



Norwood Young America Planning Commission
6:00 p.m., Tuesday, June 2, 2020
VIRTUAL MEETING UTILIZING ZOOM

Join Zoom Meeting
<https://us02web.zoom.us/j/2334797500>
Meeting ID: 233 479 7500

AGENDA

1. Call to Order
Pledge of Allegiance
2. Adoption of Agenda
3. Approve Minutes of May 5, 2020 meeting
4. Introductions, Presentations, and Public Comment
(Citizens may address the Planning Commission about any non-agenda item of concern. Speakers must state their name, address, and limit their remarks to three minutes. The Planning Commission will take no official action on these items but may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting.)
5. Public Hearings
A. Schultz Residential Use of Commercial Structure Variance Application
6. Old Business
A. 2020 CUP Audit
7. New Business
A. Schultz Residential Use of Commercial Structure Variance Application
B. Zoning Code Definitions Review
8. Miscellaneous
A. May Building Permit Report
9. Commissioner's Reports
10. Adjourn

UPCOMING MEETINGS

| | |
|-----------------------|--|
| June 8 th | City Council 6:00 p.m. |
| June 10 th | Economic Development Commission 6:00 p.m. |
| June 16 th | Parks & Recreation Commission 4:45 p.m. |
| June 22 nd | City Council Work Session/EDA/Regular meeting 6:00 p.m. |
| July 7 th | Planning Commission 6:00 p.m. |
| TBA | Joint Meeting – City Council, PC, EDC, Parks & Recreation Commission & Chamber of Commerce Board 6:30 p.m. |

**Jerry
Barr**

**Mike
Eggers**

**John
Fahey**

**Bill
Grundahl**

**Paul
Hallquist**

**Bob
Smith**

**Craig
Heher
Council
Liaison**

**Norwood Young America
Planning Commission Minutes
May 5, 2020**

Present: Joining via remote video: Commissioners Jerry Barr, Mike Eggers, John Fahey, Bill Grundahl, Paul Hallquist, Craig Heher, and Bob Smith.

Absent: None.

Staff: City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.

Others: Mayor Carol Lagergren.

1. Call to Order.

The meeting was called to order by Chair Heher at 6:00 pm. All stood for the Pledge of Allegiance. Attendance was taken by roll call.

2. Adoption of Agenda.

Chairperson Heher introduced the agenda.

Motion – Eggers, seconded by Smith to approve the agenda. The agenda was approved 7-0 by roll call vote.

3. Approval of Minutes from the Regular Meeting April 14, 2020.

Heher introduced the minutes from the April 14, 2020 regular meeting.

Motion – Fahey to approve the April 14, 2020 regular meeting minutes. Seconded by Smith. With all in favor the regular meeting minutes were approved 7-0 by roll call vote.

4. Public Comment.

None.

5. Public Hearings.

None.

6. Old Business.

A. Shoreland Overlay District - Alternative “Old Town” Area Adjustments.

Heher introduced the agenda topic.

Strack noted at the May meeting the Planning Commission discussed potential changes to the City Code to allow limited alternate standards within the shoreland overlay district. The limited standards would apply to a specific area called out on an updated official zoning map. The alternate area would be classified as the “Old Town Area”. Adjustments in allowable impervious surface coverage and building heights are

contemplated. The alternate shoreland standards would simply allow reversion to underlying base zoning standards for impervious surface coverage and building height.

Strack reviewed maps illustrating the proposed changes to the official zoning map from an areawide perspective, a localized perspective, and as they related to the underlying zoning classifications. Strack noted the effect of the alternate shoreland standards would be to all 35% maximum impervious surface coverage and a maximum building height of 35' in the portion of the old town shoreland district. The current standards are 25% impervious and 25' maximum height. In the portion of the proposed old town shoreland district, the impervious surface coverage would not be limited and building height could be up to 45 feet.

Strack stated the Planning Commission's recommendations were forwarded to MnDNR for comment. The DNR Shoreland Administrator Dan Petrik is accepting of the alternate standards and has discussed with local area hydrology staff. Mr. Petrik will provide the City with written approval of the alternate standards.

Strack requested the Commission comment on: (1) proposed boundaries of the Old Town Area; (2) proposed alternate shoreland standards; and (3) consider calling for a public hearing on the zoning map and text amendment to Section 1240.

Strack noted the Commission could delay public hearing/amendment to the official zoning map until the Comprehensive Plan was placed into effect, acting on this item and rezoning of Railroad Street West. This would allow the City to update the official map once versus twice. The Commission concurred.

City Administrator Helget noted the 2040 Comprehensive Plan should be placed into effect in July.

Commissioners reached consensus in approving the text amendment.

