



**Norwood Young America Planning Commission**  
**7:00 p.m., Tuesday, October 6, 2020**  
**VIRTUAL MEETING UTILIZING ZOOM**  
**Join Zoom Meeting**

<https://us02web.zoom.us/j/2334975750?pwd=SWdvVVp2SXNLRURDQmV6STFRd1FaQT09>  
Meeting ID: 233 497 5750

**AGENDA**

1. Call to Order  
Pledge of Allegiance  
Jerry Barr
2. Adoption of Agenda  
Mike Eggers
3. Approve Minutes of September 1, 2020 meeting  
John Fahey
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.)  
Bill Grundahl
5. Public Hearings  
A. Ordinance amending Zoning Code C-3, Downtown District, Residential Uses on First Floor  
B. Ordinance amending Zoning Code Definitions  
Paul Hallquist  
Bob Smith
6. Old Business  
A. Ordinance amending Zoning Code C-3, Downtown District, Residential Uses on First Floor  
B. Ordinance amending Zoning Code Definitions  
C. Expansion of Non-Conformance  
Craig Heher  
Council Liaison
7. New Business  
A. Planning Commission Work List
8. Miscellaneous  
A. The Preserve 5<sup>th</sup> Addition Letter
9. Commissioner's Reports
10. Adjourn

**UPCOMING MEETINGS**

October 12	City Council 6:00 p.m.
October 14	Economic Development Commission 6:00 p.m.
October 20	Parks & Recreation Commission 4:45 p.m.

October 28

City Council Work Session/EDA/Regular meeting 6:00 p.m. (Joint Work Session – Expansion of Non-Conforming Uses)

November 4

Planning Commission 6:00 p.m.

*Norwood Young America  
Planning Commission Minutes  
September 1, 2020*

**Present:** Commissioners Jerry Barr, Mike Eggers, John Fahey, Bill Grundahl (6:30), Paul Hallquist, Craig Heher, and Bob Smith.

**Absent:** None.

**Staff:** City of Norwood Young America City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.

**Public:** None.

**1. Call to Order.**

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

**2. Adoption of Agenda.**

Chairperson Heher introduced the agenda and requested the addition of item 7(B) Discussion of October Meeting Date/Time as scheduled meeting conflicts with a community gathering for National Night Out and item 7(C) Discussion of November Meeting Date/Time as scheduled meeting conflicts with general election day.

*Motion* – Smith, seconded Fahey to approve the agenda. The agenda was approved 6-0.

**3. Approval of Minutes from the Regular August 4, 2020.**

Heher introduced the minutes from the August 4, 2020 regular meeting.

*Motion* – Fahey to approve the August 4, 2020 regular meeting. Seconded by Eggers. With all present in favor the regular meeting minutes were approved 6-0.

**4. Public Comment.**

None.

**5. Public Hearings.**

None.

**6. Old Business.**

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

Heher introduced the agenda topic.

Strack noted the Commission reviewed and made changes to draft language pertaining to residential

uses on the first floor of commercial structures in the Downtowns at the previous meeting. The Commission requested the revised draft language be presented to City Attorney Jay Squires for comment. Squires per an email in the packet approved of the language.

Heher noted the purpose of the code amendment was to clarify existing language that was placed into effect to allow some flexibility in uses in the Downtowns as a means of addressing vacant structures.

City Administrator Helget requested discussion on the language pertaining to entryways and prohibiting access to residential uses through commercial establishments.

The Commission thoroughly discussed different language options. The Commission reached consensus of the following language:

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. **Continuous commercial office, retail, or service space** ~~A storefront~~ is retained in **at a minimum** the front **half** of the building's **first floor abutting** adjacent to public streets;
3. A separate entry is provided for the residential use. **If residential entry is from the front of the building access to the residential use shall be through an enclosed corridor;**
4. The residential use is not adversely impacted by the adjoining commercial use in terms of hours of operation prior to 7 a.m. or after 9 p.m., production of odor or noise, or increased traffic generation; and
5. Off-street parking is provided for the residential use.

*Motion* – Smith to call for a public hearing on the proposed code amendment at the October meeting. Seconded by Barr and approved 6-0.

#### B. Language Review of Expansion of Non-Conformance.

Chairperson Heher introduced agenda topic.

