Signs, shall be permitted for each lot and development entrance located on a collector or arterial roadway. Such sign shall not exceed forty-eight (48) square feet in area and shall not exceed twelve (12) feet in width and six (6) feet in height. No Sign shall be placed closer than five (5) feet to any public right-of-way.
- C. Directional Signs: Directional Signs for non-single-family uses are allowed up to three (3) per lot. The Sign Area of each such Sign shall not exceed four (4) square feet or four (4) feet in height.

**Subd. 2 Multiple Family Residential District (R-4) Regulations.** The following signs are permitted within the Multiple Family Residential District:

- A. Address Sign: One sign not to exceed four (4) square feet in area for each building.
- B. Monument and Wall Signs: Each lot and development entrance located on a collector or arterial roadway shall be permitted one Monument Sign per street frontage, not to exceed two (2) Monument Signs. Each lot located on a local roadway shall be permitted one Monument Sign. Such Sign shall not exceed forty-eight (48) square feet in area and shall not exceed twelve (12) feet in width and six (6) feet in height. No Sign shall be placed closer than five (5) feet to any public right-of-way. In addition to any Monument Sign, one Wall Sign shall be permitted on each Building Face, not to exceed two Wall Signs per Building. The Sign Area of each such Wall Sign shall not exceed 5% of the Building Face on which it is located.
- C. Directional Signs: Directional Signs are allowed up to three (3) per lot. The Sign Area of each such Sign shall not exceed four (4) square feet or four (4) feet in height.

**Subd. 3 Downtown Districts (C-3) Regulations.** The following signs are permitted within the Downtown Districts.

- A. Address Sign: One sign not to exceed four (4) square feet in area for each building.

- B. Monument Signs: Where a building does not cover the full area of the property, one Monument Sign is allowed per lot. The Sign Area of any such Monument Sign shall not exceed thirty-two (32) square feet and shall not exceed ten (10) feet in width or six (6) feet in height.
- C. Wall Signs: One Wall Sign shall be permitted per Building Face, not to exceed three Wall Signs per building. For multi-tenant buildings, one Wall Sign per tenant is allowed provided that the Building Face coverage limitation set forth below is met. *(Amended by Ord 311, 10-22-18)*
  - 1. A maximum of 10% of the Building Face may be used for a Wall Sign.
  - 2. Signs shall not project above the roof level.
- D. Sidewalk Signs: Sidewalk Signs shall be permitted on the premises of a business, provided the following provisions are followed:
  - 1. Only one sidewalk sign per business is allowed.
  - 2. Signs shall be displayed during business hours only.
  - 3. Maximum allowable sign size, including the frame and support structure, shall not exceed 6-square feet. Two sides of the sign may contain graphics and/or text. The maximum depth or spread of the sign shall not exceed 2 feet.
  - 4. Quality of said signs shall be of professional craftsmanship only
  - 5. Signs shall not create any hazards or interfere with pedestrian or vehicular traffic.
  - 6. Signs shall be placed only on the business property or on sidewalks directly abutting the business property.
- E. Awning Signs: One Awning Sign is allowed per lot, provided the Sign Area does not exceed eight (8) square feet. The Sign Area of any Awning Sign shall reduce, square foot for square foot, the Sign Area of any permitted Wall Signs on the same building face. Awnings shall have a minimum clearance of eight (8) feet above a public sidewalk or right-of-way and be an integral part of the awning, not projecting above or below the vertical awning face.

**Subd. 4 RC-1, C-2, B-1 and I-1 Regulations.** The following uses are permitted within the RC-1, C-2, B-1 and I-1 Districts.