Strack alluded to a discussion City Administrator Helget and she had earlier in the day about adding a few parcels adjacent to Elm Street to the Old Town Area as well.

Commissioners discussed several parcels adjacent to Elm Street and recommended adding a few additional parcels to the Old Town Area. Strack will request consideration from the DNR.

Motion Hallquist, seconded by Smith to call for a public hearing at the earliest practical date to consider amending the official zoning map and shoreland overlay district to provide for alternate standards. Motion carried 7:0 by roll call vote.

B. Rezoning Railroad Street West Properties.

Heher introduced the agenda item.

Strack noted the City Council had provided direction to the Commission pertaining to potential rezoning of part of Railroad Street West. The Council recommended the Commission consider rezoning the first tier of lots located on the north side of Railroad Street West between Progress and Franklin Streets.

The Commission concurred.

Strack inquired as to whether or not the Commission would like letters mailed to property owners influenced by the proposed rezone. The Commission concurred.

Motion Smith, Seconded by Eggers to call for a public hearing at the earliest practical date to consider amending the official zoning map to reflect proposed changes. Motion carried 7:0 by roll call vote.

Heher noted the Council also discussed the lots south of Railroad Street West east of Franklin Street to Faxon Road. The parcels are currently zoned C-3 with at least one legal nonconforming. The Council recommended the Commission retain the C-3 zoning and document current conditions of each of the lots.

7. New Business.

A. 2020 Conditional/Interim Use Permit Audit.

Heher introduced the agenda item.

Strack noted the Commission had planned to audit CUP/IUP in 2020. Previous audit was in 2018. Strack referenced a matrix included in the packet.

Commissioners discussed existing CUP/IUP and divided the tasks for audit. Strack is to forward CUP/IUP information to individual Commissioners who will be review specific CUP.

8. Miscellaneous.

A. April Building Permit Report.

The April building permit report was reviewed.

9. Commissioner Reports.

Commissioners Fahey, Smith, Grundahl, and Hallquist did not have updates.

Eggers inquired about sidewalks in The Preserve and potential for premature degradation due to treatment of sidewalk during new home construction.

Eggers inquired about reconditioning of trails within the area.

Eggers suggested new residential developments require concrete driveways versus concrete or asphalt.

Heher provided updates from City Council meetings.

10. Adjourn

Motion – Grundahl, seconded by Eggers to adjourn the meeting. Following a 7-0 roll call vote, the meeting was declared adjourned at 6:58 p.m.

Respectfully submitted,

Steven Helget
Zoning Administrator



TO: Planning Commission

FROM: Steven Helget, City Administrator

DATE: June 2, 2020

SUBJECT: Schultz Residential Use of Commercial Structure Variance Application

=====

Applicant: Kenny & Jeni Schultz

Property Owner: Kenny & Jeni Schultz, dba KJS Ventures 1, LLC.

Subject Property Address: 219 Elm Street W.

Legal Description: Lot 2, Block 3, City Lots of Norwood

Request: Variance: Section 1230.10, Subd. 2 (L) (1) pertaining to residential uses on the first floor of commercial structures provided the residential use does not compose greater than fifty (50) percent of the ground floor area.

Attachments: Planning and Zoning Application
First Floor Building Plan
Ordinance No. 287

BACKGROUND

On April 24, 2017, the City Council adopted Ordinance No. 287 which amended Chapter 12 (Zoning Code), Section 1230.10, Subd. 2, adding language to allow residential uses on the first floor of commercial structures in the C-3, Downtown District.

KJS Ventures 1, LLC., applied for a building permit in April 2018 to conduct alterations to their property located at 219 Elm Street W. for the purposes of accommodating commercial and residential occupations on the first floor of said property. The residential use includes two rental dwelling units which are currently occupied. The City mistakenly approved the building permit application without conducting measurements to ensure the residential use complied with City Code and did not occupy greater than 50% of the ground floor area.

To determine the square footage of dedicated floor space for both commercial and residential uses, a representative of Metro West Inspection Services completed a physical measurement of the first floor of 219 Elm Street W. in March 2020. In addition, Bolton & Menk Engineers completed a measurement of the first floor based on the building plans submitted with the April 2018 building permit application. City staff also completed a measurement of the first floor based on the building plans submitted with the April 2018 building permit application.

Based on these measurements it has been determined that the total ground floor area is 2,133 square feet, the residential use occupies 1,142 square feet, and the occupied residential area exceeds the allowed 50% by 75 square feet.

Variance Request

The Applicants request a variance from the requirement that the residential use not compose greater than fifty (50) percent of the ground floor area of a commercial structure in the C-3, Downtown District. The Applicants request to exceed the maximum 50% by 75 square feet.

