

## Norwood Young America Planning Commission 6:00 p.m., Tuesday, July 7, 2020

## **AGENDA**

 Call to Order Pledge of Allegiance

Jerry Barr

2. Adoption of Agenda

Mike Eggers

3. Approve Minutes of June 2, 2020 meeting

John Fahev

Bill

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.)

Grundahl Paul

5. Public Hearings

Hallquist

6. Old Business

Bob Smith

A. 2020 CUP Audit

B. Review Zoning Code Definitions

Craig Heher

7. New Business

Council Liaison A. JAM Real Estate Annexation Application

B. Expansion of Non-Conforming

C. Language Review of Residential Uses on First Floor in C-3, Downtown District

8. Miscellaneous

A. June Building Permit Report

9. Commissioner's Reports

10. Adjourn

#### **UPCOMING MEETINGS**

July 13<sup>th</sup>
July 15<sup>th</sup>

July 21<sup>st</sup>

July 27<sup>th</sup>

August 4<sup>th</sup>

TBA

City Council 6:00 p.m.

Economic Development Commission 6:00 p.m.

Economic Development Commission 6:00 p.m.

City Council Work Session/EDA/Regular meeting 6:00 p.m.

Planning Commission 6:00 p.m.

Joint Meeting – City Council PC, EDC, Parks & Recreation

Joint Meeting - City Council, PC, EDC, Parks & Recreation Commission

& Chamber of Commerce Board 6:30 p.m.

# Norwood Young America Planning Commission Minutes June 2, 2020

**Present:** Joining via remote video: Commissioners Jerry Barr, Mike Eggers, John Fahey, Bill Grundahl

(6:27 p.m.), Paul Hallquist, Craig Heher, and Bob Smith. In person, Norwood Young America

Mayor Carol Lagergren.

Absent: None.

Staff: City of Norwood Young America City Administrator Steve Helget (in person) and Planning

Consultant Cynthia Smith Strack.

Public: Jeni and Kenny Schultz, Ally Clark, Jesse Hunt, and Ean Mahlstedt.

#### 1. Call to Order.

The meeting was called to order by Chair Heher at 6:07 pm. All stood for the Pledge of Allegiance. Attendance was taken by roll call.

#### 2. Adoption of Agenda.

Chairperson Heher introduced the agenda.

Motion - Smith, seconded by Hallquist to approve the agenda. The agenda was approved 7-0 by individual vote.

3. Approval of Minutes from the Regular Meeting May 5, 2020.

Heher introduced the minutes from the May 5, 2020 regular meeting.

<u>Motion</u> – Fahey to approve the May 5, 2020 regular meeting. Seconded by Smith. With all in favor the regular meeting minutes were approved 7 -0 by individual verbal roll call vote.

#### 4. Public Comment.

None.

#### 5. Public Hearings.

A. Schultz Residential Use of Commercial Structure Variance Application.

Chairperson Heher explained the public hearing process and opened the public hearing at 6:11 p.m.

Administrator Steve Helget explained the request. The City Council was informed that after a residence was established in the first floor of a commercial structure in the C-3 Downtown District. Residential uses are allowed on the ground floor of commercial structures in the C-3 District under certain conditions. Such residential uses must comprise not more than 50% of the ground floor area and the commercial use must be in the front of the building.

Helget explained that after construction of the ground floor residential units at 219 Elm Street West it was determined the units comprised more that 50% of the gross area of the first floor. The residential area was 75 square feet larger than the commercial area on the first floor.

After the overage was determined the City Attorney was consulted and gave the City Council three options: (1) process a variance, (2) allow the unit to continue as a non-conforming use, or (3) require the unit be reduced in size to meet the code requirement, a decrease of 75 square feet.

The City Council favored consideration of a variance. A hearing was scheduled and notice of the hearing was mailed, published, and posted.

Helget reviewed sample findings of fact both for and against the after-the-fact variance issuance.

Chairperson Heher asked Helget to explain to persons in the audience why they received a notice of public hearing. Helget summarized public hearing notification requirements and the ability of the public to comment for or against a proposed action.

Heher asked Helget if he had received any comments for or against the proposed variance. Helget noted he had received a call asking why a notice was sent but had not received any specific comment either for or against the proposed variance.

Jesse Hunt stated he owns property east of the subject property. He inquired as to whether the variance was temporary or permanent. He also inquired as to whether issuing a variance would set a precedent.

Helget explained a variance stays with the property and is recorded at the County Recorder's Office. He explained each variance request is reviewed on the individual facts of the application, so a single action was not precedent setting.

Hunt inquired as to whether he could get a variance to establish a residence on the first floor of a commercial building. Strack explained that he did not need a variance that he had a right to establish such a use as long as a conditional use permit was issued and he met the requirements. Helget clarified the use was a permitted use and a conditional use permit was not required, but standards still had to be met.

Ean Mahlstedt testified he had no issues with the variance.

Jeni Schultz stated they had applied for a building permit and it was approved. She opined the City did not review the permit application properly. If changes would have been needed at the time the permit was applied for those changes would have been made. Schultz opined they received a green light for the project and thought they were okay to proceed and shouldn't be penalized for building what was approved.

Heher noted the City Council had waived the variance application fee for the Schultz's.

Motion - Eggers to close the public hearing. Seconded by Smith. The hearing closed at 6:33 p.m.

Strack requested the Commission consider acting on the variance prior to discussing the CUP audits. Commissioners agreed.

Heher introduced agenda item 7 (A) action on Schultz Residential Use of Commercial Structure Variance Application.

Commissioner Grundahl recommended the code language be clarified so the intent was clearer in the future. Grundahl stated he had no problem with issuing a variance.

Heher requested Strack add potential to update the code to the next agenda item.

<u>Motion</u> – Fahey to approve a variance to Schultz's to provide for residential use of commercial structure. Seconded by Smith. Approved 7-0 by roll call vote.

#### 6. Old Business.

#### A. 2020 CUP Audit.

Heher introduced the agenda topic.

Strack noted at the Planning Commission was currently auditing compliance with conditional/interim us permits previously issued. At the May meeting Commissioners volunteered to audit certain properties as did staff.

Strack referenced a spreadsheet included in the packet tracking audit progress. She noted she had reviewed items 1-7 and found them to be compliant.

Strack asked for Commissioner input on an existing CUP for Lance Ford at 124 Union Street. Strack noted the conditional use permit specified items stored outdoors needed to be enclosed in a fence and limited what could be stored at the site. Strack noted Ford is generally compliant with the CUP, however, the fence is showing signs of age and a soil pile was located on site. The CUP required fencing be in good repair and didn't allow soil to be stored on site.

Commissioner Eggers noted the EDC is discussing updates to an adjacent parking lot. Eggers suggested this could be an opportunity to work with Mr. Ford to restore fencing to good repair. Smith asked Eggers for more information on the EDC discussion pertaining to a fence. Eggers noted the EDC is looking to make the parking lot more attractive, part of which could include enhanced fencing. Eggers noted a concept design had been created.

Heher asked for input on how to proceed. Strack suggested she and Helget could informally reach out to Mr. Ford to discuss EDC plans and potential to coordinate with an update to fence. Eggers suggested including Karen Hallquist in the discussion.

Strack then asked for input on Southwest Paving's CUP. She noted the revised landscaping plan was implemented and the lawn and plantings appeared to have taken hold. She presented an aerial photograph of the site from 2019 and asked the Commissioners to provide input on the amount of soil stockpiles at the site. Strack opined the volume of stockpiles on site appeared to be expanding and that sometimes such stockpiles can produce rank weed/vegetation growth.

After brief discussion the Commission agreed the soil stockpiles fluctuated in volume but were not an issue at this time.

Strack noted she audited items 10-16 and found them to be compliant. She noted she and Helget were to work on the CUP for Molnau Trucking. They are currently discussing potential changes at the site.

Commissioner Fahey noted he followed up on 170 Industrial Boulevard and 124 Railroad Street West and both appeared compliant.

Commissioner Grundahl noted he visited with Waconia Dodge and found the use to be compliant. He also investigated 127 Elm Street West and 117 Railroad Street West and found both to be compliant.