- A. Address Sign: One sign not to exceed four (4) square feet in area for each building.
- B. Monument Signs: One Monument Sign facing each street frontage may be permitted per lot and development entrance. The Sign Area of any such Monument Sign shall not exceed sixty (60) square feet and shall not exceed twelve (12) feet in width or six (6) feet in height, except when adjacent to a major arterial. The total area of any such Monument Sign facing a major arterial shall not exceed eighty (80) square feet and shall not exceed fifteen (15) feet in width and eight (8) feet in height. No Monument Sign shall be placed closer than five (5) feet to any public right-of-way line. For multi-tenant buildings, one Monument Sign per lot is allowed. The Sign Area of each such Monument Sign shall not exceed eighty (80) square feet, with a maximum Sign Area of forty (40) square feet per tenant, except when adjacent to a major arterial. The total area of any such multi-tenant Sign facing a major arterial shall not exceed one hundred (100) square feet, with a maximum Sign Area of fifty (50) square feet per tenant.
- C. Wall Signs: One Wall Sign shall be permitted per Building Face, not to exceed three Wall Signs per building. For multi-tenant buildings, one Wall Sign per tenant is allowed provided that the Building Face coverage limitation set forth below is met. *(Amended by Ord 311, 10-22-18)*
  - 1. A maximum of 10% of the Building Face may be used for a Wall Sign.
  - 2. Signs shall not project above the roof level.
- D. Pylon Signs: One Pylon Sign facing each street frontage may be permitted per lot. The Sign Area of any such Sign shall not exceed forty-eight (48) square feet and shall not exceed twelve (12) feet in width or six (6) feet in height, except when adjacent to a major arterial. The total area of any such Pylon Sign facing a major arterial shall not exceed sixty (60) square feet and shall not exceed fifteen (15) feet in width and eight (8) feet in height. No Pylon Sign shall be placed closer than five (5) feet to any public right-of-way line. For multi-tenant buildings, one Pylon Sign per lot is allowed. The Sign Area of each such Sign shall not exceed sixty (60) square feet, with a maximum Sign Area of thirty (30) square feet per tenant, except when adjacent to a major arterial. The total area of any such multi-tenant Sign facing a major arterial shall not exceed eighty (80) square feet, with a maximum Sign Area of forty (40) square

feet per tenant. The height of any Pylon Sign shall not exceed thirty (30) as measured from the elevation of the centerline of the roadway upon which the sign is orientated. The maximum actual sign height shall be no more than forty (40) feet. The sign shall not be raised up by use of a natural or manmade material so as to create a base for the placement of the sign resulting in a height greater than thirty (30) feet as measured from the elevation of the centerline of the roadway.

- E. Directional Signs: Each lot is permitted up to four (4) Directional Signs per driveway or vehicle entrance onto the property. The Sign Area of each such Sign shall not exceed four (4) square feet or four (4) feet in height.

**1260.10 Substitution Clause.** The owner of any Sign that is otherwise allowed under this Section may substitute Non-Commercial Speech for any other Commercial or Non-Commercial Speech without any additional approval or permitting, notwithstanding any provision to the contrary.

**1260.11 Severability.** If any part, clause, provision, or portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected thereby.

## Section 1265 – Enforcement

**1265.01 Penalty.** The violation of any provision of Chapter 12 of the City Code, or the violation of any condition or requirement of any permit or approval given under Chapter 12, shall constitute a misdemeanor. Each day that a violation continues shall be a separate offense.

**1265.02 Alternatives to Criminal Prosecution.** The City may take any additional action necessary to prevent or remedy violations, including but not limited to the following:

- A. Orders for corrective action.
- B. Administrative penalties as provided by City Code
- C. District court civil enforcement, including injunctive relief.
- D. After-the-fact permitting. (*Adopted by Ord 301, 5-30-2018*)

## Section 1270 – Antennas and Towers

**1270.01 Purpose and Intent.** The purpose of this section is to manage the placement, construction, and modification of telecommunication towers, antennas, and related facilities in order to protect the health, safety, and welfare of the public while accommodating the communications needs of the public, residents, and businesses.

### 1270.02 Definitions.

**Antenna:** Any device which is designed to transmit or receive any electromagnetic, microwave, radio, television, or other frequency energy waves including but not limited to directional and omni-directional antennae such as microwave dishes, satellite dishes and whip antennae.

**Antenna support structure:** A building, water tower, or other structure, other than a telecommunications tower, which can be used for location of telecommunications facilities.

**Applicant:** A person who applies for a permit to develop, construct, build modify or erect a tower or antenna under this section.

**Application:** The process by which the owner of a plot of land within the city or other person submits a request to develop, construct, build, modify or erect a tower or antenna upon that land.

**Commercial wireless telecommunication services:** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced



specialized mobilized radio (ESMR), paging and television similar services that are marketed to the general public.

**Telecommunications facilities:** Cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or adjacent to a tower or antenna support structure.

