



**Norwood Young America Planning Commission**

**6:00 p.m., Tuesday, July 6, 2021**

**HYBRID MEETING**

**ZOOM LINK**

<https://us02web.zoom.us/j/81204355983?pwd=UzR1ZkZQd3lIN0t3SjlJM0txVE1Xdz09>

**Meeting ID: 812 0435 5983**

**AGENDA**

1. Call to Order  
Pledge of Allegiance
2. Adoption of Agenda
3. Approve Minutes of June 1, 2021 meeting
4. Introductions, Presentations, and Public Comment  
(Citizens may address the Planning Commission about any non-agenda item of concern. Speakers must state their name, address, and limit their remarks to three minutes. The Planning Commission will take no official action on these items but may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting.)
5. Public Hearings
  - A. Variance: Dynamic Sign All Saints Church – 511 Merger Street
  - B. Ordinance Amending Definition of Hotel/Motel
6. New Business
  - A. Variance: Dynamic Sign All Saints Church – 511 Merger Street
  - B. Ordinance Amending Definition of Hotel/Motel
  - C. Sports Court, Home Recreation Facilities, or Home Sports Facilities
  - D. Discuss Amending Ordinance Definition of Adult Bookstore, Adult Video Store, or Adult Store
7. Old Business
8. Miscellaneous
  - A. June Building Permit Report
9. Commissioner's Reports
10. Adjourn

**Jerry  
Barr**

**Mike  
Eggers**

**Bill  
Grundahl**

**Paul  
Hallquist**

**Bob  
Smith**

**Craig  
Heher  
Council  
Liaison**

### **UPCOMING MEETINGS**

July 12	City Council 6:00 p.m.
July 14	Economic Development Commission 6:00 p.m.
July 20	Parks & Recreation Commission 4:45 p.m.
July 26	EDA & City Council meetings; followed by Work Session 6:00 p.m.
August 3	Planning Commission 6:00 p.m.

*Norwood Young America  
Planning Commission Minutes  
June 1, 2021*

**Present:** Commissioners Mike Eggers, Bill Grundahl, Craig Heher, and Bob Smith.

**Absent:** Commissioner Jerry Barr and Paul Hallquist.

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

**Public:** Collin King, Charlie Wickenhauser, and Steve Curfman.

**1. Call to Order.**

The meeting was called to order by Chair Heher at 6:05 pm. The meeting was held in a blended in-person and virtual format. All present stood for the Pledge of Allegiance.

**2. Adoption of Agenda.**

Chairperson Heher introduced the agenda. No changes were proposed.

Motion – Eggers, seconded by Smith to approve the agenda as presented. The agenda was approved 4-0.

**3. Approval of Minutes from the Regular Meeting May 4, 2021.**

Heher introduced the minutes from the May 4, 2021 regular meeting.

Motion – Smith to approve the May 4, 2021 regular meeting minutes as presented. Seconded by Grundahl. With all in favor the regular meeting minutes were approved 4-0.

**4. Public Comment.**

None.

**5. Public Hearings.**

- A. Ordinance Amending Zoning Code to Provide for Auto Sales, ATV/UTV Sales, Marine Sales in the RC-1 District as a Conditional Use.

Chairperson Heher opened the public hearing at 6:09 p.m. and explained the hearing process.

Strack noted the Planning Commission, while investigating rezoning of the south side of Railroad Street, discussed amending the RC-1 District to provide for auto sales, UTV/ATV sales and the like. The discussion envisioned allowing such uses as conditional uses. A public hearing was requested for the June meeting.

The City Council provided input on the potential amendment at their May 24<sup>th</sup> work session. The Council appeared to favor of moving forward with consideration of an update but also expressed concerns about off street parking needs.

Strack referenced the ordinance amendment that would provide for auto dealerships, used auto sales, sales of utility terrain (task) vehicles, sales of all-terrain vehicles, sales of snowmobiles, sales of personal watercraft, and sales of boats as conditional uses in the RC-1 district. Strack reviewed proposed conditions including: (1) volume of vehicles for sale shall be determined by the available sales area minus areas required off-street parking required under Section 1250 (Off-Street Parking) of the Code as may be amended; (2) if required a valid dealership license is to be maintained; (3) office space devoted to perform transactions in conjunction with the business is to be provided on site; (4) service and repair, if provided, must only occupy less than fifty (50) percent of combined area square footage used for sales, office, and display; (5) service and repair would have to be conducted indoors; and (6) repair couldn't include painting or body work.

Strack noted a notice of public hearing was published and posted. No comments for or against the amendment were received. Helget confirmed no comment received.

Heher noted he viewed the work session and noted some members were adamant that there should be no on-street parking, only off-street parking for such uses.

Clarification with audience members regarding nature of this agenda item compared to separate agenda item ensued.

Motion Smith, second Eggers to close the public hearing at 6:15 p.m.

#### B. Ordinance Amending Zoning District Intent Statements.

Chairperson Heher opened the public hearing at 6:15 p.m.

Strack noted the Commission had previously discussed required consistency between the 2040 Comprehensive Plan and the zoning code. The City Council reviewed information at a work session on April 24<sup>th</sup> and requested the Commission continue with a code amendment.

