



## **Norwood Young America Planning Commission**

**6:00 p.m., Wednesday, January 5, 2021**

### **ZOOM MEETING**

<https://us02web.zoom.us/j/81204355983?pwd=UzR1ZkZQd3lIN0t3SjJlM0txVE1Xdz09>

Meeting ID: 812 0435 5983

Passcode: 295221

### **AGENDA**

1. Call to Order  
Pledge of Allegiance

**Jerry  
Barr**

2. Oath of Office

**Mike  
Eggers**

3. Adoption of Agenda

**John  
Fahey**

4. Appointment of Officers and Representatives to Commissions

**Bill  
Grundahl**

5. Approve Minutes of December 1, 2020 meeting

**Paul  
Hallquist**

6. 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.)

**Bob  
Smith**

7. Public Hearings

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

B. Rezoning a Portion of Railroad Street West

C. Conditional Use Permit: 304 Main Street East

**Craig  
Heher  
Council  
Liaison**

8. New Business

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

B. Rezoning a Portion of Railroad Street West

C. Conditional Use Permit: 304 Main Street East

D. Code Amendment Indoor Storage Facilities in C-2, General Commercial District

9. Old Business

A. Work List

10. Miscellaneous

A. December Building Permit Report

11. Commissioner's Reports

12. Adjourn

## **UPCOMING MEETINGS**

January 11	City Council 6:00 p.m.
January 13	Economic Development Commission 6:00 p.m.
January 19	Parks & Recreation Commission 4:45 p.m.
January 25	City Council & EDA meetings; followed by Work Session 6:00 p.m.
February 2	Planning Commission 6:00 p.m.



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Strack Consulting LLC

Date: January 5, 2021

Re: PC Officers and Representatives to Commissions

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#### **BACKGROUND**

At the first meeting of each year the Planning Commission elects officers and representatives to Commissions.

In 2020:

- Craig Heher served as Planning Commission Chair.
- John Fahey served as Planning Commission Vice Chair.
- Staff was designated as Secretary, similar to previous years.
- Bill Grundahl served as PC Liaison to the Parks and Recreation Committee.
- Mike Eggers served as PC Liaison to the Economic Development Commission.

#### **ACTION**

Elect officers and appoint representatives.

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

**Present:** Commissioners Jerry Barr, Mike Eggers, Johan Fahey, Bill Grundahl, Paul Hallquist, Craig Heher, and Bob Smith. Karen Hallquist.

**Absent:** None.

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

**Public:** Paul Ragatz, Ideal Energy

**1. Call to Order.**

The meeting was called to order by Chair Heher at 6:20 pm over video conference (via Zoom) due to public health concern of the COVID-19 health emergency. All stood for the Pledge of Allegiance.

**2. Adoption of Agenda.**

Chairperson Heher introduced the agenda. No changes were ordered.

*Motion* – Eggers, second Grundahl to approve the agenda. The agenda was approved 7-0 by roll call vote.

**3. Approval of Minutes from the regular November 4, 2020 Meeting.**

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

*Motion* – Smith to approve the November 4, 2020 regular meeting minutes. Seconded by Barr and unanimously approved by roll call vote.

**4. Public Comment.**

Paul Ragatz from Ideal Energy addressed the Commission about potential consideration of ground mounted solar arrays. At this time the City limits solar arrays to accessory uses and those configurations attached to roofs or integrated in building materials. Ragatz self-identified as a provider working with Central Schools on solar arrays.

The Commission listened to Ragatz's presentation. The Commission noted no action would be taken at this time but welcomed Ragatz to return with representation from Central Schools should a proposal advance with support of the school district.

**5. Public Hearings.**

None.

## **6. Old Business.**

### **A. Shoreland Overlay District.**

Heher introduced the agenda topic.

Strack stated that earlier this year the Planning Commission discussed potential changes to the City Code to allow limited alternate standards within the shoreland overlay district. The limited standards developed are to apply to a specific area classified as the "Old Town District". Adjustments in allowable impervious surface coverage and building heights are contemplated under the code amendment. The alternate shoreland standards would simply allow reversion to underlying base zoning standards for impervious surface coverage and building height. Proposed standards were reviewed by the DNR and have received preliminary approval.

Within the "Old Town District" shoreland overlay, impervious surface maximum would be 35% for parcels with underlying zoning classification of R-3 Residential. There would be no impervious surface maximum for parcels within the "Old Town District" shoreland overlay that has an underlying zoning classification of C-3 Downtown District. Impervious surface maximum is 25% under typical shoreland rules. Building heights would be allowed to be 35 and 45 feet as provided in the R-3 and C-3 districts respectively.

Strack presented maps illustrating the area within which alternate shoreland standards could apply.

Strack also noted the Commission had previously discussed rezoning the first tier of lots north of Railroad Street between Progress and Reform Streets to RC-1, Residential/Neighborhood Commercial District. The Commission had agreed to process both zoning map amendments at the same time for efficiency purposes.

Eggers clarified the rezoning was suggested by the City Council as a means of accommodating uses that are already established.

Fahey asked about the zoning of the first tier of lots south of Railroad Street between Faxon Road and Franklin Street. Strack noted those were zoned C-3, Downtown District, and proposed to remain as is.

Fahey suggested property owners impacted by the rezoning be notified of the intent of the rezone.

Helget noted he has had discussions with one of the property owners and supported reaching out to them prior to the hearing.

Smith voiced support for reviewing the zoning map updates at the same time. Heher concurred.

Helget inquired as to whether the shoreland amendment should include other areas discussed with the DNR including those within The Preserve, Brand Lake Highlands, and Brand Lake Villas. Strack noted those were developed as planned unit developments with additional open space preserved and dedicated as part of the original review. This was confirmed by the DNR. Since the plats were designed to amass open space individual lots were allowed to revert to the underlying zoning classification for impervious surface coverage maximum. The only exception is The Preserve 5<sup>th</sup> Addition which is restricted to 25% impervious as a condition of plat approval.

Eggers inquired as to whether or not the exceptions granted to The Preserve and the Brand Lake developments was unfair to future subdivisions within the shoreland overlay district. Strack noted new subdivisions within the overlay were free to request approval as planned unit development wherein open space was amassed and preserved to provide higher impervious surface allowances on individual lots.

Motion Smith, Seconded by Eggers to call for a public hearing for the January 5, 2021 meeting to consider both an amendment pertaining to shorelands and rezoning of the first tier of lots north on Railroad Street West between Reform and Progress Streets. Motion approved 7-0.

B. Expansion of Nonconformance.

Heher introduced the agenda topic.

Strack noted 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. Draft language has been developed for review by the City Attorney and the Planning Commission.

The proposed language provides for alternate levels of review for different types of nonconformance expansion. Some are allowed as a right, others under administrative review and permitting, still others under formal review by the Planning Commission and City Council. Those not provided for or specifically address may be considered under a variance.

Strack noted comments from Jay Squires, City Attorney was issued after the packet was prepared. Strack shared City Attorney Jay Squire's comments with the Commission.

One item for discussion is whether the Commission supports requiring a public hearing for nonconformance expansion permits or whether consideration before the Commission and Council is sufficient.

Smith clarified the focal point for decision making is whether or not comment is requested from adjacent property owners. Strack noted she envisioned the process to include letters mailed to adjacent property under either the formal review or public hearing process. With the public hearing a notice would also need to be published and posted. The impact of publishing/posting is more time for application review and a public hearing fee.

Fahey inquired as to whether or not the 2040 Comprehensive Plan would need to be updated. Strack noted most uses that were nonconforming technically fit the use classifications, except for those within blended districts. The blended districts under planned land use were broadly written. Strack opined amendment of the Comprehensive Plan would be rare.

Heher asked to review potential scenarios as they apply to the table included in the proposed code amendment. Strack provided three examples.

Heher inquired as to whether Helget had questions. Helget did not have any questions.

The Commission favored the proposed expansion language. Strack inquired as to whether the Commission wanted to meet jointly with the Council to review one more time or if the Commission wanted to move to a public hearing.

Heher suggested one more joint meeting with the City Council prior to moving to public hearing, especially since a newly elected member would be joining the Council in January.

The Commission had additional discussion of whether to require a public hearing for nonconformance expansion permits. Commissioners agreed adjacent property owners should receive mailed notice of the expansion request but stopped short of seeing the need to post/publish and hold a formal hearing.

Fahey noted the Commission could postpone action if members of the public raised concerns to which the Commission needed more time to study and/or receive information.

Commissioners and Helget discussed the timetable for a joint work session on the proposed language. The work session will be tentatively slated for the January 25, 2021 Council meeting.

#### C. Planning Commission Work List.

Heher introduced the agenda item.

Strack reviewed the Commission's current work list noting the Commission had requested to review the list during the time several proposed amendments were being talked about.

2021 goals, when established, will be added to the list.

### 7. New Business.

#### A. Planning Commission Annual Report to the City Council/2021 Goals.

Heher introduced the agenda item.

Strack reviewed the draft annual report.

Strack noted the Commission advised the City Council in three specific capacities: as the City's planning agent, as a legislative body proposing ordinances/amendments, and as a regulatory review board applying the code to requests from the public.

The Commission met 13 times in 2020. A summary of activities from each meeting was included in the report.

Strack noted the Commission had worked on several goals in 2020 which were established in the previous annual report:

- The Commission worked with the City Council to clarify where and what type of repair shops in commercial and industrial districts.
- The Commission developed and stewarded through the approval process a code amendment providing for accessory dwelling units as allowed uses in certain residential districts as a means of addressing community of a lifetime and active aging issues. The code amendment resulted from an inquiry by a resident.

- The Commission participated in the 2040 Comprehensive Plan update process.
- The Commission conducted an audit of conditional and interim use permits.
- The Commission reviewed definitions included in the zoning code, prepared a code amendment, and recommended the City Council place the amendment into effect.

Proposed goals for 2021 include:

- Update the zoning map to be consistent with 2040 planned land use.
- Complete code amendment for non-conformance expansion.
- Complete code amendment pertaining to the shoreland overlay district to allow flexibility in certain area.
- Examine density allowances in residential zoning classifications and consistency with the 2040 Comprehensive Plan update.
- Review sections of the zoning code which haven't yet been reviewed to determine consistency with the 2020 Plan, existing state/federal laws, current practices, and the current community environment.
- Examine potential opportunities for training/enrichment of Planning Commission Members

## **8. Miscellaneous.**

### **A. November Building Permit Report.**

The Commission reviewed the November building permit report, noting an increase in new home permits in 2020. Helget noted new vacant lots are limited with the Preserve 5<sup>th</sup> Addition being nearly fully built out.