**Tower:** Any ground or roof mounted pole, spire, structure or combination thereof exceeding 20 feet in height including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

**Wireless Service Provider:** A direct provider of wireless services to end users.

**1270.03 Exemptions.** The following are exempt from permit requirements contained in this Section.

- A. Household television antennas extending less than 20 feet above the highest point of the roof of a residential structure.
- B. Satellite dish receiving antennas two meters or less in diameter.
- C. Adjustment, repair, or replacement of an antenna or the elements of an antenna, provided that such work does not constitute an increase in the height of the tower structure.
- D. Placement of additional antennas on existing towers provided that such work does not constitute an increase in the height of the tower structure.
- E. Antennas and antenna support structures used by the City for City purposes.
- F. Antennas mounted on water towers or on the sides or roof of existing structures.
- G. Antennas placed in public rights-of-way which are owned and operated by a wireless service provider, providing the antenna is placed on an existing structure.
- H. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components or previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emission levels, and provided that such work does not constitute a clear safety hazard.
- I. Two-way communication transmitters used on a temporary basis by a "911" emergency services, including fire, police and emergency aid or ambulance service.

**1270.04 Prohibited Towers.** Towers, antenna, and support facilities not specifically provided for herein shall be prohibited.

**1270.05 Zoning District Standards.**

- A. Towers over twenty (20) feet in height specifically and solely designed to support amateur radio operations and antenna are allowed in the side or rear yards in residential districts provided a conditional use permit is issued.
- B. Telecommunications towers, antennas, and support facilities are allowed in industrial zoning districts provided a conditional use permit is issued and the subject parcel does not abut T.H. 212.

**1270.06 Performance and Design Standards.**

- A. Tower or Antenna Height:
  1. Antennas, towers, and related equipment attached to existing structures shall not be more than ten (10) feet in height above the highest point of the existing structure.
  2. Antennas, towers, and related equipment supporting amateur radio operations shall not exceed seventy (70) feet in height.
  3. All other towers shall not exceed 175 feet in height.
- B. Setbacks.

1. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel on which it is located.
  2. Amateur radio towers when not rigidly attached to a building shall be setback from all property lines the minimum of a distance equal to the height of the antenna and tower. Setbacks for amateur radio towers rigidly attached to a building may be reduced by an amount that is equal to the distance from the point of attachment to the ground.
  3. All other towers shall have a minimum setback from any property line equal to the height of the tower plus 10 feet, except that towers located adjacent to a residential zone shall have a setback equaling the height of the tower plus 100 feet.
- C. Co-location required.
1. Any proposed tower over sixty (60) feet in height shall be designed for co-location of at least one additional antenna.
  2. Any proposed tower over one hundred (100) feet in height shall be designed for co-location of at least two (2) additional antennas.
- D. Design Standards.
1. Towers shall be designed and certified by a licensed and qualified professional engineer to conform to the latest structural standards and all requirements of the State Building Code, the Electronics Industry Association, and the National Electric Code.
  2. Towers shall be designed to ensure that visual intrusiveness and impacts on nearby properties are mitigated to the greatest extent possible.
  3. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.
  4. Towers may not be artificially lit except as required by the Federal Aviation Administration.
  5. Towers not requiring Federal Aviation Administration painting or marking must have durable exterior finishes and shall be light blue, gray, or other similar color which minimizes visibility
  6. Towers shall be designed to allow for future rearrangement of equipment upon the structure, and to accept attachments mounted at varying heights.
  7. The use of any portion of a tower or antenna for signs other than warning, identification, emergency contact information, or equipment information is prohibited.
  8. Freestanding towers must be self-supporting without the use of wires, cables, beams, or other means. The suggested design is a monopole configuration or open framework which collapses on itself in the event of structural damage.
  9. To prevent unauthorized entry, towers shall be provided with security fencing as needed or when required by the City.
  10. Transmitting, receiving, and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving, and switching equipment, it shall meet setback requirement contained in the underlying zoning classification and be designed, constructed, and screened to blend in to the surrounding environment and adjacent land uses.
  11. Towers and antennas should be located in areas that provide natural or existing structural screening for off-site views of the facility when feasible. Existing on-site vegetation that provides screening shall be preserved to the extent possible. Vegetative screening at the perimeter of the tower is encouraged.

**1270.07 Abandoned or Unused Towers.** Abandoned or unused towers or antennas shall be removed within twelve (12) months of the cessation of operations at the site.

**1270.08 Interference.** No new or existing tower, antenna, or related equipment shall interfere with public safety communications. Before the introduction of a new service or a change in existing services, equipment providers shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

**1270.09 Radiation.** Towers, antennas, and related equipment placed within the City shall be subject to State and Federal regulations, as amended. The cost of verification of compliance shall be borne by the owner and operator of the communications facilities and equipment.