Variances from the literal provisions of the Zoning Code may be approved where the strict enforcement of the provisions would cause practical difficulties because of circumstances unique to the property under consideration. Variances should only be considered if the resulting development will be in harmony with the general purpose and intent of the Zoning Code, and consistent with the Comprehensive Plan. *Practical difficulties* as used in connection with the granting of a variance means that:

1. The property owners propose to use the property in a reasonable manner not permitted by the Zoning Code.
2. The plight of the property owners 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.

Upon the granting of a variance, the City may impose such restrictions and conditions upon the property 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.

Proposed Variance: Greater than 50% Residential Usage of Commercial Structure

The Applicants propose to occupy greater than 50% of commercial structure for residential purposes. The Applicants seek to exceed the 50% maximum by 75 square feet.

Potential findings in favor of the request:

1. The proposed use is consistent with the Comprehensive Plan and development in the adjacent locale.
2. The proposed variance is minimal in scope and scale. The additional 75 square feet represents only 3.5% of the total ground floor area.
3. The proposed variance is an after-the-fact variance and will allow for the continued residential occupancy.

Potential findings for denial of the request:

1. Theoretically the property could be brought into compliance.

Staff Recommendations:

1. The City Council reviewed and considered the City Attorney's options for remedying the residential use overage.
2. If the variance is granted, the residential occupancy on the first floor shall not exceed the current residential area of 1,142 square feet.
3. The variance only applies to the property at 219 Elm Street W. and it shall not exceed the 1,142 square feet on the first floor for residential occupancy.

The public hearing was advertised in the May 21, 2020 edition of the News & Times. In addition, mailed notice was sent to property owners within a 350-foot radius of 219 Elm Street W.



Planning and Zoning Application

City of Norwood Young America
310 Elm St. W, PO Box 59
Norwood Young America, MN 55368
Phone: (952) 467-1800 Fax: (952) 467-1818

| | | |
|---|--------|---------------------------|
| Applicant's Name JKS Ventures 1, LLC | | Telephone 952-292-3725 |
| Address (Street, City, State, ZIP) 1026 Sunny Ridge Drive, Carver, MN 55315 | | |
| Property Owner's Name (If different from above) Kenny & Jeni Schultz | | Telephone 952-292-3725 |
| Location of Project 219 Elm Street W., Norwood Young America, MN 55368 | | |
| Legal Description Lot 2, Block 3, City Lots of Norwood | | |
| Description of Request (Attach separate sheet, if necessary) Variance to Section 1230.10, Subd. 2L (1) to allow the residential use on the first floor of a commercial structure in the C-3, Downtown District to exceed greater than 50% of the ground floor area by 75 square feet. 75 square feet comprises of 3.5% of the total square footage. The city had approved all permits for the main floor space and did not do their due diligence of measuring the space. | | |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>Proposed Action(s): Check all that apply</p> <p><input type="checkbox"/> Annexation \$300.00</p> <p><input type="checkbox"/> Application for Appeal \$150.00</p> <p><input type="checkbox"/> City Code Amendment \$250.00</p> <p><input type="checkbox"/> Parking Reduction \$100.00</p> <p><input type="checkbox"/> CUP/IUP \$200.00 (Residential)</p> <p><input type="checkbox"/> CUP/IUP \$300.00 (Non Residential)</p> <p><input type="checkbox"/> Variance \$200.00 (Residential)</p> <p><input checked="" type="checkbox"/> Variance \$300.00 (Non-Residential)</p> <p><input type="checkbox"/> Lot Split \$200.00</p> <p><input type="checkbox"/> Public Hearing Notice \$75.00</p> </div> <div style="width: 30%;"> <p><input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow</p> <p><input type="checkbox"/> Sketch Plat \$200.00 + Escrow</p> <p><input type="checkbox"/> Site Plan \$300.00 + Escrow</p> <p><input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow</p> <p><input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow</p> <p><input type="checkbox"/> PUD Final Plan \$300.00 + Escrow</p> <p><input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow</p> <p><input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow</p> <p><input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow</p> <p><input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow</p> </div> <div style="width: 30%;"> <p><input type="checkbox"/> Storm Water Plan \$250.00</p> <p><input type="checkbox"/> Rezoning \$350.00</p> <p><input type="checkbox"/> Street/Alley Vacation \$150.00</p> <p><input type="checkbox"/> Zoning Text Amendment \$300.00</p> <p><input checked="" type="checkbox"/> Recording Fee \$46.00</p> <p><input type="checkbox"/> Boundary Line Adjustment \$100.00</p> <p><input type="checkbox"/> Other _____</p> </div> </div> | | |
| <p>**Per the NYA City Council the variance fees are waived**</p> <p>ALL ESCROW MUST BE PAID BY CERTIFIED CHECK</p> <p>Escrow Deposit \$2,000.00</p> <p>Escrow Deposit - Site Plan Review: \$15,000 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews)</p> <p>Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00</p> <p>ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.</p> <p>*APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED*</p> | | |
| The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances. | | |
| Applicant's Signature: | | Date 5/22/20 |
| Fee Owner's Signature: | | Date |
| For Office Use Only | | |
| Accepted By: | Amount | Date |

**CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. 287**

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE BY AMENDING SECTION 1230.10, SUBD. 2 BY ADDING SUBP. (L) TO PROVIDE FOR LIMITED RESIDENTIAL USES ON THE FIRST FLOOR OF COMMERCIAL STRUCTURES IN THE C-3, DOWNTOWN DISTRICT.

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, CARVER COUNTY, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS:**
- II. SECTION 1230.10, SUBD. 2 RELATING TO PERMITTED USES IN THE C-3, DOWNTOWN DISTRICT SHALL BE AMENDED AS FOLLOWS:**

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 storefront 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 in terms of hours of operation prior to 7:00 a.m. or after 9:00 p.m., production of odor or noise, or increased traffic generation;**
 - 5. Off-street parking is provided for the residential use.**

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

Adopted by the City of Norwood Young America on the 24th day of April, 2017.

Carol Lagergren
Carol Lagergren, Mayor

Attest:

Kelly Hayes
Kelly Hayes, City Clerk-Treasurer

(S E A L)



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: June 2, 2020

Re: 2020 CUP Audit

BACKGROUND

The PC has a goal of auditing CUP/IUP in 2020 for compliance with approved standards. The PC in May reviewed a spreadsheet containing all CUP/IUP suitable for review. Several Commissioners and staff volunteered to audit existing permits. Commissioners are to discuss audit findings.

1. Bill Grundahl.
2. Craig Heher.
3. John Fahey.
4. Strack:
 - a. Southwest Paving. Landscaping installed as per most recent code update. Several stockpiles are existing on site at this time. PC is to comment on whether or not stockpiles are acceptable in current condition.
 - b. Lance Ford – 124 Union Street. CUP to operate an industrial use. Restrictions include types of items stored on site and fencing. CUP requires fencing to be in good repair. Photos show aging. CUP requires nine pieces of operating equipment (trucks, bobcats, excavators, trailers) and nine attachments (buckets, forks, blades). Photos show dirt stockpile.

ACTION

Commissioners are asked to review the matrix and provide comment as requested.







Description of use for 700 Railroad Street

Use of property to conduct normal business operations for Southwest Paving, Inc.

Basic Operation

Employees will report to the shop every morning and leave shortly after to head to the job site. Employees would return every evening. Times would vary depending on workload and location of job.

Included in the basic operation will be storage and maintenance of equipment, storage of materials and daily operations of the business. Also, included are plans for the leasing of space and the upkeep of the property.

Equipment list

- Dump Trucks
- Tractor Trailers
- Several Pick-up trucks
- Paving machines
- Rollers
- Backhoes
- Skid Steers
- Bulldozers
- Other General Construction Equipment

Materials Stored on-site

- Base Material *
- Chip Rock held in bins
- Asphalt and Concrete Chunks to be recycled*

*both items would be piled in the rear of the property behind berm with coniferous trees

Other

- Dumpster
- Fuel tanks in required spill protection

Space to be leased

- Proposed that Southwest Paving will lease part of the space in the building
- Proposed tenants would be similar construction type business
- Goal is to lease to two tenants

Building Site Maintenance

- Grounds will be kept neat with grass mowed as needed
- Front of the property (along Railroad St.) will be landscaped
- Fill berm across 212 edge of lot with coniferous trees
- Fence to encompass entire property once grade is complete