## **9. Commissioner Reports.**

Commissioners Barr, Hallquist, and Smith did not have updates. Grundahl inquired as to whether there was a limit on the number of pets one household could have. Helget affirmed. Grundahl noted the advances in park aesthetics in 2020 and recognized public workers for their efforts along with volunteers.

Eggers asked Helget about the status of building permit for 513 Elm St.

Fahey noted he would be resigning from the Commission. Fahey will be sworn in as a County Commissioner in 2021. Fahey encouraged Planning Commissioners to consider serving on Carver County advisory boards and commissions. Heher thanked Fahey for his service to the Commission. Members concurred.



Heher provided updates from City Council meetings.

Helget noted the January Planning meeting would include annual liaison appointments to the Economic Development Commission and the Parks and Recreation Commission.

## **10. Adjourn**

*Motion* – Grundahl, Seconded Eggers to adjourn the meeting. With all in favor the meeting adjourned at 7:40 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, Planning Consultant

Date: January 5, 2021

Re: Public Hearing: Ordinance "Old Town" Shoreland Overlay District

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### BACKGROUND

The Planning Commission is to hold a public hearing on an Ordinance amending Chapter 1240.01 of the City Code pertaining to the Shoreland Management Overlay District and Section 1225.02 the Zoning Map to provide for the Old Town Shoreland Overlay District. If approved, the amendment will provide for existing development patterns in a portion of the north original townsite which are subject to shoreland management impervious surface and maximum height limitations. The proposed amendment will allow lots within the Old Town Shoreland Overlay District to revert to base zoning standards for maximum impervious surface coverage and building height. The Old Town Shoreland Overlay District covers an area adjacent to 1st Street NE, 3rd Avenue NE, 2nd Street NE, and east of Central Avenue.

The impact of the adjustment would be as follows:

	R-3 Medium Density Residential	C-3 Downtown District
Shoreland Impervious Surface Maximum	25% impervious surface coverage	25% impervious surface coverage
Underlying Base Zoning Maximum Impervious Surface	35% lot coverage (defined as impervious surface coverage)	No maximum
Shoreland Structure Height Maximum	25 feet	25 feet
Underlying Base Zoning Maximum Height	35 feet	45 feet

Notice of the public hearing has been posted and published. No comment for or against the code amendment has been received as of the drafting of this memo. The DNR previously provided a letter of conditional approval relating to the code amendment.

### ACTION

The Commission is to hold the public hearing. Following the hearing and discussion the Commission is to consider a MOTION recommending the City Council approve the amendment.

### ATTACHMENTS:

1. DNR letter of conditional approval.
2. Proposed zoning code amendment – shoreland overlay standards.
3. Area map of City illustrating proposed "Old Town Shoreland Overlay District"

**CITY OF NORWOOD YOUNG AMERICA  
ORDINANCE NO. [REDACTED]**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE BY AMENDING SECTION 1240.01 PERTAINING TO THE SHORELAND MANAGEMENT OVERLAY DISTRICT AND SECTION 1225.02 THE ZONING MAP TO PROVIDE FOR THE OLD TOWN SHORELAND OVERLAY 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 1240.01, SUBD. 5(B)(3) SHALL BE AMENDED AS FOLLOWS:**
  3. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height. Within the “Old Town District” as illustrated on the Official Zoning Map as provided for under Section 1225.02 of the City Code structure height maximums shall revert to the underlying base zoning district standard.
- III. SECTION 1240.01, SUBD. 5(E)(2)(a) SHALL BE AMENDED AS FOLLOWS:**
  2. Specific Standards:
    - a. Impervious surface coverage of lots must not exceed 25 percent of the lot area, except in the “Old Town District” as illustrated on the Official Zoning Map as provided for under Section 1225.02 of the City Code. Within the “Old Town District” impervious surface coverage maximums shall revert to the underlying base zoning district standard.
- IV. THE ZONING MAP AS PROVIDED UNDER SECTION 1225.02 OF THE CITY CODE SHALL BE AMENDED TO INCLUDE THE OLD TOWN SHORELAND OVERLAY DISTRICT.**
- 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 \_\_\_\_\_, 2021.

Attest:

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

\_\_\_\_\_  
Angela Brumbaugh, City Clerk

Adopted:

Published:



Minnesota Department of Natural Resources  
Ecological and Water Resources Division  
Central Region Headquarters  
1200 Warner Road, St Paul MN 55106

May 18, 2020

Cynthia Smith-Strack  
Consulting Planner  
City of Norwood Young America  
310 Elm St. W  
PO Box 59  
Norwood Young America, MN 55368

**Re: Conditional Approval of City of Norwood Young America Shoreland Ordinance Amendment**

Dear Ms. Smith-Strack

Thank you for sending your proposed shoreland ordinance amendment to the DNR for conditional approval review. I am pleased to inform you that the proposed amendment is substantially compliant with the statewide rules and hereby approved, provided the conditions of approval are met.

**Ordinance Evaluation**

The amendment allows the City to apply the structure height and impervious surface standards of the underlying zoning districts within the historical downtown area of Young America, instead of the respective shoreland overlay district standards. The purpose of this change is to allow this area to develop and redevelop consistently with its historical development pattern. There are two underlying zoning districts in this area, R-3 medium density residential and C-3 downtown. In the R-3 district, the maximum impervious surface is 35% and the maximum height is 35 feet. In the C-3 district, there is no maximum impervious surface limit and the maximum height is 45 feet. The existing shoreland district standards limit impervious surface to 25% and building height to 25 feet.

This change from the shoreland district standards is consistent with the special circumstances for allowing flexibility from the strict interpretation of the shoreland rules under Minnesota Rules 6120.2800 Subp. 3. A. (1) and (2). In this case, the downtown area, located within the shorelands of Braunworth and Young America Lakes, existed prior to the adoption of local shoreland standards. Much of the shoreland in this area was developed with an assortment of urban land uses for many years and much of the development does not meet the shoreland standards.

Attached is the proposed amendment and a zoning map of the historical downtown area.

### Conditions of Approval

The following conditions must be met before the DNR will issue final approval:

1. Return the attached "Ordinance Processing Checklist" and documents identified on the checklist.

### Next Steps

Following are the steps for completing and receiving final DNR approval for your amendment:

1. The city council adopts the amendment.
2. Email the completed Ordinance Processing Checklist (attached) and the documents identified on the checklist within 10 days of city council adoption to [ordinance.review.dnr@state.mn.us](mailto:ordinance.review.dnr@state.mn.us)
3. We will review the amendment adopted by the city council for consistency with the above conditions.
4. If the adopted amendments are consistent with the conditions, I will send you a "final approval" letter. State rules require DNR final approval of shoreland ordinances and amendments for those ordinances to be effective.

A shoreland ordinance is an important land use regulation that helps to protect surface water quality, near shore habitat, and shoreland aesthetics of Minnesota's public waters. We appreciate your efforts to protect these resources for all present and future Minnesotans. BJ Bonin is available to help the City administer the ordinance and to consult with you on other water-related projects and their implementation.

Sincerely,



Jeanne Daniels  
Region 3 South District Manager

### Attachments:

Proposed Amendment  
Old Town Area – underlying zoning map  
Ordinance Processing Checklist

c: BJ Bonin, Acting DNR Area Hydrologist  
Jack Gleason, [John.Gleason@state.mn.us](mailto:John.Gleason@state.mn.us), Reg. 3, So. District Hydro Supervisor  
[Ordinance.review.dnr@state.mn.us](mailto:Ordinance.review.dnr@state.mn.us)

## Section 1240 – Overlay District

### 1240.01 Shoreland Management Overlay District

#### Subd. 1 Statutory Authorization and Policy

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

#### Subd. 2 General Provisions

- A. **Jurisdiction.** The provisions of this section shall apply to the shorelands of the public water bodies as classified in Subd. 4. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this section.
- B. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this section and other applicable regulations.
- C. **Enforcement.** The Zoning Administrator is responsible for the administration and enforcement of this section. Any violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this section can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Chapter.
- D. **Interpretation.** In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- E. **Severability.** If any part, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.
- F. **Abrogation and Greater Restrictions.** It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.

#### Subd. 3 Administration

- A. **Variances.**
  - 1. Requests for variances shall be made in accordance with the procedures and requirements set forth in Section 1210.04 of this Chapter.
  - 2. Variances shall only be granted when the standards and criteria set forth in Section 1210.04

of this Chapter have been met; variances shall not be granted which would circumvent the purposes and intent of this section.

3. A copy of all notices of any Public Hearings scheduled to consider requests for variances from this section shall be sent to the Commissioner of the Department of Natural Resources and post marked at least ten (10) days prior to the hearing.
  4. A copy of the final decision granting a requested variance from this section shall be sent to the Commissioner of the Department of Natural Resources and post marked within ten (10) days of the final action.
  5. In considering a variance request, the Planning Commission must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- B. Notifications to the Department of Natural Resources.
1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
  2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

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

- A. Shoreland Classification System. The public waters of the City of Norwood Young America have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Carver County, Minnesota.
1. The shoreland area for the waterbodies listed in Subd. 4.A.2 and Subd. 4.A.3 shall be as defined in Subsection 1200.04 of this Chapter and as shown on the Official Zoning Map.
  2. Natural Environment Lakes      Protected Waters Inventory I.D.#
 

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

Unnamed to Unnamed, from Section 14	10009A (Basin 110—Brand Lk)
Twp 115, Range 26 to Section 14,	
Twp 115, Range 26	
- B. Land Use District Descriptions
1. Criteria For Designation. The subdivision, use, and development of shoreland areas must be consistent with the following goals, policies, and objectives:
    - a. General Considerations and Criteria for All Land Uses:
      - i. preservation of natural areas;
      - ii. present ownership and development of shoreland areas;
      - iii. shoreland soil types and their engineering capabilities;
      - iv. topographic characteristics;
      - v. vegetative cover;
      - vi. in-water physical characteristics, values, and constraints;
      - vii. recreational use of the surface water;
      - viii. road and service center accessibility;
      - ix. socioeconomic development needs and plans as they involve water and related land resources;
      - x. the land requirements of industry which, by its nature, requires location in



- xi. shoreland areas; and
    - xi. the necessity to preserve and restore certain areas having significant historical or ecological value.
  - b. Factors and Criteria for Planned Unit Developments:
    - i. existing recreational use of the surface water and likely increases in use associated with planned unit developments;
    - ii. physical and aesthetic impacts of increased density;
    - iii. suitability of lands for the planned unit development approach;
    - iv. level of current development in the area; and
    - v. amounts and types of ownership of undeveloped lands.
- 2. Land Use District Descriptions. Uses permitted in shoreland areas shall be those permitted by the underlying zoning districts specified in Section 1230 of this Chapter.