Commissioner Heher noted he had reached out to the property owner at 600 Railroad Street West and had traded phone calls. Heher found the use at 717 Faxon Road to be compliant.

#### 7. New Business.

A. Schultz Residential Use of Commercial Structure Variance Application.

The Commission moved this item up on the agenda.

## B. Zoning Code Definitions Review.

Strack stated the Commission's goals included reviewing the definition section of the zoning code. She opined oftentimes definitions are overlooked but very important.

Strack referenced a market up copy of definitions included in the meeting packet. The Commission reviewed the highlighted definitions and suggested: deleting the definition of boarding house if it was not otherwise referenced; deleting the definition of 'cellar'; removing a minimum height standard included in the definition of 'deck'; requesting input from City Attorney Squires pertaining to the definition of family; removing the definition of 'hardship'; holding future discussion on potential to provide for nonconformance expansion permits; and having additional discussion on the definition of 'structure'.

#### 8. Miscellaneous.

## A. May Building Permit Report.

The May building permit report was reviewed. It was noted permit issuance continues at a brisk pace.

## 9. Commissioner Reports.

Commissioners Barr, Eggers, Hallquist and Smith did not have updates.

Fahey noted the Carver County Planning Commission is also continuing to review development requests at a brisk pace.

Grundahl noted the Parks Commission continues to meet.

Heher provided updates from City Council meetings, including noting: SCDP administration standards were approved; a new (used) ladder truck was approved for purchase; seasonal workers were hired; a

pandemic update was received; the City Engineer had presented a street/utility project scoping document identifying several needs; the Council took action on relief for liquor license holders; and a permit to discharge a firearm in the City was approved.

Helget provided an update on the Highway 212 / CSAH 33 Project. He noted project bids came in mostly on target, except for the City underpass which was over target by \$700,000. MnDOT and Carver County have stepped up to assist in closing the gap.

Grundahl asked Helget to talk about groundwater monitoring wells recently established.

Heher noted nuisance letters were being issued and that a good citizen had stepped forward offering to mow yards at no cost for those who were unable to do so.

#### 10. Adjourn

<u>Motion</u> – Grundahl, Seconded by Smith to adjourn the meeting. With all in favor the meeting adjourned at 7:30 p.m. following an 7-0 individual voice vote.

Respectfully submitted,
Steve Helget
Zoning Administrator



To: Chairperson Heher

Members of the Planning Commission

Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 7, 2020

Re: 2020 CUP Audit

#### **BACKGROUND**

The Planning Commission has been auditing CUP/IUP for consistency with approved standards. Only a few outstanding items remain as noted in the attached spreadsheet.

Although not required, the PC has traditionally held a public hearing pertaining to its audit findings.

#### **ACTION**

Commissioners are asked to review the matrix and, if comfortable, call for a public hearing on audit findings.



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## **CUP Review/Audit**

_	COP Review/Audit					
	Address	Description	Comments/Notes	2018 Action	2018 Audit	2020 Status
1	410 Faxon Rd N	McDonalds	CUP issued for drive-thru window in the 90's. No	Directed  Existing, valid CUP. No conditions	Status	2020 Status
_		Printed Raines	conditions placed on CUP	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.	äudited, complient
7	426 East St N	dealership.	conditions attached, mostly applicable to site plan	Audited, the PC accepted screening that existed under previous audit.	Audited, compliant.	fludited, compliant

## **CUP Review/Audit**

	COF Review/Audit					
	Address	Description	Comments/Notes	2018 Action Directed	2018 Audit Status	2020 Status
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 Rso 2003-43 allowing expanded outdoor storage. Approved with several conditions attached.	Reso 2003-43 and 2009-24 appear compliant.	Audited, compliant.	Follow up planned
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.	Audited, compliant
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, 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.
.2	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
L3	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
.5	301 Industrial Blvd	Hydro Engineering	Approved IUP for outdoor storage.	Sultable for audit.	Audited, compliant.	Audrted, compliant
16	321 Elm St W	RCC Woodworks	Reso 2014-22 Approved woodworking shop in C-3	Audited	Audited, compliant.	Audited, compliant

## **CUP Review/Audit**

	CUP Review/Audit					
	Address	Description	Comments/Notes	2018 Action Directed	2018 Audit Status	2020 Status
17	13050 Stewart Ave	Nick Molnau	Amended and Replaced by 2018-18	Audited, corrective action taken	Non-compliant material stockpiles.	Appears to comply with standards
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.	Audited, compliant.
19	127 Elm St W	Andris	Reso 2016-21 Approve personal auto storage in C-3	Audited	Audited, compliant.	Audited, compliant
20	117 Railroad St W	Loomis	Reso 2016-22 Approve CUP for contractor operation in C-3	Audited	Audited, compliant.	Audited, compliant
:1	180 industriai Blvd	Todd Miller & Adam Glander	Reso 2017-08 Approve outdoor auto sales and display in B-1 District	Audited	Audited, compliant.	falle de la
22	600 Railroad St W	Curfman 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
3	170 Industrial Blvd	Paul Juerissen	Reso 2017-18 CUP outdoor storage marine recreational equipment	Audited	Audited, compliant.	Sudited, compliant
4	124 Railroad St W	Adam White	Reso 2018-22 CUP allowing limited manufacturing	Sultable for audit.	N/A	Audited, compliant
5	232 Main St E	Kerber/Clark	Resolution 2019-02 CUP allowing personal auto storage and repair	Suitable for audit.	N/A	Ergentalismin)
6	TBD	Air Products	Resolution 2019-12 CUP allowing outdoor storage for Air Products.	Sultable for audit.	N/A	Espirit controll:
7	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	Delia Delino
		Lionshead Specialty Tire & Wheel	Resolution 2019-20 IUP allowing outdoor storage of semi trailers	Suitable for audit.	N/A	Audited, complant.
9	600 Railroad St W	Curfman Trucking	Resolution 2020-03 CUP allowing truck repair	Sultable for audit		Craig



To: Chairperson Heher

Members of the Planning Commission

Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

July 7

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 of 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, quliting, 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, ministorage, 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 houshold 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, 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; feliatio; 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.



To:

Chairperson Heher

Members of the Planning Commission

Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 7, 2020

Re:

**Annexation JAM Properties** 

Applicant:

JAM Real Estate LLC

M.A. Hashmi

**Subject Property Address:** 

No Address Assigned

**Legal Description:** 

See Attached

**Property ID:** 

110130410

**Zoning Class:** 

Upon Annexation: Transitional Ag

Request:

Consideration of annexation

#### **BACKGROUND**

The property owner of record for the aforementioned property has submitted an application for annexation of approximately 60.69 acres. The subject property is currently in Young America Township and proposed to be annexed to the City of Norwood Young America for future mixed use development,

For Commission reference, a copy of the Orderly Annexation Agreement between Young America Township and NYA is attached for consideration. Additional information including a site survey, sketched use plan, and petition is attached.

The Applicant proposes commercial uses adjacent to Highway 212, mixed commercial/residential use as a transition area, and low density residential. Under the zoning code, property annexed to the city is zoned as T/A Transitional Agriculture unless otherwise classified.

It is noted annexation of the parcel doesn't constitute development or plat approval.

#### **ORDERLY ANNEXATION AGREEMENT REQUIREMENTS**

The subject parcel is within Transition Area 1 of the OAA. The City received zoning control in this area upon execution of the OAA in 2008.

Section 4 of the OAA the City to annex any property subject to the OAA upon the receipt of a Petition requesting annexation signed by 100% of the owners of property to be annexed. The City has received a Petition from the current owner of the property.

The Planning Commission is asked to provide a recommendation to the City Council concerning annexation of the property. The Commission is not required to recommend approval of the annexation but may do so from a land use perspective.

#### **CODE REQUIREMENTS**

NYA City Code requirements applicable annexation and zoning are itemized below; consulting staff comments are illustrated in *red bold, italic type face*.

#### 1225.05 Annexations

The Code standard is as follows:

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.

DISCUSSION: The property is to be classified as T-A Transition/Agriculture until the time an alternate classification is approved.