### Section 1275 – Floodplain Standards

**1275.01 Statutory Authorization.** The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Norwood Young America, Minnesota, does ordain as follows.

#### 1275.02 Purpose.

**Subd. 1.** This Chapter regulates development in the flood hazard areas of the City of Norwood Young America. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this Chapter to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

**Subd. 2.** National Flood Insurance Program Compliance. This Chapter is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

**Subd. 3.** This Chapter is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

#### 1275.03 General Provisions.

**Subd. 1.** Lands to Which Chapter Applies: This Chapter applies to all lands within the jurisdiction of the City of Norwood Young America within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts. The boundaries of these districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with applicable standards.

- A. The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this Chapter. In case of a conflict, the more restrictive standards will apply.
- B. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
- C. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

**Subd. 2.** Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this Chapter. The attached material includes the Flood Insurance Study for Carver County, Minnesota, and Incorporated Areas, dated December 21, 2018 and the Flood Insurance Rate Map panels enumerated below, dated December 21, 2018, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the City Administrator.

27019C0165D  
27019C0170D

**Subd. 3.** Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this Chapter imposes greater restrictions, the provisions of this Chapter prevail. All other Chapters inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.

**Subd. 4.** Warning and Disclaimer of Liability. This Chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Chapter does not create liability on the part of City of Norwood Young America or its officers or employees for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

**Subd. 5.** Severability. If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of law, the remainder of this Chapter shall not be affected and shall remain in full force.

**Subd. 6.** Definitions. Unless specifically defined below, words or phrases used in this Chapter must be interpreted according to common usage and so as to give this Chapter its most reasonable application.

- A. Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Base Flood – the flood having a one percent chance of being equaled or exceeded in any given year.
- C. Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.
- D. Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- E. Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
  - 1. Certain conditions as detailed in the zoning Chapter exist, and
  - 2. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- F. Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
- G. Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- H. Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- I. Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this Chapter. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this Chapter.

- J. Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- K. Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- L. Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Carver County, Minnesota.
- M. Flood Insurance Rate Map – An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- N. Flood Prone Area – any land susceptible to being inundated by water from any source.
- O. Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- P. Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- Q. Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- R. Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
- S. Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- T. New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this Chapter.
- U. Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- V. One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).
- W. Principal Use or Structure – all uses or structures that are not accessory uses or structures.
- X. Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

- Y. Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Chapter, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- Z. Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- AA. Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood.
- BB. Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- CC. Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- DD. Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- EE. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, decks manufactured homes, recreational vehicles not considered travel ready as detailed in Section 1275.11, Subd. 2(B) of this Chapter and other similar items.
- FF. Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- GG. Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this Chapter, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

**Subd. 7. Annexations.** The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Norwood Young America at the time of adoption of this Chapter. If any of these floodplain land areas are annexed into the City of Norwood Young America after the date of adoption of this Chapter, the newly annexed floodplain lands will be subject to the provisions of this Chapter immediately upon the date of annexation.

#### **1275.04 Establishment Of Floodplain Districts.**

##### **Subd. 1. Districts.**

- A. Floodway District. The Floodway District includes those areas within Zone A on the Flood Insurance Rate Maps adopted in Section 2.2, as well as other delineated lakes, wetlands and other basins, and are determined to be at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- B. Flood Fringe District. The Flood Fringe District includes areas within Zone A on the Flood Insurance Rate Maps adopted in Section 2.2, which are determined to be below the 1% annual chance (100 year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- C. Reserved for General Floodplain District.

#### **1275.05. Requirements For All Floodplain Districts.**

**Subd. 1. Permit Required.** A permit must be obtained from the Zoning Administrator to verify if a development meets all applicable standards outlined in this Chapter prior to conducting the following activities:

- A. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this Chapter.
- B. The construction of a dam, on-site septic system, or any fence not meeting the definition of farm fence outlined in Section 2.619 of this Chapter.
- C. The change or extension of a nonconforming use.
- D. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- E. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
- F. Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
- G. Any other type of “development” as defined in this Chapter.

**Subd. 2. Minimum Development Standards.** All new construction and substantial improvements must be:

- A. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. Constructed with materials and utility equipment resistant to flood damage;
- C. Constructed by methods and practices that minimize flood damage; and
- D. Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**Subd. 3. Flood Capacity.** Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

**Subd. 4.** The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

**Subd. 5.** Critical Facilities, as defined in Section 1275.03, Subd. 6(F), are to be located, so that the lowest floor is not less than two feet above the regional flood elevation, or the 500 year flood elevation, whichever is higher.