Strack stated the City Council in joint work session with the Planning Commission discussed the potential to define non-conforming use 'expansion' and allow some flexibility in said expansions. Strack alluded to three types of non-conformance: non-conforming lots of record, non-conforming structures, and non-conforming uses of property. Strack opined the City Council appears to be in favor of allowing limited flexibility but prefers a cautious approach that:

1. Provides for limited expansion of non-conforming structures, but with oversight review.
2. Discourage expansion of non-conforming structures if other inconsistencies with performance standards would apply (e.g. need a variance for site coverage).
3. Continuing to prohibit expansions of non-conforming uses of property.
4. Avoid allowing additional outdoor storage.
5. Carefully considerations keeping commercial uses in residential zones from further disrupting residential uses.
6. Treating like situations similarly and being able to clearly explain standards.

Strack alluded to sample standards from Waconia and Belle Plaine included in the Commission's meeting packet.

Strack requested the Commission discuss:

1. Regulatory approach, whether the Commission preferred a tiered approach like Waconia or another alternative.
2. Whether or not the Commission agrees with continuing to prohibit any form of expansion of non-conforming uses.
3. Preferred level of review for non-conforming structures wither purely administrative, formal without public hearing, or formal with a hearing.
4. Whether or not the Commission wanted to prohibit certain items such as not allowing expansion (a) if more than one non-conforming aspect exists (i.e. two setbacks non-conforming) or (b) a variance was issued to create the non-conformity or (c) proposed expansion would necessitate a variance to another standard.

Heher further reviewed Council input noting the Council preferred allowing expansion of non-conforming setbacks in residential areas and conforming aspects of non-conforming structures. Heher noted the Council was skeptical of allowing expansion of non-conforming uses of property, especially commercial uses in residential neighborhoods. Heher opined such an expansion would likely not be supported by the Council or himself. Heher did suggest there could be a potential for limited expansion of commercial or industrial non-conforming uses in commercial or industrial districts.

Fahey opined a very limited expansion of certain uses of property could be acceptable on a case by case basis.

Strack noted it could be difficult to allow certain expansions and not others. She referenced outdoor storage type uses in zoned guided to future residential use. She suggested tying potential for expansion of non-conforming uses of property to specific zoning classifications or future use classifications.

The Commission discussed potential expansion of outdoor storage uses. Hallquist noted some very limited may make sense in certain situations. Barr stated he opposed to expansion of outdoor storage uses. Smith and Grundahl agreed with Barr. Consensus of the Commission was that non-conforming outdoor storage uses and areas should be prohibited.

Hallquist suggested a review of potential changes by zoning classification may help the Commission organize discussion and work through potential issues efficiently. Strack clarified Hallquist was suggesting review zoning classification and potential to draft language by zoning class. Hallquist affirmed.

Strack will bring a table of types of non-conformance expansion by zoning class to the next meeting.

#### C. Pending Zoning Code Amendments.

Heher introduced the agenda topic.

Strack noted the Planning Commission has reviewed a number of adjustments to the zoning code in 2020. The following are pending changes:

1. Shoreland text and official zoning map update.
2. Official zoning map update - rezoning of Railroad Street West.
3. Update several zoning definitions.

4. Potential zoning map updates resulting from 2040 Comprehensive Plan update.
5. Potential update to non-conforming uses.

Strack requested discussion as to how the Commission would like to process the amendments, if they wanted to propose a wholesale amendment of the zoning code or process each update individually. Strack noted if a wholesale update was proposed it may be beneficial to involve the City Council so as to ensure all members understood proposed changes to each topic. She opined updating individual sections can be burdensome for administrative staff who must follow up after the City Council enacts language.

The Commission reached consensus to process individual updates provided the Commission has a list of items it is working on. Strack is to organize a list for future meetings.

## 7. New Business.

### A. Future Land Use and Official Zoning Consistency.

Heher introduced the agenda item.

Strack noted the 2040 Comprehensive Plan had been placed into effect. Under Minnesota Statutes the City had up to two years to update its Official Zoning Map to be consistent with the future land use (planned land use) map contained in the 2040 Comprehensive Plan.

Strack referenced a table included in her memo and reviewed several potential impacts.

1. A large area is guided toward medium density residential use which corresponds to the R-2 or R-3 District but has a minimum density of 6-12 dwelling units per acre required. This means at least townhomes if not small apartment buildings must likely be included in any development scenario. The property is currently zoned transitional agricultural and should be rezoned to R-2 or R-3.
2. The 2040 Plan allows for rezoning areas currently zoned as C-2 adjacent to Highway 212 to RC-1. The Commission may wish to address curtailing blended residential uses in the corridor.
3. The Commission should address how future land use impacts a previous desire to rezone certain property adjacent to Railroad Street West.
4. The Commission should consider impact of potential industrial areas to be rezoned to blended commercial/industrial.

The Commission will continue to discuss at future meetings.