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

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

##### 1. Unsewered Lakes

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

##### 2. Sewered Lakes

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

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

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

##### 4. Additional Special Provisions.

- a. Residential subdivisions with dwelling unit densities exceeding those in the tables in Subd. 5.A.1 and Subd. 5.A.2 can only be allowed if designed and approved as residential planned unit developments under Subd. 8. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Subd. 5.A.3 can only be used if publicly owned sewer system service is available to the property.

- b. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
- each building must be set back at least 200 feet from the ordinary high water level;
  - each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
  - watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - no more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- c. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
- they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots;
  - if docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

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

- they must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

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

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

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

Classes of Public Water	Structure setback Unsewered	Sewage Treatment	
		Structure setback sewered	Structure setback system
Lakes Natural Environment	150	150	150
Rivers Urban & Tributary	100	50	75

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

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

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

- c. **Bluff Impact Zones.** Structures and accessory facilities, except stairways and landings, must not be places within bluff impact zones.
- d. **Uses Without Water-oriented Needs.** Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
2. **Design Criteria For Structures.**
- a. **High Water Elevations.** Structures must be places in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
- for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
  - for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
  - water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- b. **Water-oriented Accessory Structures.** Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subd. 5.B.1 if this water-oriented accessory structure complies with the following provisions:
- the structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached

- decks must not exceed eight feet above grade at any point;
      - ii. the setback of the structure or facility from the ordinary high water level must be at least ten feet;
      - iii. the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
      - iv. the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
      - v. the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
    - c. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
      - i. stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
      - ii. landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
      - iii. canopies or roofs are not allowed on stairways, lifts, or landings;
      - iv. stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
      - v. stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
      - vi. facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
    - d. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
    - e. Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation
  - 3. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height. Within the "Old Town District" as illustrated on the Official Zoning Map as provided for under Section 1225.02 of the City Code. Within the "Old Town District" structure height maximums shall revert to the underlying base zoning district standard
  - 4. Cantilevers. Cantilevers may be allowed at a maximum of 2 feet within the required structure setback to the OHWL. In all cases, the footings shall be located outside the required setback to the OHWL.
- C. Shoreland Alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
  - 1. Vegetation Alterations.
    - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subd. 5.D are

exempt from the vegetation alteration standards that follow.

- b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subd. 5.F.2 and Subd. 5.F.3, respectively, is allowed subject to the following standards:
  - i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
  - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
    - 1) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
    - 2) along rivers, existing shading of water surfaces is preserved; and
    - 3) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
2. Topographic Alterations/Grading and Filling.
  - a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in Subd. 5.C must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
  - b. Public roads and parking areas are regulated in Subd. 5.D
  - c. Notwithstanding Items a. and b. above, a grading and filling permit will be required for:
    - i. the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
    - ii. the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
  - d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
    - i. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:
      - 1) sediment and pollutant trapping and retention;
      - 2) storage of surface runoff to prevent or reduce flood damage;
      - 3) fish and wildlife habitat;
      - 4) recreational use;
      - 5) shoreline or bank stabilization; and
      - 6) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

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

- the smallest amount of bare ground is exposed for the shortest time possible;
    - iii. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
    - iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
    - v. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
    - vi. Fill or excavated material must not be placed in a manner that creates an unstable slope;
    - vii. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
    - viii. Fill or excavated material must not be placed in bluff impact zones;
    - ix. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 103G;
    - x. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
    - xi. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
  - e. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
- D. Placement and Design of Roads, Driveways, and Parking Areas.
- 1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified engineer that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
  - 2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
  - 3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Subd. 5.C.2 must be met.
- E. Stormwater Management. The following general and specific standards shall apply:
- 1. General Standards:
    - a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
    - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
    - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins,

skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards:

- a. Impervious surface coverage of lots must not exceed 25 percent of the lot area, except in the "Old Town District" as illustrated on the Official Zoning Map as provided for under Section 1225.02 of the City Code. Within the "Old Town District" impervious surface coverage maximums shall revert to the underlying base zoning district standard.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified engineer that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

F. Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.

1. Standards for Commercial, Industrial, Public, and Semipublic Uses.

- a. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
  - i. in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this section, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
  - ii. uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  - iii. uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
    - 1) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
    - 2) signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
    - 3) other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- b. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Agriculture Use Standards

- a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming,

and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

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



Pollution Control Agency.

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

Evaluation Criteria:

- i. depth to the highest known or calculated ground water table or bedrock;
  - ii. soil conditions, properties, and permeability;
  - iii. slope;
  - iv. the existence of lowlands, local surface depressions, and rock outcrops;
- e. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Subd. 6.C.

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

A. Construction on nonconforming lots of record.

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

B. Additions/Expansions to Nonconforming Structures.

1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subd. 5. Any deviation from these requirements must be authorized by a variance pursuant to Subd. 3.A.
2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
  - a. The structure existed on the date the structure setbacks were established;
  - b. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
  - c. the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
  - d. the deck is constructed primarily of wood, and is not roofed or screened.

C. Nonconforming Sewage Treatment Systems.

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

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

- A. Land suitability. Each lot created through subdivision, including planned unit developments authorized under Subd. 8, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City Council shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or the City.
- B. Consistency with other controls. Subdivisions must conform to all applicable regulations, including Chapter 11 of the City Code. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Subd. 5.B and Subd. 5.H can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subd. 5.A, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems.
- C. Information requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
  1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
  2. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
  3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
  4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  5. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- D. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- E. Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for

- construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
- F. **Controlled Access or Recreational Lots.** Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Subd. 5.A.4.C

#### Subd. 8 Planned Unit Developments (PUD's)

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

1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

##### Shoreland Tier Dimensions

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

2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
- E. **Residential PUD Density Evaluation.** The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.
1. **Residential PUD "Base" Density Evaluation.** The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Subsection 1240.01, Subd. 8.F.
  2. **Density Increase Multipliers:**
    - a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Subsection 1240.01, Subd. 5 are met or exceeded and the design criteria in Subsection 1240.01, Subd. 8.F are satisfied. The allowable density increases in Item 2 below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
    - b. **Allowable Dwelling Unit or Dwelling Site Density Increases for Residential Planned Unit Developments:**

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

**F. Maintenance and Design Criteria**

1. **Maintenance and Administration Requirements.**
  - a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
  - b. **Open Space Preservation.** Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
    - i. vegetation and topographic alterations other than routine maintenance prohibited;
    - ii. construction of additional buildings or storage of vehicles and other materials prohibited; and
    - iii. uncontrolled beaching of watercraft prohibited.
  - c. **Development organization and functioning.** Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
    - i. membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
    - ii. each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
    - iii. assessments must be adjustable to accommodate changing conditions; and
    - iv. the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
2. **Open Space Requirements.** Planned unit developments must contain open space meeting all of the following criteria:
  - a. At least 50 percent of the total project area must be preserved as open space;
  - b. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
  - c. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
  - d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
  - e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
  - f. Open space may contain water-oriented accessory structures or facilities;
  - g. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
  - h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state.
3. **Erosion Control and Stormwater Management.** Erosion control and stormwater management plans must be developed and the PUD must:

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

## Date: 11/23/2020

- | Old Town Shoreland Overlay District          | C-2 General Commercial     |
|--|----------------------------|
| R-1 Low Density Single Family Residential    | C-3 Downtown District      |
| R-2 Medium Density Single Family Residential | B-1 Business Industrial    |
| R-3 Medium Density Mixed Residential         | I-1 Light Industrial       |
| R-4 Multiple Family Residential              | P-1 Parks/Open Space       |
| RC-1 Residential/ Neighborhood Commercial    | TA Transition/ Agriculture |

This map was created using City of Norwood Young America's and Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.





## Date: 11/23/2020

Date: 11/23/2020



This map was created using City of Norwood Young America's and Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

800 Feet

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11



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Planning Consultant

Date: January 5, 2021

Re: Public Hearing: Ordinance Rezoning A Portion of Railroad Street West

---

#### **BACKGROUND**

The Planning Commission is to hold a public hearing on a City-sponsored amendment of the official Zoning Map as provided under Section 1225.02 of the City Code. The City is proposing to rezone the first tier of lots north of Railroad Street West between Reform and Progress Streets. The rezoning, if approved, will reclassify five parcels of record from C-3, Downtown District to RC-1, Residential Neighborhood Commercial District. Rezoning of the properties will better provide for existing uses.

The following properties are impacted by the proposed rezoning:

211 Reform St N (PID 580500900)  
215 Reform St N (PID 580500820)  
311 Railroad St W (PID 580500821)  
410 Railroad St W (PID 580500890)  
420 Railroad St W (PID 580500880)

Notice of the public hearing has been posted and published. As of the drafting of this memo City Administrator Helget has had discussion with several of the property owners.

#### **ACTION**

The Commission is to hold the public hearing. Following the hearing and discussion the Commission is to consider a MOTION recommending the City Council approve the amendment.

#### **ATTACHMENTS:**

1. Proposed zoning code amendment – rezoning ordinance.
2. Zoning map illustrating proposed reclassification to RC-1.



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

**AN ORDINANCE REZONING CERTAIN PROPERTY FROM C-3  
DOWNTOWN DISTRICT TO RC-1 RESIDENTIAL NEIGHBORHOOD  
COMMERCIAL DISTRICT.**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA HEREBY ORDAINS:**
- II. THE FOLLOWING DESCRIBED PROPERTY IS HEREBY REZONED FROM C-3 DOWNTOWN DISTRICT TO RC-1 RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT:**
- 211 Reform St N (PID 580500900)  
215 Reform St N (PID 580500820)  
311 Railroad St W (PID 580500821)  
410 Railroad St W (PID 580500890)  
420 Railroad St W (PID 580500880)
- 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 \_\_\_\_\_, 2021.