#### Consistency with the Comprehensive Plan

The contemplated use of the subject parcel is consistent with the planned land use under the 2008 and 2040 Comprehensive Plans.

#### **ACTION**

The Planning Commission is asked to provide a recommendation to the City Council concerning annexation of the property. The Commission is not required to recommend approval of the annexation but may do so from a land use perspective.

#### **ATTACHMENTS:**

Memo
Application
Petition
Planned use sketch
Property survey
Orderly annexation agreement

#### **LEGAL DESCRIPTION**

The Southwest Quarter of the Northwest Quarter and Lot 3 in Section 13, Township 115, Range 26 West of the 5<sup>th</sup> Principal Meridian, EXCEPTING THEREFROM the following described property:

Part of the Southwest Quarter of the Northwest Quarter of Section 13, Township 115, Range 26, Carver County, Minnesota, described as follows: Commencing at the southwest corner of said Northwest Quarter of Section 13; thence on an assumed bearing North 00 degrees 00 minutes 00 seconds East along the West line of said Northwest Quarter 83.83 feet; thence North 90 degrees 00 minutes 00 seconds East 420.16 feet to a point on the northerly right-of-way line of Trunk Highway Number 212, said point being the point beginning of the tract to be described; thence North 04 degrees 17 minutes 02 seconds East 174.65 feet; thence North 19 degrees 48 minutes 50 seconds East 104.20 feet; thence North 61 degrees 34 minutes 59 seconds East 76.83 feet; thence North 89 degrees 34 minutes 28 seconds East 110.28 feet; thence South 07 degrees 18 minutes 42 seconds East 171.39 feet; thence South 17 degrees 23 minutes 12 seconds East 160.23 feet to the northerly right-of-way line of said Trunk Highway Number 212; thence westerly along said northerly right-of-way line 296.20 feet, more or less, to the point of beginning.

## PETITION FOR ANNEXATION OF CERTAIN LAND TO THE CITY OF NORWOOD YOUNG AMERICA PURSUANT TO RESOLUTION NO. 2008-24

The property owner(s) may commence an annexation proceeding under the City of Norwood Young America Resolution No. 2008-24, a joint resolution between the City of Norwood Young America and Young America Township as to the Orderly Annexation of property. The property owner(s) must provide the city of Norwood Young America with a Petition requesting annexation signed by 100% of the owners of the property proposed to be annexed.

1.	PETITIONERS STATE: The area proposed for annexation lies in the Township of Young America, Carver County, Minnesota. The proposed area for annexation is legally described as follows: (insert or attach a complete and accurate metes and bounds property description) <a href="Parcel ID# 110130410">Parcel ID# 110130410</a> : See attached survey.				
2.	There are property owners residing in the area proposed for annexation. YesXNo				
3.	The area proposed for annexation is 60.69 (See survey) total acres.				
	The area proposed for annexation is located in one of the Transition Zones identified in Resolution No. 2008-24  X Yes No				
5.	The reason(s) for the requested annexation is:				
	Development.				
6.	The proposed use and zoning for the area proposed for annexation is:				
	Mixed residential and commercial.				
uir	ed Attachments:				

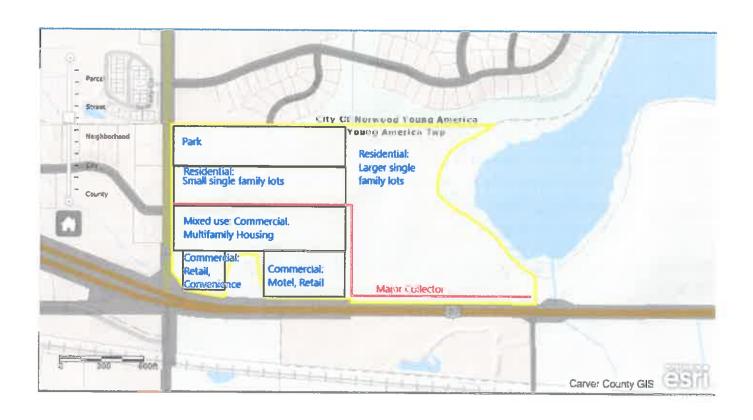
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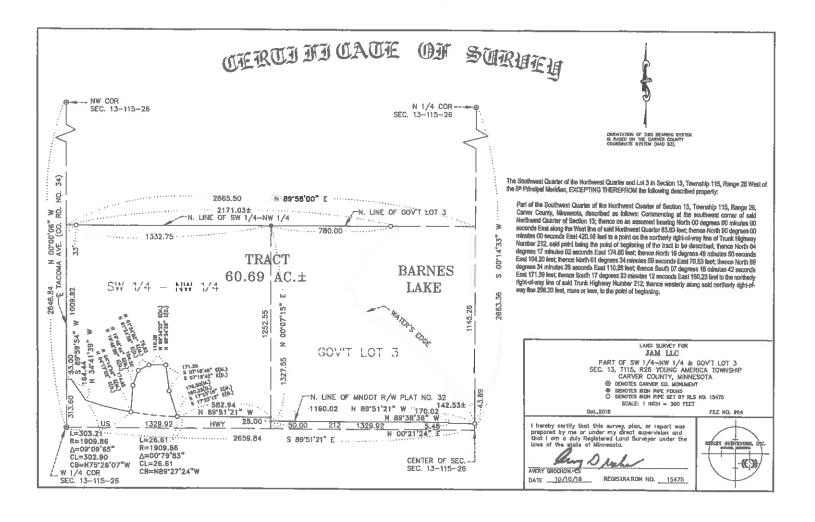
- 1. Payment of filing fees (State and City) INCLU DED
- 2. Property location map

Petitioner(s) request that pursuant to City of Norwood Young America Resolution No. 2008-24, the property described herein be annexed to and included in the City of Norwood Young America, Minnesota.

Dated: 06/15/2020	
Petitioner Signature:	M.A. Has
Petitioner Title:	President
Owner Signature (if d	lifferent):
Address of Primary C	ontact: 22 Newcastle Court, N. Mankato, MN 56003
Contact Number:	507-351-5601
Contact Email:	hashmia@yahoo.com
	CITY OF NORWOOD YOUNG AMERICA USE ONLY
Petition for Annexation	on received on:

Filing fees paid on:



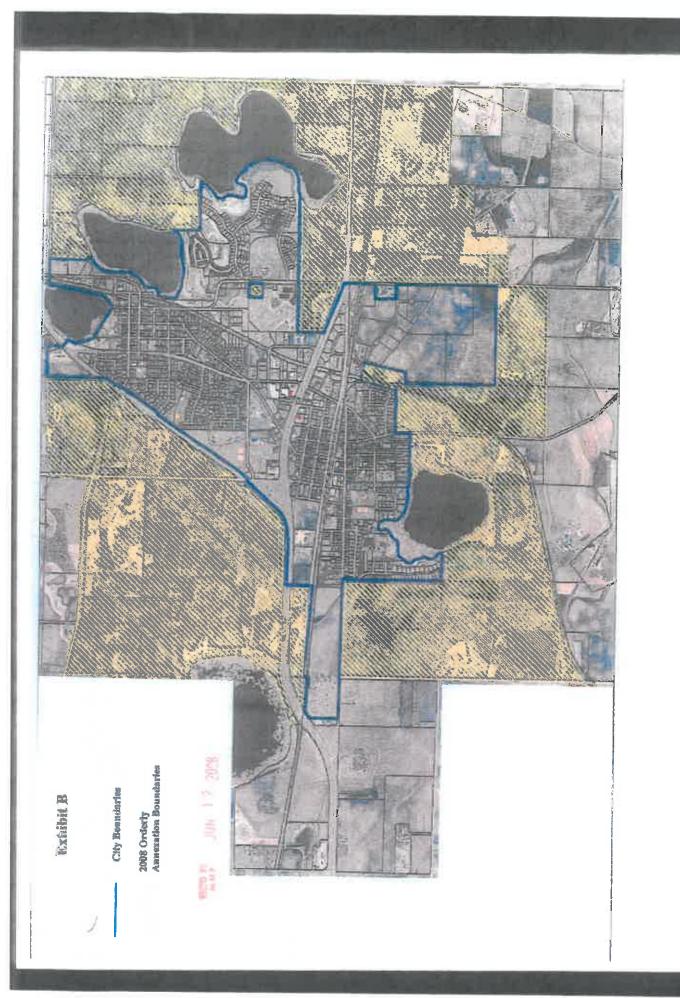


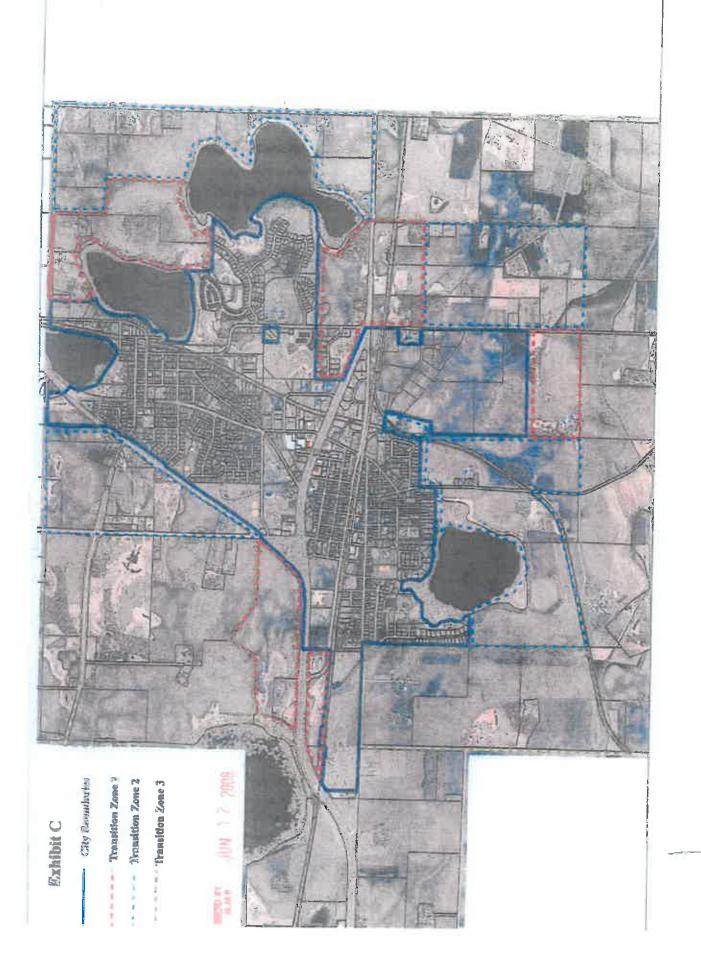


# Planning and Zoning Application

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

planeter make the			
Applicant's Name  JAM Real E	state LLC	Telephone	
Address (Street, City, State, ZIP)	The state of the s	501-	-351-5601
22	New Castle Co	ourt, North Man	kato, MN 56003
Property Owner's Name (if different fr	om above)	Telephone	Production of the second secon
Location of Project			to a
PID #: 110	130410		
Legal Description			the state of the s
See atta	ched survey.		
Description of Request (Attach segarat	te sheet if necessaryt		and the second s
See att	ached survey.		
- Maging-parameter-desired and a second and	Proposed Action(s):	: Check all that apply	
X Approximation \$300.00	Comp Plan Assessed		_ 5torm Water Plan \$250 00
Application for Appeal \$150.00	5 etch Plat \$200.00	+ Escription	Rezoning \$350.00
Street/Alley Vacation \$150 00	_ 5/te Plan \$300 00 +	Escrow	Recording Fee See in
Parking Reduction \$100 00	PUD Sketch Plan \$200 00 - Escrow		Soundary Line Applytment \$100000
CUP/IUP \$200.00 (Residential)	PVD Para Amenda em \$300 00 × Comp		Other
CUP/IUP \$300.00 (Non Residential	PUD Final Plan \$300	000 · Escre	
V money \$200,00 (Resignment)	PUD Gen Concept F	Plan \$400.00 + £ 547.54	
_V-reput \$300,00 from Residuals in	Prelim Plat \$350 00	+ \$10 00/Lot + Escrow	
l of Split \$200 00	Final Plat \$250 (tr) •	\$10 00/Lot + Estrow	
Public Hearing Notice \$75 00	ACTOR OF THE	Plan \$100.00 • Estrow	
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Escrow Deposit \$2,000 00			
Escrow Deposit - Site Plan Review \$15,000 Escrow Deposit - Development Review [pai	i Tacoma West on warrai dan Shalish Diawk Caroma	Park   \$5,000.00 (A&) other	tute plans reviews
mare new methods: - each application is included (192)	S at Swetch Plant 3 (U,OUU		
ALL PLANNING & ZONING APPLIC	AT ON FEES ARE IN ADD	ITION TO LEGAL ENGIN	EFFING AND ASSOCIATED COSTS
*APPLICATIONS WILL	L BE PROCESSED ONLY	FALL REQUIRED ITE	MS ARE SUBMITTED
The undersigned certifies that they are	familiar with application	fees and other associal	ted costs, and also with the process and
requirements of Chapter 11 and Chapte	er 12 of the City Code at	nd other applicable ordi	nances
Applicant's Signature		Date	-1-
M· A· Has		06/1	5/2020
Fee Owner's Signature		Date	1
M. A. Hason		06/1	5/2020
	For Office	Use Only	May your appropriate your good and a second
Accepted By	Amount	Date	
		3	





Municipal Boundary Adjustments Docket No.
City of Norwood Young America Resolution No. 2008-24
Young America Township Resolution No.

# CITY OF NORWOOD YOUNG AMERICA YOUNG AMERICA TOWNSHIP COUNTY OF CARVER STATE OF MINNESOTA

# A JOINT RESOLUTION BETWEEN THE CITY OF NORWOOD YOUNG AMERICA AND YOUNG AMERICA TOWNSHIP AS TO THE ORDERLY ANNEXATION OF PROPERTY

WHEREAS, the City of Norwood Young America ("City") and Young America Township ("Township") desire to enter into an agreement ("Joint Resolution") to provide for the orderly development and extension of services to areas of the Township that are or are about to become urban or suburban in character; and

WHEREAS, the City and Township wish to encourage future development and promote the logical and efficient extension of services to properties in an orderly manner; and

WHEREAS, the City and the Township are in agreement as to the procedures and process for orderly annexation of certain lands described herein for the purpose of orderly, planned growth; and

WHEREAS, it is in the best interest of the City, the Township and their respective residents to agree to orderly annexation in furtherance of orderly growth; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City of Norwood Young America, Carver County, Minnesota and Young America Township, Carver County, Minnesota, as follows:

1. **Description of Orderly Annexation Area.** The following described area in Young America Township is subject to orderly annexation pursuant to Minn. Stat. § 414.0325, and the parties hereto designate this area for orderly annexation:

That area legally described on the attached Exhibit A and graphically depicted on attached Exhibit B.

- 2. Department of Administration, Municipal Boundary Adjustments Jurisdiction. Upon approval by the parties, this Joint Resolution shall confer jurisdiction upon the Department of Administration, Municipal Boundary Adjustments hereinafter referred to as the "MBA", or its successor pursuant to Minnesota Statutes, so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution.
- 3. No Consideration by MBA. The City and Township mutually state that this Joint Resolution sets forth all of the conditions for annexation of the areas designated herein for orderly annexation and that no consideration by the MBA is necessary. The MBA may review and comment, but shall, within 30 days of receipt, order the annexation in accordance with the terms and conditions of this Joint Resolution.
- 4. Conditions Required for Annexation. The City may annex any property legally described on Exhibit A and graphically depicted on Exhibit B, or a portion thereof, upon:
  - A. The receipt of a Petition requesting annexation signed by 100% of the owners of the property to be annexed; or
  - B. Written agreement of both the City and the Township; or
  - C. By the City pursuant to Minn. Stat. § 414.0325, Subd. (1)(d)(1).
- 5. No Hearing Required. Pursuant to Minnesota Statutes, Section 414.0325, the City and the Township agree that, with respect to the Orderly Annexation Area, no hearing is required and annexations meeting the requirements of Paragraph 4 may be initiated by the City via passage of a resolution declaring the land to be annexed and the conditions of this Joint Resolution, which have been met. Said resolution shall be simultaneously mailed to the Township Clerk, Township Chair and the MBA. The Township agrees not to object to or oppose any annexation undertaken pursuant to the terms and conditions contained in this Joint Resolution.
- 6. Annexation Procedure.
  - A. Notice of Intent to File a Petition for Annexation. At least 60 days before a petition for annexation is filed pursuant to this Agreement, the petitioner must notify the City of the intent to file a petition for annexation.
  - B. Electric Utility Service Notice. At least 30 days before a petition is filed for annexation, the petitioner must be notified by the City that the cost of electric utility service to the petitioner may change if the land is annexed to the City. The notice must include an estimate of the cost

- impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.
- C. Cost to MBA for Designation and Filing Fee and Other Cost Associated with Annexation under this Agreement. The cost for designation and filing fee paid to the MBA and other associated annexation costs shall be paid by the petitioner, except under the circumstances in which the City and/or Township initiates annexation proceedings. In this case the cost shall be paid by the initiating party or divided equally between the City and the Township.
- D. Date of Annexation. Property shall be deemed "annexed" on the day the MBA orders annexation.
- Revenue Sharing. To compensate the Township for the permanent loss of taxable property from Township tax rolls, the City shall pay the Township per-acre amount ("Taxation Reimbursement") for all land annexed to the City under this Agreement. Payment shall occur in equal annual installments over a period of six years from the date of annexation of such property to the City, with the first installment being made within 30 days of the annexation of the subject area and succeeding installments on the same payment date for each of the remaining five succeeding years. Said payment shall be calculated in accordance with the following formula:
  - A. Payment to the Township of \$250.00 per acre annexed into the City under this Agreement,
  - B. The City shall remit all delinquent taxes, charges and assessments collected from any portion of the Orderly Annexation Area if such taxes or charges were originally payable while the delinquent property remained in the Township. Additionally, when a property no longer qualifies for special tax treatment through Green Acres or other applicable programs such as Ag Preserves, CRP, This Old House, and taxes that were deferred under one of theses programs is paid to the City, the City shall remit to Township the amount which was deferred during the time the property was in the Township.
  - C. The City does not assume by this annexation any liability or responsibility for the payment of any obligations issued to finance public improvements constructed by the Township or for which the Township levied special assessments. In the event that the City annexes land under this Agreement upon which outstanding special assessments levied by the Township remain at the time of annexation, the City shall forward to the Township upon receipt all special assessment payments, which the City receives as a result of special assessments, levied by the Township.

Other than the reimbursement outlined above, no other reimbursement or taxes shall be owed to the Township from the City.

- 8. Planning in the Orderly Annexation Area. It is the intent of the parties that the Township recognizes the City's Comprehensive Plan, Subdivision Ordinance and Land Use Controls. It is also the intent of the parties that the City recognizes the continued viability of certain areas of the Township that are not likely to develop within a short to medium-term time frame, based on the City's Staging Concept adopted as part of the 2006 Comprehensive Plan Update. As such, the City and Township agree to establish certain transition zones within the Described Area and that the Township agrees for itself and consents that Carver County may, pursuant to Minn. Stat. § 414.0325, Subd. (5)(d)(1), exclude from Carver County's zoning and subdivision ordinances and allow the City to extend its zoning and subdivision regulations to include Transition Zones 1, 2 and 3 at various points of time as described below. These transition zones are graphically depicted on attached Exhibit C. The City shall reserve the right to request and receive zoning control from Carver County within the following areas and time frames:
  - A. <u>Transition Zone 1</u>: Upon adoption of this Resolution by both the City and the Township.
  - B. <u>Transition Zone 2</u>: January 1, 2013, or when Transition Zone 1 is developed beyond 70 %, whichever comes first. For purposes of this agreement "developed" shall include property that has been final platted or is in any phase of development beyond final plat.
  - C. <u>Transition Zone 3</u>: January 1, 2020, or when Transition Zone 2 is developed beyond 70%, whichever comes first. For purposes of this agreement "developed" shall include property that has been final platted or is in any phase of development beyond final plat.
- 9. Roads Within Area Designated for Orderly Annexation. Except as specifically set out herein or unless otherwise agreed to by both parties, the Township shall maintain all roads in the Orderly Annexation Area not annexed to the City and the City shall maintain all roads annexed to the City.
- 10. Venue. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota. The Venue for all actions concerning this Agreement shall be Carver County, Minnesota.
- 11. Authorization. The appropriate officers of the City and Township are hereby authorized to carry the terms of this Joint Resolution into effect.
- 12. Terms and Conditions of Entire Agreement. The terms and conditions of this Joint Resolution, including Exhibit A through Exhibit C which are attached hereto and incorporated herein by reference, shall constitute the entire Joint Resolution between the parties and supersede all prior agreements and negotiations regarding



annexation of property within the Orderly Annexation Area between the parties, specifically including, but not limited to, the 1982 annexation agreement between the City and the Township and any amendment thereto.

13. Effective Date. This Joint Resolution is effective upon its adoption by the respective governing bodies of the Township and the City, as provided by law.

Adopted by the City Council of the City of Norwood Young America this 25<sup>th</sup> day of February 2008.

Lo Vonne Krolls
Mayor

Attest:

Have functions.

Diane Frauendienst, City Clerk/Treasurer

Adopted by the Young America Township Board this 19 day of March, 200 8.

Bradley Schrüpp, Township Chairperson

Attest:

Lothar Wolfer, Jr., Township Clerk

# Exhibit A

# ORDERLY ANNEXATION AREA LEGAL DESCRIPTIONS:

All that part of Section 10, Township, 115, Range 26, Carver County, Minnesota, lying southerly of the northerly right-of-way of County State Aid Highway No. 34.

# AND

All that part of the West One-Half of Section 11, Township, 115, Range 26, Carver County, Minnesota, lying northwesterly of State Highway No. 5.

### AND

All of Section 12, Township, 115, Range 26, Carver County, Minnesota. EXCEPT that part of said Section 12 lying within the City limits of Norwood Young America.

# AND

All of Section 13, Township, 115, Range 26, Carver County, Minnesota. EXCEPT that part of said Section 13 lying within the City limits of Norwood Young America.

### AND

That part of the Southeast Quarter of the Northeast Quarter of Section 14, Township 115, Range 26, Carver County, Minnesota, lying northerly of State Highway No. 212.

### AND

The Northeast Quarter of the Northeast Quarter of Section 14, Township 115, Range 26, Carver County, Minnesota, EXCEPT that part lying within the current City limits of Norwood Young America

# AND

The South One-Half of Section 14, Township, 115, Range 26, Carver County, Minnesota. EXCEPT that part of said South One-Half lying within the City limits of Norwood Young America.

#### AND

All that part of North One-Half of Section 15, Township, 115, Range 26, Carver County, Minnesota, lying northerly of U.S. Highway No. 212.

# AND

That part of the Northwest Quarter of Section 15, Township 115, Range 26, Carver County, Minnesota, lying southerly of State Highway No. 212, northerly of the Chicago, Milwaukee, St.

Paul and Pacific Railroad Company right-of-way, and westerly of the current City limits of Norwood Young America.

### AND

The South One-Half of Section 15, Township, 115, Range 26, Carver County, Minnesota. EXCEPT that part of said South One-Half lying within the City limits of Norwood Young America.

# AND

All that part of Government Lot 3, Section 16, Township, 115, Range 26, Carver County, Minnesota, lying northerly of U.S. Highway No. 212 and lying northerly of Chicago Milwaukee St. Paul and Pacific Railroad.

### AND

That part of Government Lot 3, Section 16, Township 115, Range 26, Carver County, Minnesota, lying southerly of State Highway No. 212 and northerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company right-of-way.

# AND

All that part of Section 22, Township, 115, Range 26, Carver County, Minnesota, lying northerly of the Chicago and North Western Railroad right-of-way.

#### AND

All that part of West One-Half of the Northwest Quarter of Section 23, Township, 115, Range 26, Carver County, Minnesota lying northerly of the Chicago and North Western Railroad right-of-way.