CUP Review/Audit

| Address | Description | Comments/Notes | 2018 Action Directed | 2018 Audit Status | 2020 Status |
|-----------------------|---|---|---|---------------------|---------------------|
| 1 410 Faxon Rd N | McDonalds | CUP issued for drive-thru window in the 90's. No conditions placed on CUP | Existing, valid CUP. No conditions exist. | Audited, compliant. | Audited, compliant. |
| 2 112 Poplar Ridge Dr | Existing Apartment Complex | CUP issued in 1997. No additional information available. | Existing, valid CUP. No conditions exist. | Audited, compliant. | Audited, compliant. |
| 3 421 Railroad St W | City property | CUP approved in late 1990's. Reso approving not immediately located. | Conditions were placed on the use according to minutes. | Audited, compliant. | Audited, compliant. |
| 4 308 5th Ave NE | CUP issued for this address in 2000-01. | Reso 2000-18 is a CUP allowing a cemetery based on several conditions. | Reso 2000-18 conditions met. | Audited, compliant. | Audited, compliant. |
| 5 250 Industrial Blvd | Current site of Expert construction. | Reso 2002-11 is a CUP allowing for an industrial building with outdoor storage. The applicant was Expert Construction. CUP is contingent upon several requirements. Reso 2002-21 amended CUP issued in 2002-11 included additional conditions relating to storm water and landscaping. Reso 2003-19 is a second amendment of the CUP to allow additional outdoor storage. Several additional conditions attached. | Reso's 2002-11, 2002-21, and 2003-19; conditions met. Franck's no longer subleases. | Audited, compliant. | Audited, compliant. |
| 6 220 Industrial Blvd | Statewide Gas | Reso. 2002-64 is a CUP allowing for an industrial use at this address. Several conditions attached, most related to non-zoning items. Only one with zoning ramifications was landscaping 'should be' consistent with surrounding businesses. | Existing, valid CUP | Audited, compliant. | Audited, compliant. |
| 7 426 East St N | Owned by Roger Kleman. Used car dealership. | A Reso was approved July 28, 2003. Many conditions attached, mostly applicable to site plan standards. | Audited, the PC accepted screening that existed under previous audit. | Audited, compliant. | Audited, compliant. |
| 8 124 Union St N | Lance Ford. Ford Construction. | Reso 2003-43 is a CUP allowing an industrial use in the CBD. Several conditions apply. Reso 2009-24 amended Reso 2003-43 allowing expanded outdoor storage. Approved with several conditions attached. | Reso 2003-43 and 2009-24 appear compliant. | Audited, compliant. | PC input needed |

CUP Review/Audit

| | Address | Description | Comments/Notes | 2018 Action Directed | 2018 Audit Status | 2020 Status |
|----|-------------------------------|-----------------------------|---|--|------------------------------------|---------------------|
| 9 | 700 Railroad St W | Southwest Paving. | Reso 2006-33 is a CUP providing for Southwest Paving. Several conditions are attached. Reso 2015-13 Approved landscaping plan in lieu of perimeter fencing. Reso 2018-36 provided for alternate landscaping | Came into compliance in 2019 through CUP amendment by City Council | Audited, compliant. | PC input needed |
| 10 | 311 (211) Railroad St W | Xtreme Electric. | Reso 2011-14 is a CUP for a contractor operation at the subject address. Several conditions apply to the permit. | Audited | Audited, compliant. | Audited, compliant. |
| 11 | 325 Elm St W | Pour House Pub | Reso 2011-33 is a CUP allowing a smoking deck at the Pour House. Several conditions apply. | Audited | Audited, compliant. | Audited, compliant. |
| 12 | 27 1st St NW | St. John's Lutheran School. | Reso 2013-05 is a CUP allowing expansion of the existing school. | Audit complete | Audited, compliant. | Audited, compliant. |
| 13 | 105 Main St E | Northside Grill | Reso 2013-35 is a CUP allowing outdoor dining at Northside Grill. Several conditions apply. | Audited. | Audited, compliant. | Audited, compliant. |
| 14 | 520 Reform St N | Kwik Trip | Reso 2013-20 Approved convenience store. | Suitable for audit. | Audited, compliant. | Audited, compliant. |
| 15 | 301 Industrial Blvd | Hydro Engineering | Approved IUP for outdoor storage. | Suitable for audit. | Audited, compliant. | Audited, compliant. |
| 16 | 321 Elm St W | RCC Woodworks | Reso 2014-22 Approved woodworking shop in C-3 | Audited | Audited, compliant. | Audited, compliant. |
| 17 | 13050 Stewart Ave | Nick Molnau | Amended and Replaced by 2018-18 | Audited, corrective action taken | Non-compliant material stockpiles. | Suitable for audit |
| 18 | 115 Main St E & 15 2nd Ave SE | Waconia Dodge | Reso 2016-14 Auto sales and display and accessory auto repair. | Audited | Audited, compliant. | Bill |
| 19 | 127 Elm St W | Andris | Reso 2016-21 Approve personal auto storage in C-3 | Audited | Audited, compliant. | Bill |