Attest:

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

\_\_\_\_\_  
Angela Brumbaugh, City Clerk

Adopted:

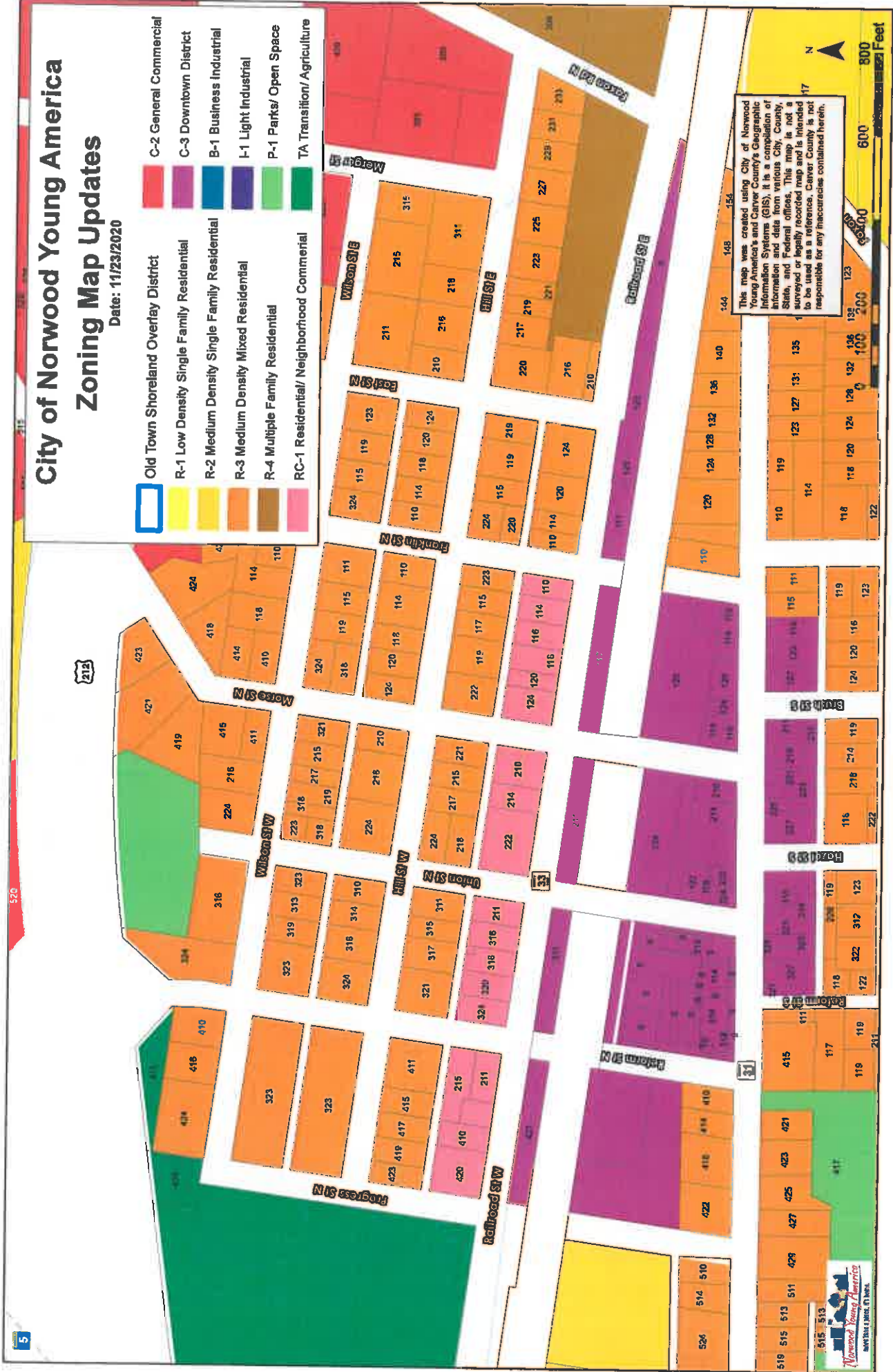
Published:

# City of Norwood Young America

## Zoning Map Updates

Date: 11/23/2020

- |   |  |   |                            |
|---|--|---|----------------------------|
|  | Old Town Shoreland Overlay District          |  | C-2 General Commercial     |
|  | R-1 Low Density Single Family Residential    |  | C-3 Downtown District      |
|  | R-2 Medium Density Single Family Residential |  | B-1 Business Industrial    |
|  | R-3 Medium Density Mixed Residential         |  | I-1 Light Industrial       |
|  | R-4 Multiple Family Residential              |  | P-1 Parks/ Open Space      |
|  | RC-1 Residential/ Neighborhood Commercial    |   | TA Transition/ Agriculture |





To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: January 5, 2021

Re: Public Hearing Conditional Use Permit: 304 Main Street East

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## BACKGROUND

Michael Barto (Applicant) has applied for a conditional use permit to use 304 Main Street East to allow limited manufacturing, assembly, and treatment of articles from previously prepared materials. Barto has entered into a purchase agreement for the property.

The site is zoned C-3 Downtown District and commonly referred to as the former post office. The Applicant proposes to operate an automation company that focuses on industrial automation with a specific focus on law enforcement and military training equipment.

No outdoor storage or changes to the building exterior are proposed.

Within the C-3 District, Chapter 1230.10, Subd. 4(E) provides for: *"Custom or limited manufacturing, assembly, or treatment of articles or merchandise from previously prepared materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool"* under Conditional Use Permit.

The operational limits for manufacturing uses in the C-3 Downtown District are included in Chapter 1210.06, Subd. 3(B)(22) of the City Code as follows:

22. Custom or limited manufacturing, assembly, or treatment of articles or merchandise from previously prepared materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool in the C-3, Downtown Districts and the RC-1 Residence and Neighborhood Commercial District shall conform to the following standards:
  - a. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted.
  - b. All business vehicles shall be accommodated by off-street parking.
  - c. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.
  - d. The standards of Section 1245.01 (Performance Standards) and 1245.02 (Architectural Standards and Guidelines) apply.



Attached please find an application for a CUP, a narrative explaining the nature of the request, and architectural plans illustrating proposed interior remodeling.

#### REVIEW OF REQUEST

The Applicant represents:

1. Use of the building proposed is engineering and building live-fire training equipment for military and police. Design (electronic and mechanical), software development, prototyping, and light assembly/manufacturing done with hand tools and cordless drills would occur on site.
2. No heavy equipment is used on site, except for an electric forklift.
3. No changes are proposed to the building footprint.
4. An office will be retained at the building storefront.
5. No outdoor storage will occur.
6. The business employs five full time staff and eight part time staff. Staff are often traveling and working remotely.
7. The business operates a single shift, regular work week.
8. Shipments include daily UPS delivery/pick-up and approximately on semi delivery per week.

#### Hearing Requirements

A public hearing notice has been drafted, published, and distributed to property owners within 350 feet of the subject parcel.

#### Comments Received

As of the drafting of this memo no comments were received.

#### Examination of Code Requirements

Norwood Young America code requirements applicable to this Conditional Use Permit Request are itemized below; consulting staff comments are illustrated in **red bold, italic type face**.

#### General Criteria for Approval of Conditional Use Permits

The Planning Commission is to examine the request under Section 1210.06 Conditional Use Permits, Subd. 3(A). The City may, as it deems necessary to protect the health, safety, and general welfare of the public, require additional performance standards.

1. The use is consistent with goals, policies and objectives of the Comprehensive Plan.  
***DISCUSSION: The 2040 NYA Comprehensive Plan guides the subject area to continued commercial use.***
2. The use is consistent with the intent of this Ordinance. ***DISCUSSION: The intent of the C-3 District is to provide for uses within traditional downtown areas. No changes to building footprint and/or structure appearance is proposed. An office will be retained in the storefront.***
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements. ***DISCUSSION: The proposed use shall occupy and existing structure which is currently served by a full array of urban services. The proposed use will not overly burden existing utilities in terms of volume used/capacity required or type of waste produced.***
4. The use does not have an undue adverse impact on the public health, safety or welfare.  
***DISCUSSION: The proposed use will be operated within an existing structure.***
5. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within



the neighborhood. **DISCUSSION: Adjacent uses are commercial/mixed use in nature. The less use appears to blend in with the uses within the general locale. The performance standards included in Chapter 1245.01 of the Code including but not limited to limits on the production of noise, vibration, electrical disturbance, and refuse will be incorporated as conditions of use permit, if issued. Off-street parking space appears adequate to provide for employees as described in the application.**

6. The use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. **DISCUSSION: The subject site lies within a fully developed part of the original townsite and appears to be consistent with adjacent uses.**
7. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. **DISCUSSION: The subject parcel is an existing, improved lot with a full complement of urban services provided.**
8. Adequate measures have been or will be taken to provide for vehicular and pedestrian safety and convenience to, from and within the site. **DISCUSSION: No changes to the structure are proposed. Vehicular and pedestrian circulation patterns are already established. Loading and unloading should occur on site as a proposed condition of CUP issuance.**
9. The use meets all of the performance criteria requirements as established in Section 1245.01 of this chapter. **DISCUSSION: As a condition of approval, the proposed use shall meet the requirements of Section 1245.01 of the City Code relating to noise, vibration, smoke, particulate matter, odor, and connection to municipal utilities.**
10. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. **DISCUSSION: The lot is approximately 19,500 sf with a width of approximately 100 feet. There are no minimum lot size or width requirements in the C-3 District. The existing structure is lower than the maximum building height. Setbacks are achieved and the architectural standards and guidelines of Section 1245.03 are not applicable as new construction/expansion is not contemplated.**

#### Specific Criteria for Approval of the Conditional Use Permit

The operational limits for manufacturing uses in the C-3 Downtown District are included in Chapter 1210.06, Subd. 3(B)(22) of the City Code as follows:

1. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted. **The Applicant represents there will be no outdoor storage of any materials, equipment, or machinery at the subject parcel.**
2. All business vehicles shall be accommodated by off-street parking. **The Applicant represents parking of business vehicle(s) shall occur on the subject lot and not on the public street.**
3. Office or retail sales areas shall be maintained at the front (street-facing) side of the building. **The Applicant represents an office will be retained in the storefront.**
4. The standards of Section 1245.01 (Performance Standards) and 1245.02 (Architectural Standards and Guidelines) apply. **The Applicant is not proposing any changes to the building footprint or exterior storefront at this time. The Applicant represents there will be no noise, glare, fumes, etc produced by the use. The standards of Section 1245.01 are recommended as conditions of the CUP.**

### **Conditions of Approval**

All conditions pertaining to a specific site are subject to change if the City finds that the general welfare and public betterment can be served as well or better by modifying or expanding use condition. Therefore, the City may impose conditions which are considered reasonably necessary to meet the standards of City Code and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition of approval is a violation of the Code.