# AND

The East One-Half of the Northwest Quarter and the South One-Half of the Northeast Quarter of Section 23, Township, 115, Range 26, Carver County, Minnesota.

# AND

The West One-Half of the Northwest Quarter of Section 24, Township, 115, Range 26, Carver County, Minnesota. EXCEPT the south 1056.00 feet of said Northwest Quarter, as measured along the west line thereof.

# AND

The North One-Half of the Northeast Quarter of the Northwest Quarter of Section 24, Township, 115, Range 26, Carver County, Minnesota.



To:

Chairperson Heher

Members of the Planning Commission

Administrator Heiget

From: Cynthia Smith Strack, Consulting Planner

Date:

July 7, 2020

Re:

**Expansion of Non-Conformance** 

#### **BACKGROUND**

In June when the PC was reviewing definitions non-conforming uses, structures, and lots were briefly addressed. The Commission agreed to discuss the potential to allow limited forms of expansion of non-conformance. Sample language from the Waconia and Belle Plaine codes are attached.

Waconia separates nonconforming uses into two classes. One class are properties/uses that are either not allowed in the zoning district or that exceed lot requirements by 50%. The other class are uses allowed in the district that exceed lot requirements by no more than 50%. The first class is not allowed to be expanded. The second is allowed to be expanded. Some parameters are established for expansion but no permit is required.

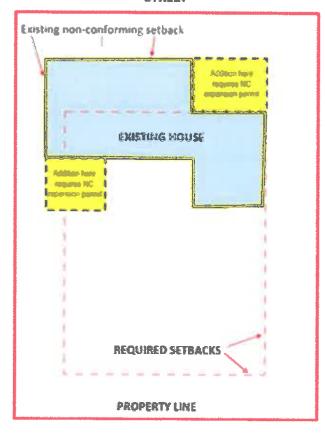
Belle Plaine allows expansion of nonconforming uses/structures. Public hearings and formal action are required for both. Which process applies depends on the nature of expansion.

Standards are attached.

#### **ACTION**

Discussion on level of interest in providing some expansion of non-conformance is requested. If interest exists it may be beneficial to address the issue with Council prior to drafting language.

# STREET



# **WACONIA CODE**

# Subd. 12. Legal Nonconforming Uses.

# A. <u>Classification of Nonconforming Uses.</u>

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance even though such use may not conform to the provisions of this Ordinance. For the purpose of this Ordinance, two (2) classes of legal nonconforming use are defined. Class 1 lawful uses are those which are not permitted in the district within which located and those uses which are permitted in the district but violate one or more lot requirements by more than 50%. Class 2 uses are permitted uses which violate no district requirement by more than 50%. It is the intent of the Section not to allow the expansion of Class 1 nonconforming uses. It is further the intent of this Section to encourage the continuance of Class 2 nonconforming uses, to allow for their expansion and to encourage even greater compliance with the requirements of the district within which the use is located.

# B. <u>Nonconforming Use Regulations.</u>

1. Structural Alterations, Replacement or Enlargement. Class 1 nonconforming uses shall not be structurally altered or enlarged unless the resultant altered or enlarged building or use shall conform in terms of usage to the provisions of this Ordinance and does not violate one or more lot requirements by more than 50%. Class 2 nonconforming uses of structures and land which do not meet the district lot requirements or off-street parking and loading regulations of this Ordinance shall be allowed to be structurally altered, replaced, restored or enlarged provided there is no further violation of said requirements than lawfully exists at the time of said alteration, replacement or enlargement and further provided enlargement can be done in full compliance with the building code.

- 2. Repair of Nonconforming Buildings. Nothing in this Ordinance shall prohibit the repair, improvement or modernizing of a lawful nonconforming building to prevent deterioration, obsolescence, depreciation and wear provided that such repair of Class 1 nonconforming uses shall not exceed an aggregate cost of 30% of the assessed value of the building.
- 3. Restoration. Any nonconforming use existing on the date of this Ordinance may be continued until its normal expiration except that any Class 1 lawful nonconforming use damaged by fire, explosion, and act of God, or any other causes in excess of 50%, excluding land and foundations, shall not be reconstructed unless approved by the Board of Adjustment. Approval to rebuild shall be granted only upon finding:
  - a. That such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use,
  - b. That restoration will not increase the size, intensity or character of the use that was destroyed,
  - c. That restoration constitutes no more than the replacement of the damage nonconforming use, and
  - d. That restoration will be in compliance with all building code requirements.
- 4. <u>Discontinuance or Abandonment.</u> Whenever a legal nonconforming use of either class has been discontinued for six (6) or more consecutive months, such discontinuance shall be considered conclusive evidence of the intention to abandon the nonconforming use and shall not be reestablished. Any future use shall be in conformance with the provisions of this Ordinance.
- 5. Changing of Use. Whenever a Class 1 nonconforming use has been changed to a more nearly conforming use or to a conforming use such use shall not revert or be changed back to a nonconforming or less conforming use. Whenever a Class 2 nonconforming use is changed to a use requiring the same or less parking, full ordinance compliance shall not be required but in no case shall existing parking be diminished.
- 6. Prior Construction Approval. Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within 90 days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.

- Termination of Nonconforming Land Uses. Nonconforming uses of land existing at the effective date of this Ordinance where no building is located may be continued, provided the nonconforming land use shall be terminated and converted to conform with the provisions of this Ordinance within three (3) years after the effective date; and further provided that the nonconforming land use shall not in anyway be expanded or extended during this three year interval either on the same property or on adjoining property.
- 8. <u>Illegal Nonconforming Uses.</u> Nonconforming uses of buildings or lands existing on the effective date of this Ordinance established without a building permit shall be declared illegal nonconforming uses and shall be discontinued within a period of three (3) years following the effective date of this Ordinance.
- 9. <u>District Changes.</u> Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions in this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

SECTION 1102.00 NON-CONFORMING LOTS, USES AND STRUCTURES.

1102.01 INTENT.

Lots, structures and uses of land which were lawful when established, but which would be prohibited under the terms of this Ordinance or future amendment shall be deemed legal non-conforming and regulated in accordance with this section.

It is the intent of this Ordinance to phase out such non-conforming uses within a reasonable time period while retaining full economic value. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, and not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except in compliance with provisions of this section.

A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of a structure and land may only be extended or expanded, including by expansion of a building or structure, attachment or placement of additional signs or display devices to a building, or on the land outside the building, upon issuance of an expansion permit. The addition uses which would be prohibited generally in the district involved may not be allowed by expansion permit.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun and upon which actual building construction has been diligently continued. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently continued until the completion of the building involved.

(Ord. 09-05, Section 1102.01, Adopted December 21, 2009.) (Ord. 11-14, Section 1102.01, 1102.02 and 1102.03, Adopted December 19, 2011.)

# 1102.02 NON-CONFORMITIES.

Any nonconformity, including the lawful use or occupation of land or premises legally existing at the time of establishment 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. The nonconformity is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, and no building permit has been applied for with 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.

The City may impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare or safety. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Notwithstanding the above, the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in the floodplain 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 flows in the floodway.

(Ord. 09-05, Section 1102, Adopted December 21, 2009.) (Ord. 11-14, Section 1102.01, 1102.02 and 1102.03, Adopted December 19, 2011.)

# 1102.03 EXPANSION PERMIT, NON-CONFORMING USE OR STRUCTURE.

# 1102.03 Subd 1, INTENT

An expansion of a non-conforming use may not be done without first obtaining a variance pursuant to section 1103 or an expansion permit pursuant to subdivision 2 of this section.

1. A variance is required if the expansion will intrude into one or more setback areas beyond the distance of the existing structure or will exceed the height or size limitations in this section by a distance or amount greater than the existing structure. Otherwise, an expansion permit is required. For example, if the building currently has a front setback of 25 feet when 30 feet is required, and the expansion would reduce the setback to 24 feet, then a variance is required. In contrast, if only a portion of the building has a front setback of 25 feet when 30 feet is required, and the expansion brings the rest of the building to the same setback of 25 feet, then an expansion permit is required rather than a variance.