#### **1275.06. Floodway District (FW).**

**Subd. 1. Permitted Uses.** The following uses, subject to the standards set forth in Section 1306, Subd. 2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- A. Open space uses, including but not limited to boat launching ramps, swimming areas, parks, wildlife and nature preserves, fish hatcheries, hunting and fishing areas, and single or multiple purpose recreational trails.
- B. Residential yards, lawns and gardens.
- C. Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

**Subd. 2. Standards for Floodway Permitted Uses.**

- A. The use must have a low flood damage potential.
- B. The use must not involve structures or obstruct flood flows. The use must not cause any increase in flood damages, nor any increase in flood elevations.

**Subd. 3. Conditional Uses.** The following uses may be allowed as conditional uses following the standards and procedures set forth in Chapter 1210.06 of the City Code, as may be amended, and further subject to the standards set forth in Section 1275.06, Subd. 4, if otherwise allowed in the underlying zoning district.

- A. Marinas, boat rentals, permanent docks, piers, wharves, water control structures, and navigational facilities.
- B. Fences that have the potential to obstruct flood flows.

**Subd. 4. Standards for Floodway Conditional Uses.**

- A. A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.



- B. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

#### **1275.07. Flood Fringe District (FF).**

**Subd. 1. Permitted Uses.** Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Section 1275.07, Subd. 2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

#### **Subd. 2. Standards for Flood Fringe Permitted Uses.**

- A. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.
- B. Accessory Structures. As an alternative to the fill requirements of Section 1275.06, Subd. 2(A), structures accessory to the uses identified in Section 1275.06, Subd.1 may be designed to accommodate the inundation of floodwaters, meeting the following provisions, as appropriate:
  - 1. The accessory structure constitutes a minimal investment and satisfies the development requirements in Section 1275.05, Subd. 2.
  - 2. Any enclosed accessory structure shall not exceed 576 square feet in size, and only be used for parking and storage. Any such structure shall be designed and certified by a registered professional engineer, or be designed in accordance with the following floodproofing standards:
    - i. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
- C. The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 1275.07, Subd. 2(A) of this Chapter, or if allowed as a conditional use under Section 1275.07, Subd. 3(C) below.
- D. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- E. All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
- F. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.

- G. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- H. Manufactured homes and recreational vehicles must meet the standards of Section 1275.11 of this Chapter.

**Subd. 3. Conditional Uses.** The following uses may be allowed as conditional uses following the standards and procedures set forth in Chapter 1210.06 of the City Code, as may be amended, and further subject to the standards set forth in Section 1275.07, Subd. 4, if otherwise allowed in the underlying zoning district(s).

- A. The placement of floodproofed nonresidential basements below the regulatory flood protection elevation. Residential basements, are not allowed below the regulatory flood protection elevation.
- B. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 1275.07, Subd. 2(A) of this Chapter.

**Subd. 4. Standards for Flood Fringe Conditional Uses.**

- A. The standards for permitted uses in the flood fringe, listed in Sections 1275.07, Subd. 2(D)-(H), apply to all conditional uses.
- B. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with Section 1275.12, Subd. 2(B) shall be required.
  - 1. The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
  - 2. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
  - 3. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
  - 4. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

**1275.08. Reserved For General Floodplain District (GF).**

**1275.09. Subdivision Standards.**

**Subd. 1. Subdivisions.** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this Chapter.

- A. All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- B. All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been

approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

- C. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- D. Subdivision proposals must be reviewed to assure that:
  - 1. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
  - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  - 3. Adequate drainage is provided to reduce exposure of flood hazard.

#### **1275.10. Utilities, Railroads, Roads, and Bridges.**

**Subd. 1. Public Utilities.** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

**Subd. 2. Public Transportation Facilities.** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 1275.06 and 1275.07 of this Chapter. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

**Subd. 3. On-site Water Supply and Sewage Treatment Systems.** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

#### **1275.11. Manufactured Homes and Recreational Vehicles.**

**Subd. 1. Manufactured Homes.** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

- A. New and replacement manufactured homes must be elevated in compliance with Section 1275.07 of this Chapter and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- B. New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 1275.09 of this Chapter. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 1275.09, Subd. 1(B) of this Chapter.

**Subd. 2. Recreational Vehicles.** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

- A. Meet the requirements for manufactured homes in Section 1275.11, or
- B. Be travel ready, meeting the following criteria:
  - 1. The vehicle must have a current license required for highway use.
  - 2. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
  - 3. No permanent structural type additions may be attached to the vehicle.
  - 4. Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 1275.05, Subd. 2 and 1275.07, Subd. 2(B).