If approval of the conditional use permit is recommended to the City Council, the following conditions are recommended:

1. The "Use" is defined as custom or limited treatment of articles or merchandise from previously prepared materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool. Specifically, the engineering and building live-fire training equipment for military and police. Design (electronic and mechanical), software development, prototyping, and light assembly/manufacturing done with hand tools and cordless drills. The Use is limited to the property addressed as 304 Main Street East. No other use shall be allowed under this Conditional Use Permit. The Use is subject to the following standards:
  - A. No outdoor storage of any kind, including but not limited to materials, equipment, machinery, garbage, refuse, and similar items shall be permitted.
  - B. All business vehicles shall be accommodated by off-street parking.
  - C. An office areas shall be maintained at the front (Main Street-facing) side of the building.
2. The Applicant represents the following which the City takes as a good-faith representation of the proposed use:
  - A. Use of the building proposed is engineering and building live-fire training equipment for military and police. Design (electronic and mechanical), software development, prototyping, and light assembly/manufacturing done with hand tools and cordless drills would occur on site.
  - B. No heavy equipment is used on site, except for an electric forklift.
  - C. No changes are proposed to the building footprint.
  - D. An office will be retained at the building storefront.
  - E. No outdoor storage will occur.
  - F. The business employs five full time staff and eight part time staff. Staff are often traveling and working remotely.
  - G. The business operates a single shift, regular work week.
  - H. Shipments include daily UPS delivery/pick-up and approximately on semi delivery per week.
3. Prior to occupying the structure with the proposed use the Property Owner and/or Applicant shall request a change in occupancy review as required by the Building Official. Any requirements specified by the Building Official shall be completed prior to occupancy of the structure.
4. Employee parking shall occur off-street on the subject property.
5. All loading/unloading at the site shall occur separate and independent from CSAH 34/Main Street right-of-way unless specifically authorized in writing by Carver County Public Works Department.
6. The use shall at all times meet the requirements of Section 1245.01 of the City Code including, but not limited to those relating to noise, vibration, smoke, particulate matter, odor, and connection to municipal utilities.
7. The Property Owner shall not discharge industrial waste into the sanitary sewer system.



8. This approval shall expire one year after date of approval unless the Applicant has commenced operation of the Use on-site.
9. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
10. The permit may be subject to annual inspection and audit by the City.
11. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution, subject to the requirements of Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the Zoning Ordinance.
12. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.

**ACTION**

After the public hearing, review, and discussion is complete, a motion to the Council to approve/deny the conditional use permit is in order.

# Planning and Zoning Application

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

Applicant's Name <b>Michael Barto</b>		Telephone Home Work/Cell <b>763-333-5334</b>																														
Address (Street, City, State, ZIP) <b>1766 Sterling Rd., Waconia, MN 55387</b>																																
Property Owner's Name (If different from above)		Telephone Home Work/Cell																														
Location of Project <b>304 E. MAIN ST. YOUNG AMERICA, MN 55397</b>																																
Legal Description <b>TWP 115, RNG 026, SEC 11</b>																																
Description of Request (Attach separate sheet, if necessary) <b>Requesting Conditional Use for mixed office and light manufacturing. See attached drawings for details.</b>																																
<p><b>Proposed Action(s): Check all that apply</b></p> <table border="0"> <tr> <td><input type="checkbox"/> Annexation \$300.00</td> <td><input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow</td> <td><input type="checkbox"/> Storm Water Plan \$250.00</td> </tr> <tr> <td><input type="checkbox"/> Application for Appeal \$150.00</td> <td><input type="checkbox"/> Sketch Plat \$200.00 + Escrow</td> <td><input type="checkbox"/> Rezoning \$350.00</td> </tr> <tr> <td><input type="checkbox"/> City Code Amendment \$250.00</td> <td><input type="checkbox"/> Site Plan \$300.00 + Escrow</td> <td><input type="checkbox"/> Street/Alley Vacation \$150.00</td> </tr> <tr> <td><input type="checkbox"/> Parking Reduction \$100.00</td> <td><input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow</td> <td><input type="checkbox"/> Zoning Text Amendment \$300.00</td> </tr> <tr> <td><input type="checkbox"/> CUP/IUP \$200.00 (Residential)</td> <td><input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow</td> <td><input type="checkbox"/> Recording Fee \$46.00</td> </tr> <tr> <td><input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential)</td> <td><input type="checkbox"/> PUD Final Plan \$300.00 + Escrow</td> <td><input type="checkbox"/> Other _____</td> </tr> <tr> <td><input type="checkbox"/> Variance \$150.00 (Residential)</td> <td><input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Variance \$200.00 (Non Residential)</td> <td><input type="checkbox"/> Preliminary Plat \$350.00 + \$10.00/Lot + Escrow</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Lot Split \$200.00</td> <td><input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Public Hearing Notice \$75.00</td> <td><input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow</td> <td></td> </tr> </table>			<input type="checkbox"/> Annexation \$300.00	<input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow	<input type="checkbox"/> Storm Water Plan \$250.00	<input type="checkbox"/> Application for Appeal \$150.00	<input type="checkbox"/> Sketch Plat \$200.00 + Escrow	<input type="checkbox"/> Rezoning \$350.00	<input type="checkbox"/> City Code Amendment \$250.00	<input type="checkbox"/> Site Plan \$300.00 + Escrow	<input type="checkbox"/> Street/Alley Vacation \$150.00	<input type="checkbox"/> Parking Reduction \$100.00	<input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow	<input type="checkbox"/> Zoning Text Amendment \$300.00	<input type="checkbox"/> CUP/IUP \$200.00 (Residential)	<input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow	<input type="checkbox"/> Recording Fee \$46.00	<input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential)	<input type="checkbox"/> PUD Final Plan \$300.00 + Escrow	<input type="checkbox"/> Other _____	<input type="checkbox"/> Variance \$150.00 (Residential)	<input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow		<input type="checkbox"/> Variance \$200.00 (Non Residential)	<input type="checkbox"/> Preliminary Plat \$350.00 + \$10.00/Lot + Escrow		<input type="checkbox"/> Lot Split \$200.00	<input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow		<input type="checkbox"/> Public Hearing Notice \$75.00	<input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow	
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<p>ALL ESCROW MUST BE PAID BY CERTIFIED CHECK Escrow Deposit \$2,000.00 Escrow Deposit - Site Plan Review: \$7,500 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews) Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00</p>																																
<p>ALL PLANNING &amp; ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.</p>																																
<p><b>*APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED*</b></p>																																
<p>The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.</p>																																
Applicant's Signature: 		Date <b>12/17/20</b>																														
Fee Owner's Signature: 		Date <b>12/17/20</b>																														
<b>For Office Use Only</b>																																
Accepted By:	Amount	Date																														





Norwood Young America City Hall  
310 Elm St W  
P.O. Box 59  
Norwood Young America, MN 55368

To whom it may concern,

Windcrest LLC, [windcrestcorp.com](http://windcrestcorp.com), is owned and operated in Waconia, MN by Diana and Michael Barto. It is an automation company that focuses on industrial automation with a specific focus on law enforcement and military training equipment. The brand name for that product line is ATS Targets, [atstargets.com](http://atstargets.com). As a result, Windcrest LLC d.b.a Advanced Training Systems (ATS Targets). ATS Targets has been in existence since 1973 and is a GSA contract holder.

Windcrest LLC is considering moving the headquarters to the old Young America Post Office building located at 304 E. MAIN ST. YOUNG AMERICA, MN 55397.

At the headquarters, Windcrest LLC would engineer and build live-fire training equipment for military and police. These are mostly steel targets, robots, etc. with electronic controls. We have 5 full time staff and as many as 8 part-timers who are typically travelling around the US working on installations. Many don't live anywhere near the twin cities and never come to the office, so the parking load is not heavy. We get a UPS daily delivery/pick-up and an occasional tractor trailer, perhaps one per week. We work one shift. We perform design (electronic and mechanical), software development, prototyping, and light assembly/manufacturing on site. There is no heavy equipment on site today, save the one electric forklift. All heavy work is done on the outside, much of it in NYA at Storms Welding and Manufacturing and Principle CNC. In that building we would do much the same as today, where light assembly is done with hand tools and cordless drills. We would be using an automatic drill press on occasion.

Please consider our application and we look forward to the possibility of relocating to your city.

Michael Barto

President



235 W. MAIN STREET, SUITE 201  
WISCONSIN 53587  
920.45.1743

PROJECT INFORMATION:

ATS TARGETS  
INTERIOR REMODEL

304 E MAIN STREET  
YOUNG AMERICA, MN  
55397

\* I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION  
OR SET OF DRAWINGS WAS PREPARED BY ME OR UNDER MY  
SUPERVISION AND THAT I AM A LICENSED ARCHITECT UNDER THE LAWS OF THE  
STATE OF MINNESOTA.