# 2. An expansion permit is also required if:

- A. The proposed expansion will occupy any space within a nonconforming area that was previously not occupied both vertically and horizontally. For example, an expansion permit would be required if a second floor area is expanded into the non-conforming setback over an existing non-conforming first floor even though the non-conformity of the first floor setback dimension stays the same or is reduced; or
- B. The non-conforming aspect of a use or structure is reduced but still does not comply with current ordinance standards.

# 1102.03 Subd 2, PROCEDURE.

# 1. Application.

Application for a non-conforming use or structure expansion permit must be made to the zoning administrator. The application must be on forms provided by the city and must be accompanied by the following:

- A. A plat or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features and mature trees:
- B. Evidence of ownership or an interest in the property;
- C. The fee set by the annual fee schedule: and
- D. Such other information as may be required by the city.
- 2. Public Hearing.

Upon receipt of a completed application, a date will be set for a public hearing before the planning commission. The public hearing will be held only after notice has been sent by mail to the owners of all properties situated wholly or partially within 350 feet, as reflected in the certified records of the Scott County Auditor.

#### 3. Decisions.

- A. An expansion permit for a non-conforming use or structure may be granted, but is not mandated, when the applicant meets the burden of proving that he proposed expansion is a reasonable use of the property, considering such things as:
  - 1. Functional and aesthetic justifications for the expansion;
  - 2. Adequacy of off-street parking for the expansion;
  - 3. Absence of adverse off-site impacts such as things as traffic, noise, dust, odors, and parking;
  - 4. Improvement to the appearance and stability of the property and neighborhood;
  - 5. Will not endanger public safety;
  - 6. Will not interfere with adopted City plans or regulations requiring additional right-of-way width; and,
  - 7. Is not expansion of a non-conformity previously allowed through the non-conformance variance process.

# 4. Term of Expansion Permit.

An expansion permit granted by the city will run with the land and will be perpetual unless no building permit has been issued or substantial work performed within one (1) year following the approval, in which case the permit will be null and void. The city council may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. If the expansion permit is part of an approved site and building plan, extension of the time period for construction will be contingent upon similar extension of the time period for the site and building plan by the planning commission as required by section 1103.07 of this ordinance. Once the project is completed as approved, the expansion permit becomes perpetual.

# Specific Period.

An expansion permit is valid only for the project for which it was granted. Construction of any project must be in substantial compliance with the building plans and specifications reviewed and approved by the planning commission and city council.

# 6. Appeals.

A person aggrieved by a decision of the city council regarding an expansion permit may appeal to the city council pursuant to section 1103.04.

# 7. Recording.

A certified copy of the expansion permit must be filed by the applicant with the Scott count recorder or the Scott county registrar of titles. The expansion permit must contain a legal description of the property affected.

# 8. Violations.

A person who violates, fails to comply with or assists, directs or permits the violation of the terms or conditions of an expansion permit is guilty of a misdemeanor. A violation is a violation of the expansion permit and renders the permit null and void. A violation also constitutes a public nuisance that may be abated in accordance with the provisions of section 1103.03.

(Ord. 11-14, Section 1102.01, 1102.02 and 1102.03, Adopted December 19, 2011.)



To: Chairperson Heher

Members of the Planning Commission

Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 7, 2020

Re: Language Review Residential Uses on First Floor in C-3 Downtown District

# **BACKGROUND**

In June the Planning Commission held a public hearing on an after the fact variance pertaining to residential uses on the first floor of commercial buildings in the C-3 Downtown District. During the meeting PC Member Grundahl requested the Commission review the language to provide clarity.

Please find attached the language included in Ordinance 287 which allowed for such uses.

# **ACTION**

Discussion about potential changes to language to promote clarity.

# 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;
- 1. 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 Amer	ica on the 24 <sup>th</sup> day of April, 2017.	
Attest:	Carol Lagergren, Mayor	
Kelly Hayes, City Clerk-Treasurer		
(SEAL)		

# Building Permit Report - June 2020

\$241,000.00 \$260,000.00 \$260,000.00 \$248,326.00 \$25,000.00 \$4,900.00	¢2 €0			1 4/33/30301	-Iro Corinklor	605 March Path	2020041 lencar Holdings
\$241,000.00 \$260,000.00 \$260,000.00 \$248,326.00 \$25,000.00		¢70 c0	27 77		1		
\$241,000.00 \$260,000.00 \$260,000.00 \$248,326.00 \$25,000.00	\$2.50	\$79.59	\$122.45	4/22/2020	Fire Sprinkler	575 Marsh Path	2020040 Jencar Holdings
\$241,000.00 \$260,000.00 \$260,000.00 \$248,326.00	\$12.50	\$279.79	\$430.45	4/16/2020	Alteration-bath room	211 Reform St S	2020039 Kevin Eiden
\$241,000.00 \$260,000.00 \$260,000.00		\$1,362.47	\$14,843.88	4/22/2020	new home	575 Marsh Path	2020038 Jencar Holdings
\$241,000.00 \$260,000.00		\$1,351.22	\$14,826.58	4/22/2020	new home	605 Marsh Path	2020037 Jencar Holdings
\$241,000.00		\$1,351.22	\$14,826.58	4/22/2020	new home	590 Marsh Path	2020036 Jencar Holdings
		\$1,275.14	\$14,709.54	4/22/2020	New home	620 Marsh Path	2020035 Jencar Holdings
	\$1.00		\$60.00	4/14/2020	refroof	316 4th Street SW	2020034 Kevin & Ruth Williams
\$27,000.00		\$294.24	\$452.67	4/10/2020	sotorage shed	323 Casper Circle	2020033 Jack Lano
\$249,000.00		\$1,307.18	\$10,824.82	4/20/2020	new home	1030 Lakewood Court	2020032 Loomis Homes
	\$1.00		\$60.00	4/10/2020	Furnace	240 Upper Brand Lk Dr	2020031 John Kroells
\$11,000.00	\$5.50	\$139.65	\$214.85	4/20/2020	Deck	955 Lakewood Trail	2020030 Loomis Homes
\$9,000.00	\$1.00	\$169.68	\$328.05		Finish basement	1065 Lakewood Court	2020029 Philip Henning
\$22,500.00	\$13.50	\$259.77	\$399.65	4/27/2020	finish basement	835 Barnes Lake Rd	2020028 Scott & Linda Rannow
	\$1.00		\$60.00	4/8/2020	reroof	211 Park Place West	2020027 John Fahey
	\$176.50	\$1,707.58	\$11,460.82	4/10/2020	new home	1025 Lakewood Trail	2020026 Loomis Homes
\$25,000.00	\$13.50	\$279.79	\$490.45	4/3/2020	Finish basement	955 Lakewood Trail	2020025 Loomis Homes
	\$1.00		\$60.00	3/27/2020	water softener	965 Lakewood Tr	2020024 Loomis Homes
	\$173.00	\$1,671.54	\$13,866.60	3/26/2020	new home	440 Park Circle	2020023 Homeland Builders
\$340,000.00	\$1.00		00.09\$	3/24/2020	ductwork	634 Preserve Blvd	2020022 Larry Krause
\$40,000.00	\$21.00	\$388.12	\$657.10	5/15/2020	pool	430 Emma Street	2020021 Josh Kroells
\$5,152.00	\$4.00	\$89.60	\$197.85	3/17/2020	alterations	324 4th St SW	2020020 Larry Panning
\$500.00	\$1.00	\$0.00	\$60.00	3/17/2020	water soft	940 Lakewood Tr	2020019 Loomis Homes
\$317,000.00	\$161.50	\$1,579.45	\$11,303.70	3/4/2020	new home	1115 Barnes Lakd Dr	2020018 Loomis Homes
\$7,500.00	\$4.00	\$109.62	\$168.65	3/5/2020	overhang	409 N Faxon Rd	2020017 Citizen's Bank
\$231,992.00	\$118.00	\$1,239.11	\$10,700.10	3/4/2020	new home	1000 Whitetail Path	2020016 Loomis Homes
\$288,125.00	\$146.50	\$1,467.34	\$11,076.22	2/28/2020	new home	1075 Barnes Lake Dr	2020015 Loomis Homes
\$30,000.00	\$17.00	\$315.90	\$606.00	2/27/2020	finish bsmt	1045 Lakewood Crt	2020014 Dennis Mohs
\$248,288.00	\$126.50	\$1,307.18	\$10,814.82	2/27/2020	new home	1095 Barnes Lake Dr	2020013 Loomis Homes
\$251,030.00	\$128.00	\$1,319.19	\$10,843.30	2/26/2020	new home	990 Lakewood Trail	2020012 Loomis Homes
\$35,000.00		\$352.01	\$541.55	2/21/2020	Solar	531 Morse Street N	2020011 Central School
\$35,000.00	10	\$352.01	\$541.55	2/21/2020	Solar	655 SW 7th	2020010 Central School
\$10,000.00		\$129.64	\$199.45	2/18/2020	Refrigeration	520 Reform St N	2020009 Kwik Trip
\$20,000.00	10	\$229.74	\$353.45	2/5/2020	Mechanical	520 Reform St N	2020008 Kwik Trip
		\$0.00	\$100.00	1/28/2020	Demo	524 Elm St W	2020007 Andy Wigfield
		\$0.00	\$60.00	1/27/2020	Furnace	261 Emma Street	2020006 Tim Fahey
	\$1.00	\$0.00		1/27/2020	Plumbing	404 5th St Ct SW	2020005 Harlan Mackenthun
\$18,000.00	\$9.00		10	1/22/2020	Alterations	404 5th St Ct SW	2020004 Harlan Mackenthun
\$1,500.00	\$1.00		\$98.09	2/4/2020	Ansul System	520 Reform St N	2020003 Kwik Trip
		\$0.00	\$60.00	1/16/2020	Furnace	328 Oak Drive	2020002 Donna Kleman
	\$1.00	\$0.00	\$60.00	1/13/2020	Residing	514 W Elm Street	2020001 Tim Schroeder
VALUE	SURCHARGE V	FEE	PERMIT FEE	DATE	PURPOSE	ADDRESS	PERMIT # NAME
_		PLAN CHECK					