CUP Review/Audit

| | Address | Description | Comments/Notes | 2018 Action Directed | 2018 Audit Status | 2020 Status |
|----|---------------------|----------------------------------|--|---------------------------|-------------------------------|---------------|
| 20 | 117 Railroad St W | Loomis | Reso 2016-22 Approve CUP for contractor operation in C-3 | Audited | Audited, compliant. | Bill |
| 21 | 180 Industrial Blvd | Todd Miller & Adam Glander | Reso 2017-08 Approve outdoor auto sales and display in B-1 District | Audited | Audited, compliant. | Expire permit |
| 22 | 600 Railroad St W | Curtman Trucking | Reso 2017-15 CUP for outdoor storage. Reso 2020-11 amended and restated previous reso to allow for larger stockpile at south side of site. | Audited, violations found | Council recently amended CUP. | Craig |
| 23 | 170 Industrial Blvd | Paul Juerissen | Reso 2017-18 CUP outdoor storage marine recreational equipment | Audited | Audited, compliant. | John |
| 24 | 124 Railroad St W | Adam White | Reso 2018-22 CUP allowing limited manufacturing storage and repair | Suitable for audit. | N/A | John |
| 25 | 232 Main St E | Kerber/Clark | Resolution 2019-02 CUP allowing personal auto storage and repair | Suitable for audit. | N/A | Expire permit |
| 26 | TBD | Air Products | Resolution 2019-12 CUP allowing outdoor storage for Air Products. | Suitable for audit. | N/A | Expire permit |
| 27 | TBD | Air Products | Resolution 2019-13 CUP allowing commercial fence exceeding eight feet in height with barbed wire security for Air Products | Suitable for audit. | N/A | Expire permit |
| 28 | 717 Faxon Road | Lionshead Specialty Tire & Wheel | Resolution 2019-20 IUP allowing outdoor storage of semi trailers | Suitable for audit. | N/A | Craig |
| 29 | 600 Railroad St W | Curtman Trucking | Resolution 2020-03 CUP allowing truck repair | Suitable for audit. | N/A | Craig |



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: June 2, 2020

Re: Review of zoning definitions

BACKGROUND

The PC has a goal of reviewing individual sections of the zoning and subdivision codes on a regular basis as time permits. The review is to familiarize ourselves with existing language, but also to review critically so as to identify adequacy and applicability of each section.

The PC agreed to review zoning definitions in 2020. Attached please find a marked up copy of definitions. I've highlighted a few for discussion and/or information.

ACTION

Commissioners are asked to review the definitions and consider terms to add, delete, adjust, or otherwise discuss.







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. Park 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 zooerastia,
- 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.