*[Signature]*  
DATE: 12/10/20  
SHEET NO. 1  
TOTAL SHEETS: 1

DATE RECORDED:

12/10/20 17:00:00

PROJECT: ATS

DATE: 12/10/20

DRAWN BY: KAEDING

CHECKED BY: KAEDING

SHEET NAME:

LOCATION MAP,  
BUILDING KEY, LIFE SAFETY  
PLAN, CODE REVIEW

SHEET NUMBER:

N

A000

# ATS TARGETS INTERIOR REMODEL

APPLICABLE CODES	
CONSTRUCTION CODE	2019 INTERNATIONAL BUILDING CODE (IBC)
MECHANICAL CODE	2019 INTERNATIONAL MECHANICAL CODE (IMC)
ELECTRICAL CODE	2017 NATIONAL ELECTRICAL CODE (NEC)
PLUMBING CODE	2019 INTERNATIONAL PLUMBING CODE (IPC)
OTHER CODES	2019 INTERNATIONAL FIRE CODE (IFC)

OCCUPANCY REQUIREMENTS	
BUILDING TYPE	RETAIL
MECHANICAL TYPE	RETAIL
ELECTRICAL TYPE	RETAIL
PLUMBING TYPE	RETAIL
OTHER TYPE	RETAIL
ADDITIONAL COMMENTS:	
OCCUPANCY REQUIREMENTS:	
ADDITIONAL COMMENTS:	
OCCUPANCY REQUIREMENTS:	
ADDITIONAL COMMENTS:	

CODE REVIEW	
CODE REQUIRED	PER IBC TABLE 101.1
CODE PROVIDED	PER IBC TABLE 101.1
CODE REQUIRED	PER IBC TABLE 101.1
CODE PROVIDED	PER IBC TABLE 101.1
CODE REQUIRED	PER IBC TABLE 101.1
CODE PROVIDED	PER IBC TABLE 101.1

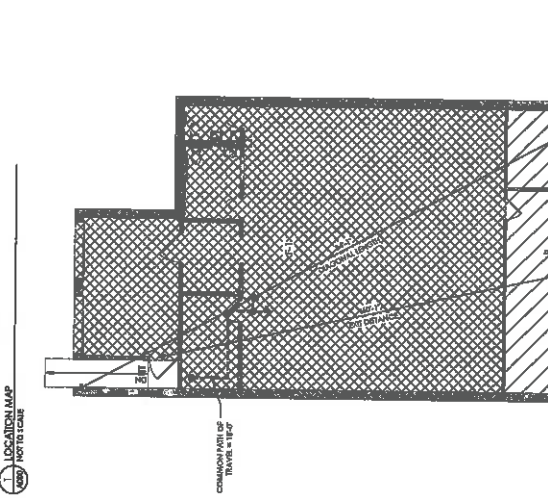
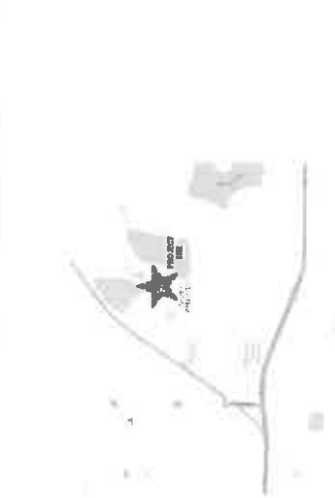
PLUMBING REVIEW	
PLUMBING TYPE	RETAIL
PLUMBING CODE	2019 INTERNATIONAL PLUMBING CODE (IPC)
PLUMBING TYPE	RETAIL
PLUMBING CODE	2019 INTERNATIONAL PLUMBING CODE (IPC)
PLUMBING TYPE	RETAIL
PLUMBING CODE	2019 INTERNATIONAL PLUMBING CODE (IPC)

PLUMBING REVIEW	
PLUMBING TYPE	RETAIL
PLUMBING CODE	2019 INTERNATIONAL PLUMBING CODE (IPC)
PLUMBING TYPE	RETAIL
PLUMBING CODE	2019 INTERNATIONAL PLUMBING CODE (IPC)
PLUMBING TYPE	RETAIL
PLUMBING CODE	2019 INTERNATIONAL PLUMBING CODE (IPC)

PROJECT CONTACT LIST	
CLIENT	ATS TARGETS
CONTACT	MARK BARTO
PHONE	920.45.1743
EMAIL	MARK.BARTO@ATS-TARGETS.COM
ADDRESS	304 E MAIN STREET, SUITE 201, WISCONSIN 53587

SHEET INDEX	
SHEET NO.	1
TITLE	LOCATION MAP, BUILDING KEY, LIFE SAFETY PLAN, CODE REVIEW
DATE	12/10/20
DRAWN BY	KAEDING
CHECKED BY	KAEDING

ADA 201% RULE ALLOCATION	
PRIORITY FOR ALLOCATION	
1. ACCESSIBLE PATH OF TRAVEL	NA
2. ACCESSIBLE TOILET FACILITY	NA
3. ACCESSIBLE PARKING	NA
4. ACCESSIBLE TELEPHONE	NA
5. ACCESSIBLE DRINKING FOUNTAIN	NA









255 W. MAIN STREET, SUITE 201  
WACONIA, MN 55397  
952.831.3753

PROJECT INFORMATION:  
ATS TARGETS  
INTERIOR REMODEL

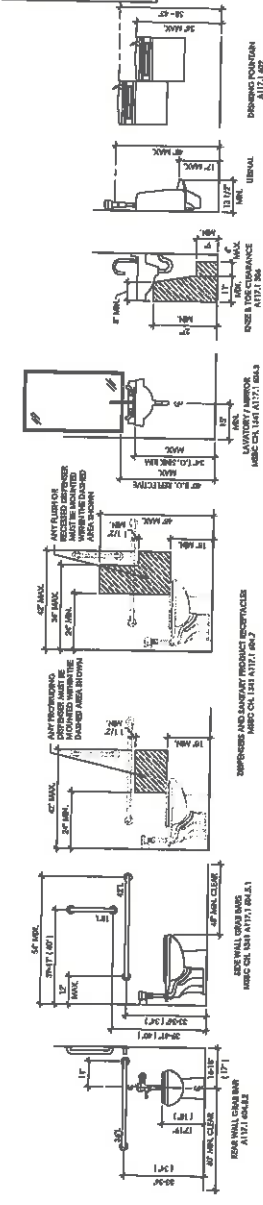
304 E MAIN STREET  
YOUNG AMERICA, MN  
55397

1. I HAVE CERTAIN THAT THE PLAN INFORMATION  
ON THIS REPORT WAS PREPARED BY ME OR UNDER MY  
SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND  
BELIEF IT COMPLY WITH ALL CITY, STATE AND FEDERAL  
REQUIREMENTS AND I AM NOT PROVIDING ANY  
WARRANTY OR LIABILITY FOR THE SAME.  
DATE: 12/11/20  
REGISTERED PROFESSIONAL ARCHITECT  
STATE OF MINNESOTA  
No. 123456789  
NAME: [Signature]

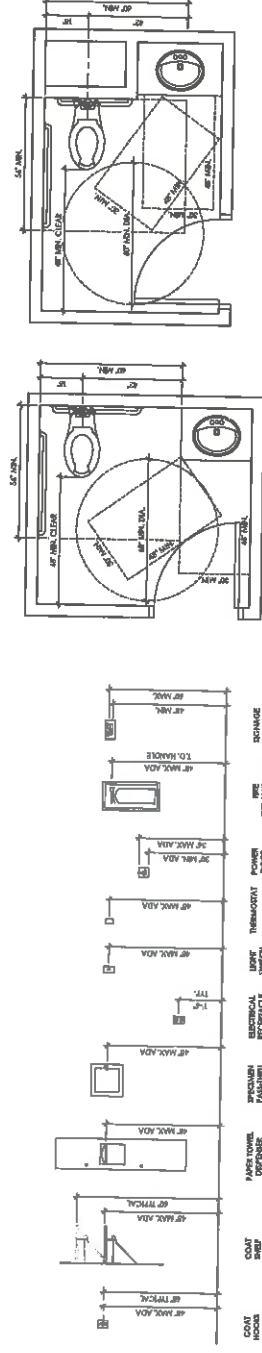
DATE RECORDED: 12/11/20  
PROJECT: 12/11/20  
DATE: 12/11/20  
DRAWN BY: MCKINLEY  
CHECKED BY: KAEDING  
SHEET NAME:  
STANDARD DETAILS &  
TYPICAL MOUNTING  
HEIGHTS

PROJECT: A800  
SHEET NAME: N

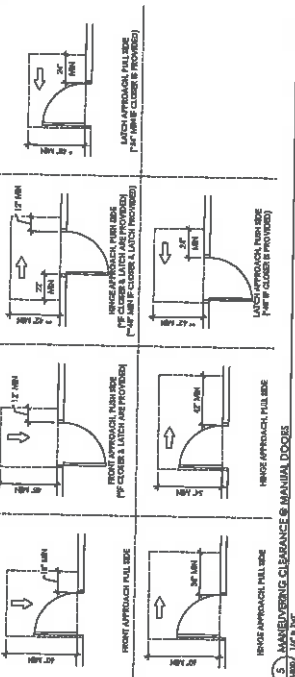
NOTE:  
IMMEDIATE ACCESSIBILITY CODE  
REQUIREMENTS ARE SHOWN OVER ANY  
EXISTING CONDITIONS.  
ALL DIMENSIONS SHOWN IN PARENTHESIS  
ARE MINIMUMS.  
ANY VARIATIONS NOTED ON PLANS,  
NOTES AND ACCESSORIES SHOWN  
ARE INTENDED TO BE USED FOR THE  
ACTUAL SITUATION AND APPROVED FOR  
THEIR USE ONLY.  
NOT ALL DETAILS APPLY.



1. TYPICAL MOUNTING HEIGHTS - PLUMBING  
1/2" = 1'-0"



2. TYPICAL TOWER ROOM CLEAR FLOOR SPACE  
1/2" = 1'-0"



3. TYPICAL TOWER ROOM CLEAR FLOOR SPACE  
1/2" = 1'-0"



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Strack Consulting LLC

Date: January 5, 2021

Re: Code Amendment Indoor Storage Facilities in C-2 General Commercial District

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#### **BACKGROUND**

The City has been in contact with an individual interested in pursuing an indoor storage facility on a developed lot in the C-2 General Commercial District which abuts Highway 212. Staff has discussed potential to accommodate the use in the district with consulting staff, including City Attorney Jay Squires. Indoor storage facilities are becoming more common throughout the metropolitan area. **We are not identifying a specific parcel but rather addressing the potential to allow indoor storage facilities within the C-2 district under planned unit development (PUD) review.**

The City's PUD standard is an overlay district that accommodates only used that are allowed in the underlying base zoning district. At this time indoor storage facilities are not allowed in the C-2 District. The Commission is asked to provide input on amending Section 1230.09, Subd. 4 of the Code (conditional uses in the C-2 District) to allow indoor storage facilities under PUD.