### B. October Meeting Date.

Heher noted the October meeting time conflicts with a planned National Night Out event. He suggested the Commission consider moving the October 6, 2020 meeting start time to 7 p.m. or moving the meeting to Wednesday, October 7<sup>th</sup>.

Motion: Smith, Second Barr to reschedule start time of the October 6, 2020 meeting to 7 p.m. All present voted in favor. Motion carried 7-0.

C. November Meeting Date.

Heher noted the November meeting falls on Election Day. He suggested the Commission consider moving the November regular meeting to the following day, November 4, 2020 at 6:00 p.m.

Motion: Grundahl, seconded by Eggers to move the November meeting to 6:00 p.m., Wednesday, November 4, 2020. All present voted in favor. Motion carried 7-0.

**8. Miscellaneous.**

A. August Building Permit Report.

The August building permit report was reviewed. It was noted the City issued about 20 new home permits so far this year.

**9. Commissioner Reports.**

Commissioner Grundahl provided an update from the Parks & Recreation Commission. Commissioners Barr, Hallquist and Smith did not have updates. Commissioner Eggers provided an update from the EDC.

Heher provided updates from City Council meetings, including noting: planned maintenance of public buildings, authorization of a feasibility report for potential to undertake an improvement project, and a forthcoming budget meeting.

Helget provided an update miscellaneous issues and noted Angela Brumbaugh had started as City Clerk/Treasurer.

Heher noted efforts to improve aesthetics on which the City has focused over the previous year.

**10. Adjourn**

Motion – Hallquist, Seconded by Smith to adjourn the meeting. With all in favor the meeting adjourned at 7:30 p.m.

Respectfully submitted,

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Steve Helget  
Zoning Administrator



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: October 6, 2020

Re: Public Hearing: Ordinance Amending Chapter 1230.10, Subd. 2(L) of the City Code

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#### BACKGROUND

At the direction of the City Council, the Planning Commission discussed language included in the code pertaining to residential use of a portion of the first floor of commercial buildings in the C-3 Downtown District. The Commission is recommending code language be amended to better describe the intent of the language which is to allow residential uses on the first floor of commercial buildings in the Downtown Districts provided they occupy no more than 50% of the building (continuous) and are not in the front 50% of the building.

The Planning Commission is recommending the underlined text be included in the code and the strikethrough text in the following passage be removed from the code. The remainder of the language is to remain unchanged.

- 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. Continuous commercial office, retail, or service space A storefront is retained in at a minimum the front half of the building's first floor abutting ~~adjacent to~~ public streets;
  3. A separate entry is provided for the residential use. If residential entry is from the front of the building access to the residential use shall be through an enclosed corridor;
  4. The residential use is not adversely impacted by the adjoining commercial use in terms of hours of operation prior to 7 a.m. or after 9 p.m., production of odor or noise, or increased traffic generation; and
  5. Off-street parking is provided for the residential use.

Notice of the proposed change has been published and posted. No comment for or against the proposed changes have been received.

#### ACTION

The Commission is to hold the public hearing. If appropriate the Commission is to consider a MOTION recommending an action to the City Council.



**CITY OF NORWOOD YOUNG AMERICA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE BY AMENDING SECTION 1230.10, SUBD. 2(L) PROVIDING 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, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS:**
- II. SECTION 1230.10, SUBD. 2(L) RELATING TO LIMITED RESIDENTIAL USES ON THE FIRST FLOOR OF COMMERCIAL STRUCTURES IN THE C-3 DOWNTOWN DISTRICT SHALL BE AMENDED AS FOLLOWS:**
- 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. Continuous commercial office, retail, or service space A storefront is retained in at a minimum the front half of the building's first floor abutting adjacent to public streets;
  3. A separate entry is provided for the residential use. If residential entry is from the front of the building access to the residential use shall be through an enclosed corridor;
  4. The residential use is not adversely impacted by the adjoining commercial use in terms of hours of operation prior to 7 a.m. or after 9 p.m., production of odor or noise, or increased traffic generation; and
  5. Off-street parking is provided for the residential use.
- III. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City of Norwood Young America on the \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Carol Lagergren, Mayor

Attest:

\_\_\_\_\_  
Angela Brumbaugh, City Clerk/Treasurer



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

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

Date: October 6, 2020

Re: Public Hearing – Update of Chapter 1200.04 (Definitions) of the City Code

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### **BACKGROUND**

The Planning Commission has reviewed several definitions included in Chapter 12 of the City Code pertaining to land use and zoning. Due to changes in zoning practice and previous code amendments, the Planning Commission is recommending adjustments to certain definitions as follows:

Deletion of definitions for:

- "Boarding House" not identified as a use in a zoning district;
- "Cellar" definition appears to be obsolete;
- "Family" defining family has been the subject of litigation in the past, especially as it relates to group homes. The City's zoning classifications mirror state statutes pertaining to group homes.
- "Hardship" this definition related to variances and is obsolete due to a change in state statutes.