#### **1275.12. Administration.**

**Subd. 1. Duties.** The Zoning Administrator or other official designated by the City Council must administer and enforce this Chapter.

#### **Subd. 2. Permit Application Requirements.**

- A. Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
  - 1. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
  - 2. Location of fill or storage of materials in relation to the stream channel.
  - 3. Copies of any required municipal, county, state or federal permits or approvals.
  - 4. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- B. Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Chapter. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in the State Building Code. Accessory structures designed in accordance with Section 1275.07, Subd. 2(B) of this Chapter are exempt from certification, provided sufficient assurances are documented. Any development in established floodways must not cause any increase in flood elevations or damages, as certified by a registered professional engineer.
- C. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Chapter.
- D. Recordkeeping of Certifications and As-Built Documentation. The Zoning Administrator must maintain records in perpetuity documenting:
  - 1. All certifications referenced in Section 1275.12, Subd. 2(B) of this Chapter as applicable.

2. Elevations complying with Section 1275.07, Subd. 2(A) of this Chapter. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.
- E. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

**Subd. 3. Variances:**

- A. Variance Applications. An application for a variance to the provisions of this Chapter will be processed and reviewed in accordance with applicable State Statutes and Chapter 1210.04 of the City Code, as may be amended.
- B. Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- C. Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  1. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  2. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Chapters.
  3. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- E. General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
  1. The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
  2. The danger that materials may be swept onto other lands or downstream to the injury of others;
  3. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
  4. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
  5. The importance of the services to be provided by the proposed use to the community;
  6. The requirements of the facility for a waterfront location;

7. The availability of viable alternative locations for the proposed use that are not subject to flooding;
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  9. The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
  10. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- F. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- G. Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- H. Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

#### **Subd. 4. Conditional Uses.**

- A. Administrative Review. An application for a conditional use permit under the provisions of this Chapter will be processed and reviewed in accordance with 1210.06 of the City Code, as may be amended.
- B. Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this Chapter, and those factors identified in Section 1275.12, Subd. 3(E) of this Chapter.
- C. Conditions Attached to Conditional Use Permits. In addition to the standards identified in Sections 1275.05, Subd. 4 and 1275.07, Subd. 4, the City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Chapter. Such conditions may include, but are not limited to, the following:
1. Limitations on period of use, occupancy, and operation.
  2. Imposition of operational controls, sureties, and deed restrictions.
  3. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- D. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- E. Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

#### **1275.13. Nonconformities.**

**Subd. 1. Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions. Historic structures, as defined in Section 2.643(b) of this Chapter, are subject to the provisions of Sections 1275.13, Subd. 1 (A)-(F) below.

- A. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 1275.13, Subd. 1(B) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- B. Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 1275.13, Subd. 1,(D) below.
- C. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this Chapter.
- D. If any structure experiences a substantial improvement as defined in this Chapter, then the entire structure must meet the standards of Section 1275.06 or 1275.07 of this Chapter for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the current proposal, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 1275.06 or 1275.07 of this Chapter.
- E. If any nonconformity is substantially damaged, as defined in this Chapter, it may not be reconstructed except in conformity with the provisions of this Chapter. The applicable provisions for establishing new uses or new structures in Sections 1275.06 or 1275.07 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- F. If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.638 of this Chapter, it must not be reconstructed except in conformity with the provisions of this Chapter.

#### **1275.14. Violations and Penalties.**

**Subd. 1. Violation Constitutes a Misdemeanor.** Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

**Subd. 2. Other Lawful Action.** Nothing in this Chapter restricts the City of Norwood Young America from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this Chapter and will be prosecuted accordingly.

**Subd. 3. Enforcement.** Violations of the provisions of this Chapter will be investigated and resolved in accordance with the provisions of Chapter One of the City Code of Norwood Young America as may be amended. In responding to a suspected violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Norwood Young America must act in good

faith to enforce these official controls and to correct Chapter violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

#### **1275.15. Amendments.**

**Subd. 1. Floodplain Designation – Restrictions on Removal.** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Department of Natural Resources (DNR) if it is determined that, through other measures, lands are adequately protected for the intended use.

**Subd. 2. Amendments Require DNR Approval.** All amendments to this Chapter must be submitted to and approved by the Department of Natural Resources (DNR) prior to adoption.

**Subd. 3. Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 1275.03, Subd. 2 of this Chapter.