Please find attached a copy of Section 1230.09 (C-2) and 1240.02 (PUD).

PUD are defined under Section 1200.04 of the code as "An integrated development involving two or more principal uses or structures, including but not specifically limited to single-family residential uses, multiple-family residential uses, offices, or commercial uses, or any combination thereof, and similar such uses or combinations."

An internet image search for indoor storage facility will provide a sense of the type of use envisioned.

Other cities that have provided for indoor storage facilities typically have some standards such as:

1. Access to individual storage must only be from a structure interior
2. No outdoor storage is allowed (perhaps except for a rental truck)
3. Requirement for security/lighting
4. Architectural standards for buildings
5. Limits on types of items stored i.e. no combustibles, flammables, etc.

#### **ACTION**

Discussion is requested.

## **1230.09 C-2 General Commercial District**

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

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

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

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

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

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

*Principal Uses:*

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

*Accessory Uses:*

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

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

- A. Outdoor Storage

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

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

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



## 1240.02 Planned Unit Development Overlay District.

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

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

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

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

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

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

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

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

- A. *Density* shall mean the number of dwelling units (residential) based on minimum lot size of the underlying zoning district classification as a portion of the entire developable site area, or building square footage (non-residential) as a portion of the entire developable site area, based on the minimum lot size and structural coverage limits of the underlying zoning district classification.
- B. *Developable Area* shall mean "Project Area, Net".
- C. *Intensity* shall mean the amount of building coverage as a percentage of the lot size.
- D. *Planned Unit Development (PUD)* shall refer to a site and/or subdivision development of one or more lots, tracts, or parcels of land to be developed as a single entity. The plan for the PUD may propose density or intensity transfers, density or intensity increases, mixing of land uses, or any combination thereof. Under a PUD, the City Council may allow departure from strict conformance with lot size, bulk, type of dwelling or building, density, intensity, lot coverage, parking, required common open space, or other standards of the underlying zoning district requirements that are otherwise applicable to the area

in which it is located or certain design standards such as street width and curbing contained in the Subdivision Ordinance.

- E. *Project Area, Gross* shall mean the total area proposed to be developed as a PUD.
- F. *Project Area, Net* shall mean the remaining project area after subtracting from the gross project area all stream areas, public waters, wetlands (National Wetland Inventory), preserved floodplains, steep slopes, all floodways, significant/sensitive resources included in the City of Norwood Young America Comprehensive Plan, and other natural resource areas in which development is prohibited under the City's Zoning Ordinance or Subdivision Ordinance.

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

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

- F. The creation of a master planned community in conjunction with enhanced amenities such as the construction of a unique or scenic recreational facility or amenity such as a golf course, an equestrian facility, an artificially constructed lake (but not a required stormwater facility) and similar facilities. Such amenities shall be held in perpetuity. Preservation in perpetuity may be achieved through a permanent conservation easement, and/or dedication to the public, and/or other means approved by the City Council.
- G. The incorporation of low impact design/development strategies and best management practices that mimic a site's natural hydrology by using techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source resulting in a hydrologically functional landscape.

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

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

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

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

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

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

		<p>under Chapter 1130 of the City Code (Subdivision/Platting Standards Design Standards as amended) may be reduced under Subd. 7.D. of this Section.</p> <ul style="list-style-type: none"> <li>In the event low impact development standards are proposed, the City may allow alternatives to traditional roll-over or high back curbing as required under Chapter 1150 of the City Code (Subdivision/Platting Standards, Required Improvements as amended).</li> </ul>	<p>useful open space and development opportunities; and,</p> <ul style="list-style-type: none"> <li>The subject area is within the Comprehensive Plan Urban Growth Boundary, as may be amended, that coincides with the Legacy Greenway Conceptual Area and provided said open space creates necessary greenway continuity, establishment, and/or connectivity; and,</li> <li>That, if subdivided, is not determined to be 'premature' under Chapter 11 of the City Code.</li> </ul>
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Type of PUD	Required Conditions	Standards Considered	Where Permitted
PUD, Residential Amenity	A primarily residential development site design plan and/or plat proposing a transfer and/or an increase of allowable net density from one portion of the PUD to another as a means of providing for a unique scenic or recreational amenity or facility.	<p>As a result of approved density transfers or increases:</p> <ul style="list-style-type: none"> <li>Requirements of the underlying zoning district related to: lot area, lot size, lot coverage, lot width, and lot depth may be decreased.</li> <li>Setbacks may be reduced as per Subd. 7.D. of this Section.</li> <li>In addition, the width requirements for local streets and right of way required under Chapter 1130 of the City Code (Subdivision/Platting Standards Design Standards as amended) may be reduced under Subd. 7.D. of this Section.</li> <li>In the event low impact development standards are</li> </ul>	<p>Subject to verification of a public benefit and approval of the use of PUD by the City Council, Residential Amenity PUDs are allowed within all residential zoning classifications providing:</p> <ul style="list-style-type: none"> <li>The entire project area is at least twenty (20) acres in size. The size limitation is intended to retain adequate useful open space and development opportunities; and,</li> <li>The subject area is within the Comprehensive Plan Urban Growth Boundary, as may be amended, with</li> </ul>

		proposed, the City may allow alternatives to traditional roll-over or high back curbing as required under Chapter 1150 of the City Code (Subdivision/Platting Standards, Required Improvements as amended).	<p>consideration given to the Legacy Greenway Conceptual Area and creation of necessary greenway continuity, establishment, and/or connectivity; and,</p> <ul style="list-style-type: none"> <li>• That, if subdivided, is not determined to be 'premature' under Chapter 11 of the City Code.</li> </ul>
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Type of PUD	Required Conditions	Standards Considered	Where Permitted
PUD, Residential Mixed Use	A primarily residential development site design plan and/or plat proposing a transfer of allowable net density from one portion of the PUD to another and/or an increase in density as a means of providing for mixed housing types and values combined with superior site amenities.	<p>As a result of approved density transfers or increases:</p> <ul style="list-style-type: none"> <li>• Requirements of the underlying zoning district related to: lot area, lot size, lot coverage, lot width, and lot depth may be decreased.</li> <li>• Setbacks may be reduced as per Subd. 7.D. of this Section.</li> <li>• In addition, the width requirements for local streets and right of way required under Chapter 1130 of the City Code (Subdivision/Platting Standards Design Standards as amended) may be reduced under Subd. 7.D. of this Section.</li> <li>• In the event low impact development standards are proposed, the City may allow alternatives to traditional roll-over or high back curbing as required under Chapter 1150 of the City Code (Subdivision/Platting Standards, Required Improvements as amended).</li> </ul>	<p>Subject to verification of a public benefit and approval of the use of PUD by the City Council, Residential Mixed Use PUDs are allowed within the R-2 Medium Density Single Family Residential, the R-3 Medium Density Mixed Residential, the R-4 Multiple Family Residential, and/or the RC-1 Residential Neighborhood Commercial Districts, providing:</p> <ul style="list-style-type: none"> <li>• The entire project area is at least twelve (12) acres in size. The size limitation is intended to retain adequate space for the creation of superior amenities and a mix of residential development; and,</li> <li>• The majority of the project area is envisioned as a transitional area from higher intensity uses such as commercial or</li> </ul>

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

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

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

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

- A. Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple owners, the approved final plan shall be binding on all owners.
- B. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize the impact of the PUD on adjacent properties and, conversely, to minimize the impact of adjacent land use and development characteristics on the PUD.



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

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

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

- A. The approval of a subdivision shall be required of all projects which involve or contemplate the platting or replatting of land.

- B. Property currently described by metes and bounds shall be platted if contemplated for development as a PUD.
- C. The procedures and data requirements set forth in the Subdivision Ordinance shall be followed concurrently with the PUD standards. The Community Development Director may waive requirements determined to be redundant.
- D. Required data, parkland/fee in-lieu of parkland dedication, design standards and required improvements shall be the same as per a conventional subdivision and as set forth within the City's Subdivision Ordinance unless changes to design standards are permitted under this Section.
- E. Consideration of applicability of parkland dedication standards, shall take into consideration the Developer's contribution in the form of a public benefit(s) and shall be reduced accordingly.

**Subd. 9 Phased Development.**

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

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

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

2. Type of PUD contemplated.
3. Overall maximum PUD density range.
4. General location of major streets and pedestrian walkways.
5. General location and extent of public and/or common open space.
6. Preservation areas.
7. General location of residential and non-residential land uses with approximate intensities of development.
8. Staging and timetable of development.
9. Other special criteria for development.