Amending the definition of "deck" to remove dimensional requirement it must be three feet above ground.

Changing the definition of 'structure' to: "Anything constructed or erected including buildings, the use of which requires location on the ground or attachment to something having a location on the ground." The new definition removes a reference to the public right of way and structures within said right of way.

The draft code amendment is included in the Planning Commission packet. The code amendment has been posted and published. No comment for or against the proposed adjustments has been received.

### **ACTION**

The Planning Commission is to hold the public hearing. A MOTION to recommend the City Council approve the proposed amendment to Section 1200.04 may be in order.

**CITY OF NORWOOD YOUNG AMERICA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE BY AMENDING SECTION 1200.04 PERTAINING TO DEFINITIONS OF ZONING WORDS/TERMS.**

**I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS:**

**II. SECTION 1200.04 SHALL BE AMENDED AS FOLLOWS:**

Definitions for the following terms shall be deleted from Section 1200.04: “Boarding House”, “Cellar”, “Family”, and “Hardship”.

**III. THE DEFINITION OF “DECK” IN SECTION 1200.04 SHALL BE AMENDED AS FOLLOWS:**

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.~~

**IV. THE DEFINITION OF “STRUCTURE” IN SECTION 1200.04 SHALL BE REPLACED WITH THE FOLLOWING:**

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

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

Adopted by the City of Norwood Young America on the \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Carol Lagergren, Mayor

Attest:

\_\_\_\_\_  
Angela Brumbaugh, City Clerk/Treasurer



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: October 6, 2020

Re: Expansion of Non-Conformance

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**BACKGROUND**

The Planning Commission has been discussing a code amendment to define 'expansion' as it relates to existing non-conforming uses, thereby allowing some flexibility in said expansions. At the previous meeting the Commission discussed potential changes and requested future discussion be organized by zoning classification to assist with consolidating discussion and reviewing the topic efficiently.

The following table is provided for discussion.

## NON CONFORMANCE DISCUSSION GUIDE

Zoning Classification	Non-Conforming Lot Expansion (Existing lots of record)	Non-Conforming Structure Expansion	Non-Conforming Use Expansion
<p>R-1 Low Density Single Family Residential</p> <p>R-2 Medium Density Single Family Residential</p> <p>R-3 Medium Density Mixed Residential</p> <p>R-4 Multiple Family Residential</p>	<p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p>	<p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, then a variance must be approved prior to the administrative approval of a non-conformance expansion permit. <i>Alternate: delete variance allowance and simply don't allow expansion.</i></p>	<p>Not allowed</p>

**NOTE: The Commission may not wish to treat all residential districts alike.**

## NON CONFORMANCE DISCUSSION GUIDE

Zoning Classification	Non-Conforming Lot Expansion (Existing lots of record)	Non-Conforming Structure Expansion	Non-Conforming Use Expansion
RC-1 Residential Neighborhood Commercial	<p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p>	<p>For residential uses, see discussion above.</p> <p>For Commercial uses:</p> <p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street. <b>(Commission should discuss potential impact on adjacent residential uses and may wish to require formal review/approval by Commission and Council).</b></p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, expansion is not allowed. <b>(Commission should discuss if variance could be considered)</b></p>	Not allowed

## NON CONFORMANCE DISCUSSION GUIDE

Zoning Classification	Non-Conforming Lot Expansion (Existing lots of record)	Non-Conforming Structure Expansion	Non-Conforming Use Expansion
C-2 General Commercial	<p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <b>NOT</b> apply to new lots being created.</p>	<p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, then a variance must be approved prior to the administrative approval of a non-conformance expansion permit. <b>Alternate: delete variance allowance and simply don't allow expansion</b></p>	<p>Consider under variance.</p> <p>Consider not allowing expansion of outdoor storage.</p>
C-3 Downtown Districts	<p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <b>NOT</b> apply to new lots being created.</p>	<p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street. <b>(Commission should discuss potential impact on adjacent residential uses and may wish to require formal review/approval by Commission and Council).</b></p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, expansion is not allowed. <b>(Commission should discuss if variance could be considered)</b></p>	<p>Not allowed</p>