Building Permit Report - May 2020

| PERMIT # | NAME | ADDRESS | PURPOSE | DATE | PERMIT FEE | PLAN CHECK FEE | SURCHARGE | VALUE |
|----------|-----------------------|-----------------------|----------------------|-----------|-------------|----------------|-----------|--------------|
| 2020001 | Tim Schroeder | 514 W Elm Street | Residing | 1/13/2020 | \$60.00 | \$0.00 | \$1.00 | |
| 2020002 | Donna Kleman | 328 Oak Drive | Furnace | 1/16/2020 | \$60.00 | \$0.00 | \$1.00 | |
| 2020003 | Kwik Trip | 520 Reform St N | Ansul System | 2/4/2020 | \$98.09 | | \$1.00 | \$1,500.00 |
| 2020004 | Harlan Mackenthun | 404 5th St Ct SW | Alterations | 1/22/2020 | \$532.37 | | \$9.00 | \$18,000.00 |
| 2020005 | Harlan Mackenthun | 404 5th St Ct SW | Plumbing | 1/27/2020 | \$60.00 | \$0.00 | \$1.00 | |
| 2020006 | Tim Fahey | 261 Emma Street | Furnace | 1/27/2020 | \$60.00 | \$0.00 | \$1.00 | |
| 2020007 | Andy Wigfield | 524 Elm St W | Demo | 1/28/2020 | \$100.00 | \$0.00 | \$1.00 | |
| 2020008 | Kwik Trip | 520 Reform St N | Mechanical | 2/5/2020 | \$353.45 | \$229.74 | \$10.00 | \$20,000.00 |
| 2020009 | Kwik Trip | 520 Reform St N | Refrigeration | 2/18/2020 | \$199.45 | \$129.64 | \$5.00 | \$10,000.00 |
| 2020010 | Central School | 655 SW 7th | Solar | 2/21/2020 | \$541.55 | \$352.01 | \$17.50 | \$35,000.00 |
| 2020011 | Central School | 531 Morse Street N | Solar | 2/21/2020 | \$541.55 | \$352.01 | \$17.50 | \$35,000.00 |
| 2020012 | Loomis Homes | 990 Lakewood Trail | new home | 2/26/2020 | \$10,843.30 | \$1,319.19 | \$128.00 | \$251,030.00 |
| 2020013 | Loomis Homes | 1095 Barnes Lake Dr | new home | 2/27/2020 | \$10,814.82 | \$1,307.18 | \$126.50 | \$248,288.00 |
| 2020014 | Dennis Mohs | 1045 Lakewood Crt | finish bsmt | 2/27/2020 | \$606.00 | \$315.90 | \$17.00 | \$30,000.00 |
| 2020015 | Loomis Homes | 1075 Barnes Lake Dr | new home | 2/28/2020 | \$11,076.22 | \$1,467.34 | \$146.50 | \$288,125.00 |
| 2020016 | Loomis Homes | 1000 Whitetail Path | new home | 3/4/2020 | \$10,700.10 | \$1,239.11 | \$118.00 | \$231,992.00 |
| 2020017 | Citizen's Bank | 409 N Faxon Rd | overhang | 3/5/2020 | \$168.65 | \$109.62 | \$4.00 | \$7,500.00 |
| 2020018 | Loomis Homes | 1115 Barnes Lakd Dr | new home | 3/4/2020 | \$11,303.70 | \$1,579.45 | \$161.50 | \$317,000.00 |
| 2020019 | Loomis Homes | 940 Lakewood Tr | water soft | 3/17/2020 | \$60.00 | \$0.00 | \$1.00 | \$500.00 |
| 2020020 | Larry Panning | 324 4th St SW | alterations | 3/17/2020 | \$197.85 | \$89.60 | \$4.00 | \$5,152.00 |
| 2020021 | Josh Kroells | 430 Emma Street | pool | | \$657.10 | \$388.12 | \$21.00 | \$40,000.00 |
| 2020022 | Larry Krause | 634 Preserve Blvd | ductwork | 3/24/2020 | \$60.00 | | \$1.00 | \$340,000.00 |
| 2020023 | Homeland Builders | 440 Park Circle | new home | 3/26/2020 | \$13,866.60 | \$1,671.54 | \$173.00 | |
| 2020024 | Loomis Homes | 965 Lakewood Tr | water softener | 3/27/2020 | \$60.00 | | \$1.00 | |
| 2020025 | Loomis Homes | 955 Lakewood Trail | Finish basement | 4/3/2020 | \$490.45 | \$279.79 | \$13.50 | \$25,000.00 |
| 2020026 | Loomis Homes | 1025 Lakewood Trail | new home | 4/10/2020 | \$11,460.82 | \$1,707.58 | \$176.50 | |
| 2020027 | John Fahey | 211 Park Place West | reroof | 4/8/2020 | \$60.00 | | \$1.00 | |
| 2020028 | Scott & Linda Rannow | 835 Barnes Lake Rd | finish basement | 4/27/2020 | \$399.65 | \$259.77 | \$13.50 | \$22,500.00 |
| 2020029 | Philip Henning | 1065 Lakewood Court | Finish basement | | \$328.05 | \$169.68 | \$1.00 | \$9,000.00 |
| 2020030 | Loomis Homes | 955 Lakewood Trail | Deck | 4/20/2020 | \$214.85 | \$139.65 | \$5.50 | \$11,000.00 |
| 2020031 | John Kroells | 240 Upper Brand Lk Dr | Furnace | 4/10/2020 | \$60.00 | | \$1.00 | |
| 2020032 | Loomis Homes | 1030 Lakewood Court | new home | 4/20/2020 | \$10,824.82 | \$1,307.18 | \$126.50 | \$249,000.00 |
| 2020033 | Jack Lano | 323 Casper Circle | sotorage shed | 4/10/2020 | \$452.67 | \$294.24 | \$13.50 | \$27,000.00 |
| 2020034 | Kevin & Ruth Williams | 316 4th Street SW | refroof | 4/14/2020 | \$60.00 | | \$1.00 | |
| 2020035 | Jencar Holdings | 620 Marsh Path | New home | 4/22/2020 | \$14,709.54 | \$1,275.14 | \$123.50 | \$241,000.00 |
| 2020036 | Jencar Holdings | 590 Marsh Path | new home | 4/22/2020 | \$14,826.58 | \$1,351.22 | \$133.00 | \$260,000.00 |
| 2020037 | Jencar Holdings | 605 Marsh Path | new home | 4/22/2020 | \$14,826.58 | \$1,351.22 | \$133.00 | \$260,000.00 |
| 2020038 | Jencar Holdings | 575 Marsh Path | new home | 4/22/2020 | \$14,843.88 | \$1,362.47 | \$127.00 | \$248,326.00 |
| 2020039 | Kevin Eiden | 211 Reform St S | Alteration-bath room | 4/16/2020 | \$430.45 | \$279.79 | \$12.50 | \$25,000.00 |
| 2020040 | Jencar Holdings | 575 Marsh Path | Fire Sprinkler | 4/22/2020 | \$122.45 | \$79.59 | \$2.50 | \$4,900.00 |
| 2020041 | Jencar Holdings | 605 Marsh Path | Fire Sprinkler | 4/22/2020 | \$122.45 | \$79.59 | \$2.50 | \$4,900.00 |
| 2020042 | Jencar Holdings | 590 Marsh Path | Fire Sprinkler | 4/22/2020 | \$122.45 | \$79.59 | \$2.50 | \$4,900.00 |