C. Preliminary PUD and Final PUD Plan Required.

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

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

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

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

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

Item Description	Preliminary PUD Plan	Preliminary Plat	Final PUD Plan	Final Plat
<b>General Information</b>				
Name, address of owner and applicant	X	X	X	X
Name, license number, address, and signature of persons involved in preparation of the plan/plat (i.e. architect, surveyor, engineer)	X	X	X	X
Title block	X	X	X	X
Key map showing location of tract with reference to surrounding area	X	X	X	X

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

Item Description	Preliminary PUD Plan	Preliminary Plat	Final PUD Plan	Final Plat
A listing of required and proposed performance standards including lot area, width, depth, setbacks, lot coverage, and required parking.	X	X	X	X
North arrow and scale	X	X	X	X
Proof taxes are current	X	X	X	X
Appropriate certification blocks		X		X
Existing and proposed legal descriptions		X		X
Acreage of tract	X	X	X	X
Location and dimensions of existing and proposed streets	X	X	X	X
Proposed lot lines and area of lots in square feet	X	X	X	X
Existing or proposed deed restrictions or covenants	X	X	X	X
Existing or proposed easements or land reserved for or dedicated to public use	X	X	X	X
Proposed development staging or timeline for development	X	X	X	X
List of required regulatory approvals or permits	X	X	X	X
Requested or obtained variances	X	X	X	X
Requested or obtained rezoning	X	X	X	X
Payment of application fee	X	X	X	X
<b>Setting &amp; Environmental Information</b>				
Property boundaries of all parcels within 200' of the subject parcel	X	X	X	X
Existing streets, water courses, flood plains, wetlands, or other environmentally sensitive areas on and within 200 feet of the subject site	X	X	X	X
Existing rights-of-way and/or easements on and within 200' of the subject site	X	X	X	X
Topographical features of the subject property	X	X	X	X
Existing and proposed contour intervals for subject property and within 200' of the subject site	X	X	X	X
Boundary, limits, nature, and extent of wooded areas, specimen trees, and other significant physical features	X	X	X	X
Existing system of drainage of subject site	X	X	X	X
Drainage area map	X	X	X	X
Drainage calculations	X	X	X	X
Percolation tests	X	X	X	X

**TABLE OF DATA SUBMITTAL REQUIREMENTS**

X = required at indicated review stage

Item Description	Preliminary PUD Plan	Preliminary Plat	Final PUD Plan	Final Plat
<b>Improvements &amp; Construction Information</b>				
Proposed utility infrastructure plans, including sanitary sewer, water, and storm water management	X	X	X	X
Soil erosion and sediment control plans	X	X	X	X
Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations	X	X	X	X
Construction details	X	X	X	X
Road and paving cross sections and profiles	X	X	X	X
Proposed street names	X	X	X	X
New block and lot numbers	X	X	X	X
Lighting plan and details	X	X	X	X
Landscape plan and details	X	X	X	X
Site identification signs, traffic control signs, and directional signs	X	X	X	X
Vehicular and pedestrian circulation patterns	X	X	X	X
Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions	X	X	X	X
Preliminary architectural plan and elevations			X	X

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

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

- D. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
- E. The Community Development Director shall prepare technical reports or cause such technical reports to be created. The Community Development Director shall provide general assistance in preparing a recommendation on the action to the Planning Commission. Technical reports may include those from the City Engineer, City Planner, Building Official, City Attorney, and public or private utility departments, and others.
- F. The Community Development Director or designee shall also refer copies of the plan map to the following individuals or bodies:
  - 1. City Engineer;
  - 2. City Attorney;
  - 3. School District;
  - 4. Commissioner of Transportation if the proposed planned unit development includes land abutting an established or proposed trunk highway;
  - 5. County Engineer if the proposed planned unit development includes land abutting a County or County State-Aid Highway;
  - 6. State Commissioner of Natural Resources if the proposed planned unit development adjoins a public body of water;
  - 7. The Watershed District Board, if applicable;
  - 8. Other City department heads as appropriate;
  - 9. Park and Recreation Commission;
  - 10. Planning Commission.
- G. The Park and Recreation Commission, Planning Commission, City Council, and City staff shall have the authority to request additional information from the applicant concerning the proposed planned unit development and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- H. The Planning Commission shall conduct a public hearing. The applicant or a designated representative thereof may appear before the Council at the public hearing in order to answer questions concerning the proposed request. Following the closing of the public hearing, the Planning Commission shall take one of the courses of action:
  - 1. Approval of the preliminary plan: as presented – with findings of fact.
  - 2. Conditional approval of the preliminary plan: conditions for approval and findings of fact itemized.
  - 3. Denial of the preliminary plan, with findings of fact.
  - 4. The Planning Commission may, at its discretion and with the approval of the applicant, postpone action on the matter pending further information from the applicant that will help it render a recommendation to the City Council. An extension of the preliminary plan review period (i.e. total of 120 days) may be necessary.
- I. The Community Development Director shall notify the applicant of the Planning Commission's recommended action together with the findings of fact for such recommended action and what requirements, if any, will be necessary for the Planning Commission to recommend approval of the Plan. The recommended approval of the Preliminary Plan does not constitute an acceptance of the planned unit development.
- J. Following review by the Planning Commission, the request shall be scheduled for review by the City Council.
- K. City Council Action:

1. The reports and recommendations of City staff, Park and Recreation Commission and the Planning Commission shall be entered in and made part of the permanent written record of the City Council meeting.
2. The Council shall approve or disapprove the preliminary plan within one hundred twenty (120) days following delivery of an application completed in compliance with this Ordinance unless an extension of the review period has been agreed upon by the applicant and the City.
3. When the preliminary plan is approved, conditionally approved or denied by the City Council, the findings of fact for such action shall be recorded in the proceedings of the Council and shall be transmitted in writing to the applicant. If the preliminary plan is approved or conditionally approved, such approval shall not constitute acceptance of the final design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Ordinance to be indicated on the final plan. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plan or final plan as it deems necessary to protect the health, safety, comfort, general welfare and convenience of the City.

**L. Preliminary PUD, Criteria For Approval**

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

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

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



- B. A proposed major change to an approved preliminary PUD shall require reapplication for preliminary PUD approval and any notification regarding such preliminary PUD approval shall describe the proposed major change or changes. A major change is any departure from the conditions of preliminary PUD approval which would result in any of the following:
1. Revisions to the approved design concept;
  2. Revisions to the approved use(s);
  3. Revisions to approved public benefit(s);
  4. An increase in residential density;
  5. An increase in square footage of non-residential structures;
  6. A decrease in the amount of landscaping, site perimeter buffering, and open space that has the affect of altering the approved design concept as determined by the City; or
  7. An increase in traffic volumes or change in circulation patterns which impacts surrounding development that has the affect of altering the approved design concept as determined by the City.

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

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

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

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

approval unless determined unnecessary by the City Attorney. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.

- F. The City Council shall take action on a final plan not more than sixty (60) days after the final plan is filed with the City. If the final plan is not approved, the findings of fact for such action shall be recorded in the official proceedings of the City and shall be transmitted to the applicant.
- G. Required findings for final plan. The City Council shall make each of the following findings before granting final plan approval:
  - 1. The applicant demonstrates that the final PUD substantially conforms to the approved preliminary PUD and any/all conditions for approval of the preliminary plan. For the purposes of this section, "substantially conforms" means that, as compared to the preliminary PUD, the final PUD contains no revisions in density, uses, design or development standards or in the site plan, other than the minor changes.
  - 2. All submission requirements have been satisfied.
  - 3. The plan conforms to all applicable requirements of this Section, subject only to approved rule exceptions.
- H. The applicant shall be notified by the City of the City Council's action together with the findings of fact for such action.
- I. Final PUD, Extension of Filing Period. For good cause shown, the City, at its discretion, may grant an extension of time of one year for filing the final PUD and required accompanying papers, and may grant additional one-year extensions; provided, however, the city shall have the right to re-examine and update any conditions made to mitigate development impact.
- J. Final PUD, Failure to File, Termination.
  - 1. In the event the final PUD or any required attendant papers are not filed within twelve (12) months following approval of a preliminary PUD. The approval of the preliminary PUD shall lapse unless extended and the approval shall be deemed null and void and without force or effect.
  - 2. When it is determined as part of the preliminary PUD approval that the final PUD is to be phased, the final PUD for the first phase shall be submitted within twelve (12) months of preliminary approval. The final development plan for each subsequent phase shall be submitted within the schedule established at the time of preliminary PUD approval.
  - 3. The time period for filing of final PUDs shall not include periods of time during which progress on the final PUD was reasonably halted or delayed due to the filing and pendency of legal actions challenging an approval granted by the city pursuant to this chapter; provided, that in all cases when more than two years have elapsed subsequent to the date of approval of a preliminary PUD the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the city prior to being granted approval of the final PUD; provided, that a change in zoning district classification enacted subsequent to approval of the final development plan shall not affect the project.

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

- A. The Community Development Director is authorized to allow adjustments in accordance with Section 1240.02.17, Subdivision 2 (which immediately follows this Section) of this Ordinance. The Community Development Director shall allow only such adjustments as are consistent with guidelines established in Subdivision 2 of this section, and in no case shall an adjustment be allowed if it will increase the total amount of floor space authorized in the approved final PUD, or the number of dwelling units or density, or decrease the amount of parking or loading facilities or permit buildings to locate substantially closer to any boundary line or change substantially any point of ingress or egress to the site.
- B. For the purposes of this section, "adjustments" means any departure from the conditions of final PUD approval which complies with the following criteria:

1. The adjustment maintains the design intent, public benefit, and integrity of the original approval;
2. The amount of landscaping, buffering, and open space shall not be reduced;
3. The number of dwelling units in residential developments and the square footage of non-residential structures shall not increase;
4. The adjustment shall not relocate a building, street, or other use so as to alter the design concept;
5. The adjustment shall not reduce any required yard and/or setback;
6. The height of buildings and other structures provided they do not exceed the standard contained in the underlying zoning district;
7. Views from structures on-site and off-site shall not be substantially reduced;
8. Traffic volumes shall not increase and pedestrian and vehicular circulation patterns shall not substantially change;
9. Minor changes in colors, plant material and parking lot configurations may be approved;
10. The adjustment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original documents;
11. The Community Development Director determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

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

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

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

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

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

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

- A. If the construction has not been started within five years from the date of approval of a final PUD with an associated subdivision, or two years from the date of approval of any other final PUD, or if construction has been commenced but the work has been abandoned for a period of one year or more, and if no extension of time has been granted as provided in herein, the authorization granted for the planned unit development project shall terminate and all permits and approvals issued pursuant to such authorization shall expire and be null and void.
- B. The time period of commencing or continuing construction shall not include periods of time during which commencement of construction or continuation of construction was reasonably halted or

reasonably delayed due to the filing of a pendency of legal action challenging an approval granted by the City pursuant to this chapter; however, in all cases, when more than five years have elapsed subsequent to the date of approval of a final PUD with associated subdivision, or more than two years have elapsed subsequent to the date of approval of any other final PUD the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the City; provided, that a change in zoning district classification enacted subsequent to approval of the final development plan shall not affect the project.

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

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



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: January 5, 2021

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:

WORK LIST ITEM	STATUS
1. Rezone first tier of lots Railroad St W from Reform St to Progress St	PH to be held January 5 <sup>th</sup>
2. Shoreland overlay district text and map update (allow flexibility for height and impervious surface coverage)	PH to be held January 5 <sup>th</sup>
3. Potential update to non-conforming use standards	Joint work session for January 25 Council meeting
4. Potential zoning map updates resulting from 2040 Comprehensive Plan update	More discussion needed

**ACTION**

This item is for information