# Building Permit Report - June 2020

2800202	2020084	2020083	2020082	2020081	2020080	2020079	2020078	2020077	2020076	2020075	2020074	2020073	2020072	2020071	2020070	2020069	2020068	2020067	2020066	2020065	2020064	2020063	2020062	2020061	2020060	2020059	2020058	2020057	2020056	2020055	2020054	2020053	2020052	2020051	2020050	2020049	2020048	2020047	2020046	2020045	202004	202004
2020085 Gur Jarvi	Warren Koistinen	2020083 Carl LaRose	Loomis Homes	2020081 Mark & Carol Lagergren	2020080 Pete Buckentine	Jim Crawford	Lomis Homes	2020077 Mark Bartels	NAPA		4 Plex Townhomes	Eric Lehn	Leon Becker		2020070 Melvin Byer	Danielle Bentz	Joseph Kube	Kim & Eric Neubarth	Nick Ostlie	Thomas Lauerman	2020064 Mary Spille	2020063 KJS Properties	Pro Auto -Kevin Eiden	2020061 Pro Auto -Kevin Eiden	2020060 Steve Danielson	2020059 Eric Knuth	Loomis Homes	Ken Norman	Troy Krueger	Anna Boote	Beanna Rief	Tim Rohwer	Steve Danielson	Dewey Hormann	2020050 Johnathon Rueben	2020049 Dean Lind	Seth Huber	Mary Skolberg		Xtreme Properties		2020043 Jencar Holdings
636 Meadow Lane	414 Central Avenue S	124 Park Place W	985 Lakewood Trail	513 Devonshire Drive	309 Faxon Road	1005 Whitetail Path	1025 Lakewood Trail	306 Oak Drive	508 N Faxon Road	415 5th Street	636, 648,660,662 Meadow	401 Trilane Drive	222 Reform Street	214 Brush Street	321 Hill St West	413 Meadow Lane	811 Elm St West	471 Emma Street	115 hill St West	120 Elm Street E	440 Meadow Lake	219 Elm St W	324 Railroad Street	324 Railroad Street	514 Morse Street	106 Main Street E	990 Lakewood Trail	223 Hazel Street	622 Elm Street W	215 W. Wilson Street	930 Lakewood Trail	935 Lakewood Trail	514 N Morse St	210 NE 1st St	19 Central Avenue N	517 Casper Circle	209 1st Avenue SE	715 Lakewood Trail	569 Shireview Lane	311 Railroad St W	308 4th Street SW	620 Marsh Path
deck	new home	new furnace	New Home	Replace windows	Reroof	finish basement	fireplace	Reroof	Reroof and Reside	Finish Basement	Lane - reroof	Replace windows	Reroof	Reroof	Reroof	Softener	Reside	Reroof	Reroof	Reroof garage	deck remodel	reroof	AC unit	plumbing	Alterations	Replace 5 windows	softener	Reroof	Replace windows	replace furnace & AC	deck	basement finish	Reroof	Reside	Reroof	Reroof	Reroof	Replace Patio door	Deck	Reroof and Reside	Egress Window	Fire Sprinkler
6/26/2020	6/22/2020	6/15/2020	6/12/2020	6/8/2020	6/10/2020	6/18/2020	6/5/2020	6/3/2020	6/3/2020		6/1/2020	5/29/2020	5/29/2020	5/29/2020	5/29/2020	5/20/2020	5/19/2020	5/18/2020	5/18/2020	5/15/2020	6/8/2020	5/13/2020	5/14/2020	5/14/2020	5/12/2020	5/8/2020	5/6/2020	5/6/2020	5/8/2020	5/4/2020	5/5/2020	5/1/2020	5/1/2020	4/29/2020	4/28/2020	4/28/2020	4/28/2020	5/1/2020	4/27/2020	4/27/2020	4/20/2020	4/22/2020
\$59.45	\$12,803.16	\$60.00	\$11,448.06	\$60.00	\$777.50	\$365.65	\$60.00	\$60.00	\$288.98	\$199.45	\$240.00	\$60.00	\$60.00	\$60.00	\$60.00	\$15.00	\$60.00	\$60.00	\$60.00	\$60.00	\$91.65	\$91.65	\$199.45	\$168.65	\$168.65	\$60.00	\$60.00	\$60.00	\$60.00	\$120.00	\$338.05	\$428.45	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$122.45	\$541.55	\$76.25	\$122.45
\$38.64	\$1,435.30		\$1,663.53		\$505.38	\$159.67				\$129.64											\$59.57	\$59.57		\$109.62	\$109.62						\$219.73	\$229.74							\$79.59	\$352.01	\$49.56	\$79.59
\$1.00	\$142.50	\$1.00	\$172.00	\$1.00	\$29.50	\$8.50	\$1.00	\$1.00	\$7.50	\$5.00	\$4.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.50	\$1.50	\$5.00	\$4.00	\$4.00	\$1.00	\$1.00	\$1.00	\$1.00	\$2.00	\$9.50	\$11.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$2.50	\$17.50	\$1.00	\$2.50
\$1,500.00	\$280,000.00	\$2,800.00	\$338,000.00	\$12,000.00	\$59,000.00	\$13,000.00	\$1,500.00		\$15,000.00	\$10,000.00	\$27,000.00	\$38,623.00	\$9,000.00	\$5,000.00	\$12,500.00							\$2,785.00		\$7,400.00		\$10	\$500.00					<sub>c</sub>		\$3,500.00		\$8,000.00				€₽		\$4,900.00

# **Building Permit Report - June 2020**

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																			:		020089	020088	020087	020086
																					2020089 Erik Laage	2020088 Loomis Homes	2020087 Loomis Homes	2020086 Julee Arndt/Naomi Lynch 206 Trilane Drive
								:													423 Elm St West	820 Barnes Lake Drive	1060 Lakewood Court	ch 206 Trilane Drive
																			i		mechanical	new home	new home	Deck
														_	:						6/29/2020			6/26/2020
						,															\$60.00	\$18,601.46	\$10,929.54	\$122.45
																					l		\$1,375.24	
																					\$1.00	\$153.50	\$135.00	
																					\$1,400.00	\$153.50 \$302,470.00	\$	\$4,537.00