## NON CONFORMANCE DISCUSSION GUIDE

Zoning Classification	Non-Conforming Lot Expansion (Existing lots of record)	Non-Conforming Structure Expansion	Non-Conforming Use Expansion
B-1 Business Industrial District	<p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p>	<p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, then a variance must be approved prior to the administrative approval of a non-conformance expansion permit. <i>Alternate: delete variance allowance and simply don't allow expansion</i></p>	<p>Consider under variance, including outdoor storage</p>
I-1 Light Industrial District	<p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p>	<p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, then a variance must be approved prior to the administrative approval of a non-conformance expansion permit. <i>Alternate: delete variance allowance and simply don't allow expansion</i></p>	<p>Consider under variance, including outdoor storage</p>



## NON CONFORMANCE DISCUSSION GUIDE

Zoning Classification	Non-Conforming Lot Expansion (Existing lots of record)	Non-Conforming Structure Expansion	Non-Conforming Use Expansion
TA Transitional Ag	<p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p>	<p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If proposed change results in need for a variance or another aspect of the structure becoming non-conforming prohibit.</p>	

**ACTION**

Discussion of potential standards.



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: October 6, 2020

Re: Planning Commission Work List

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**BACKGROUND**

The Planning Commission has requested an itemized work list of code amendments. The following are pending changes:

<b>WORK LIST ITEM</b>	<b>STATUS</b>
1. Update of zoning definitions	Public Hearing 10/6/20
2. Update of C-3 language for residential uses on first floor of commercial buildings	Public Hearing 10/6/20
3. Potential update to non-conforming use standards	Discussion on 10/6/20
4. Rezone first tier of lots Railroad St W from Reform St to Progress St	Property owners to be notified of potential change and hearing to be scheduled and held
5. Shoreland overlay district text and map update (allow flexibility for height and impervious surface coverage)	Public hearing to be scheduled and held
6. Potential zoning map updates resulting from 2040 Comprehensive Plan update	Topic introduced in September, more discussion needed

**ACTION**

This item is for information



September 22, 2020

**Re: The Preserve 5<sup>th</sup> Addition**

Dear Property Owner:

On behalf of the City of Norwood Young America, welcome to the community. It has been exciting to watch as your homes were getting built and yards established. It is truly a beautiful neighborhood.

As new residents to the community, the purpose of my letter is to inform you of some of the City requirements that may apply to you as you contemplate future improvements to your home and/or property. Some of you may not be familiar with the permitting and zoning requirements of a City prior to doing improvements. My hope is this information will assist you as you make your plans.

#### Impervious Surface or Lot Coverage

For properties located in The Preserve 5<sup>th</sup> Addition, no more than 25% of your lot area may be occupied by buildings or hard surface such as asphalt or concrete. Due to the development's proximity to Barnes Lake, the Minnesota Department of Natural Resources requires the City to limit your lot coverage to 25%. When Loomis Homes applied for a building permit to construct your home, as required, they submitted a property survey with the permit application. On the survey the square footage area of your house and the hard surface areas such of your driveway and sidewalk are defined. Your property met the 25% lot coverage when the house was built. Please check your survey for determination of what your lot coverage is. If needed, the City has a copy of your survey on file.

#### Tree Line – City Property

For properties that are located on the Barnes Lake side, your rear property line may extend into the tree line, but it does not extend to the lake. The City owns a substantial section of the tree line. Enclosed is an aerial photo identifying the approximate location of the City's property highlighted in blue. No trees are to be removed that are located on City property without City written authorization. The City's property is not for private use and is to be left in its current state. Your cooperation in this matter is appreciated.

*Norwood Young America*

### Building Permits

A building permit is required for most improvements such as construction of a deck, installation of a shed over 200 square feet, installing in-ground swimming pools, finishing a basement, water heater changeouts, etc. Please contact the City for determination if a building permit is required prior to commencing any work.

### Administrative Permits

For some improvements that do not require a building permit, an Administrative Permit may be required. The purpose of an Administrative Permit is to ensure the improvement complies with the City's zoning ordinance. Examples of improvements that require an Administrative Permit include fences, sheds under 200 square feet, concrete or asphalt surfaces such as for patios or a parking stall off the side of a garage. There is no fee for an Administrative Permit but is required to be obtained prior to commencing any work.

I encourage you to contact the City early on to determine what, if any, permit is required for your home or property improvements. Please feel free to contact me with questions. Again, welcome to Norwood Young America.

Sincerely,

  
Steve Helget  
City Administrator

*Norwood Young America*



more than a place. it's home.

# CITY OF NORWOOD YOUNG AM City Property

Map Date: 9/22/2020