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|----------|-----------------------|----------------------|----------------------|-----------|----------|----------|---------|-------------|
| 20200043 | Jencar Holdings | 620 Marsh Path | Fire Sprinkler | 4/22/2020 | \$122.45 | \$79.59 | \$2.50 | \$4,900.00 |
| 20200044 | Farniok | 308 4th Street SW | Egress Window | 4/20/2020 | \$76.25 | \$49.56 | \$1.00 | \$2,000.00 |
| 20200045 | Xtreme Properties | 311 Railroad St W | Reroof and Reside | 4/27/2020 | \$541.55 | \$352.01 | \$17.50 | \$35,000.00 |
| 20200046 | Deb Priebe | 569 Shireview Lane | Deck | 4/27/2020 | \$122.45 | \$79.59 | \$2.50 | \$5,000.00 |
| 20200047 | Mary Skolberg | 715 Lakewood Trail | Replace Patio door | | \$60.00 | | \$1.00 | \$4,836.00 |
| 20200048 | Seth Huber | 209 1st Avenue SE | Reroof | 4/28/2020 | \$60.00 | | \$1.00 | |
| 20200049 | Dean Lind | 517 Casper Circle | Reroof | 4/28/2020 | \$60.00 | | \$1.00 | \$8,000.00 |
| 20200050 | Johnathon Rueben | 19 Central Avenue N | Reroof | 4/28/2020 | \$60.00 | | \$1.00 | |
| 20200051 | Dewey Hormann | 210 NE 1st St | Reside | 4/29/2020 | \$60.00 | | \$1.00 | \$3,500.00 |
| 20200052 | Steve Danielson | 514 N Morse St | Reroof | 5/1/2020 | \$60.00 | | \$1.00 | \$7,072.12 |
| 20200053 | Tim Rohwer | 935 Lakewood Trail | basement finish | 5/1/2020 | \$428.45 | \$229.74 | \$11.00 | \$20,000.00 |
| 20200054 | Beanna Rief | 930 Lakewood Trail | deck | | \$338.05 | \$219.73 | \$9.50 | \$12.00 |
| 20200055 | Anna Boote | 215 W. Wilson Street | replace furnace & AC | 5/4/2020 | \$120.00 | | \$2.00 | |
| 20200056 | Troy Krueger | 622 Elm Street W | Replace windows | | \$60.00 | | \$1.00 | |
| 20200057 | Ken Norman | 223 Hazel Street | Reroof | 5/6/2020 | \$60.00 | | \$1.00 | |
| 20200058 | Loomis Homes | 990 Lakewood Trail | softener | 5/6/2020 | \$60.00 | | \$1.00 | \$500.00 |
| 20200059 | Eric Knuth | 106 Main Street E | Replace 5 windows | 5/8/2020 | \$60.00 | | \$1.00 | \$10,189.00 |
| 20200060 | Steve Danielson | 514 Morse Street | Alterations | 5/12/2020 | \$168.65 | \$109.62 | \$4.00 | \$7,200.00 |
| 20200061 | Pro Auto -Kevin Eiden | 324 Railroad Street | plumbing | 5/14/2020 | \$168.65 | \$109.62 | \$4.00 | \$7,400.00 |
| 20200062 | Pro Auto -Kevin Eiden | 324 Railroad Street | AC unit | | \$199.45 | | \$5.00 | \$9,800.00 |
| 20200063 | KJS Properties | 219 Elm St W | reroof | 5/13/2020 | \$91.65 | \$59.57 | \$1.50 | \$2,785.00 |
| 20200064 | Mary Spille | 440 Meadow Lake | deck remodel | | \$91.65 | \$59.57 | \$1.50 | \$2,500.00 |
| 20200065 | Thomas Lauerman | 120 Elm Street E | Reroof garage | 5/15/2020 | \$60.00 | | \$1.00 | |
| 20200066 | Nick Ostlie | 115 hill St West | Reroof | 5/18/2020 | \$60.00 | | \$1.00 | |
| 20200067 | Kim & Eric Neubarth | 471 Emma Street | Reroof | 5/18/2020 | \$60.00 | | \$1.00 | |
| 20200068 | Joseph Kube | 811 Elm St West | Reside | 5/19/2020 | \$60.00 | | \$1.00 | |
| 20200069 | Danielle Bentz | 413 Meadow Lane | Softener | 5/20/2020 | \$15.00 | | \$1.00 | |
| 20200070 | Melvin Byer | 321 Hill St West | Reroof | | \$60.00 | | \$1.00 | \$12,500.00 |
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