A draft ordinance included in the packet was referenced. Strack noted the code amendment clarifies what future, planned land use categories correspond with individual zoning classifications. The Commission called for a public hearing at the May meeting. Notice of the hearing was published and posted. No comment for or against the amendment were received.

Motion Grundahl, seconded by Smith to close the public hearing at 6:18 p.m.

#### C. Ordinance Rezoning Certain Lots South of Railroad Street and North of the Railroad from Faxon Road to Progress Street.

Heher opened the public hearing at 6:18 p.m.

Strack stated the City Council in a recent work session requested the Planning Commission consider rezoning nine lots south of Railroad Street and north of the railway from C-3 Downtown District to RC-1 Residence/Neighborhood Commercial District. The Commission discussed the request at the May meeting and found rezoning would create more conforming uses of the properties. The Commission requested a public hearing be scheduled for the June meeting.

Strack referenced an Ordinance amendment reflecting the proposed rezoning and illustrations of properties proposed for rezoning along with street views which were included in the packet. Strack noted that parking standards apply to properties within the RC-1 district. In addition, lot performance standards apply. Minimum lot size is 7,000 sf, minimum lot width is 50 feet. Setbacks are 10' front and corner street side, five feet interior side, and 10 feet rear yard. Maximum lot coverage is 70 percent.

Strack stated a copy of the RC-1 District regulations were included in the packet.

Strack further noted City Administrator Helget had reached out to all property owners potentially impacted by the rezoning.

Collin King, Owner, Diversified Plumbing and Heating stepped to the podium and noted he had spoken with Helget. King noted under code he would be required to obtain a conditional use permit to expand. He inquired if he would be able to reconstruct after a natural disaster and expressed concern for setback variance needs if they were to expand an existing structure.

Strack explained that a conditional use permit for the contractor operation would be needed as currently zoned, C-3 Downtown District, or if rezoned to RC-1. The existing use was a conditional use in both zoning districts. Strack noted if the building was destroyed by fire or other natural disaster that if a building permit was issued within 180 days the structure could be rebuilt in the exact footprint and to the same height. Strack noted the Council recently approved flexibility for expansion of non-conforming uses. As such the building could be added onto to the east or west with approval of the City Council. A public hearing would not be required. The building could not be expanded north or south as it appeared to be on the property line in each case.

Steve Curfman expressed concern that the rezoning would impact potential sale of his property. Curfman was particularly concerned about off street parking requirements. Strack noted it was difficult to determine any potential impact as it would be dependent on the use proposed. She noted parking standards would apply and since the entire lot he owned appeared to be occupied by building then a variance would be needed.

Curfman opined he did not want to own another piece of property which he could not sell.

Chairperson Heher noted it was difficult to determine what difficulties or lack thereof could arise. He noted the Council would decide on the rezoning at their June 28<sup>th</sup> regular meeting.

Motion Grundahl, seconded by Smith to close the public hearing at 6:39 p.m.

## **6. New Business.**

- A. Ordinance Amending Zoning Code to Provide for Auto Sales, ATV/UTV Sales, Marine Sales in the RC-1 District as a Conditional Use.

Chairperson Heher introduced the agenda topic.

Strack reiterated the purpose of the code amendment.

Motion Smith, seconded by Eggers to recommend to the City Council to approve an Ordinance amending Section 1230.08 of the City Code relating to conditional uses in the residential Neighborhood Commercial District. Motion carried 4-0.

B. Ordinance Amending Zoning District Intent Statements.

Chairperson Heher introduced the agenda item.

Motion Smith, seconded by Grundahl to recommend to the City Council to approve an Ordinance amending Chapter 1230 of the City Code by adding corresponding future land use classifications to zoning district intent statements. Motion carried 4-0.

C. Ordinance Rezoning Certain Lots South of Railroad Street and North of the Railroad from Faxon Road to Progress Street.

Heher introduced the agenda item.

Strack stated the City Council had requested the Planning Commission consider rezoning nine lots south of Railroad Street and north of the railway from C-3 Downtown District to RC-1 Residence/Neighborhood Commercial District. The rezoning was to more accurately provide for existing and proposed uses.

Motion Grundahl, seconded by Eggers to recommend to the City Council to approve an Ordinance rezoning certain properties south of Railroad Street and north of the railway between Faxon Road and Progress Street from C-3 Downtown District to RC-1 Residential Neighborhood Commercial District. Motion carried 4-0.

D. Ordinance Amending Definition of Hotel/Motel.

Chairperson Heher introduced the agenda item.

Strack noted the Planning Commission has been investigating amending the definition of hotel/motel as directed by the City Council. The Commission favors reducing or removing any numerical restriction on number of units and any prohibition on cooking facilities in individual rooms.

Strack stated the cooking facility in individual rooms prohibition is designed to minimize instances of extended stay hotels. The Commission previously discussed such facilities and requested additional direction from the City Council. The Council addressed the issue at their May 24<sup>th</sup> work session. The Council appeared to favor an amendment adjusting the room number limit and providing for some rooms to be of an extended stay character.

Strack noted the current definition included in the code is: "A building in which there are more than ten

(10) sleeping rooms usually occupied singly and temporarily by individuals who are lodged with or without meals and where no provision is made for cooking in any individual room”.

Strack proposed a definition as follows, noting it was similar to that in effect in Chaska, Chanhassen, and Waconia: Hotel/Motel: Hotel means a facility offering primarily providing transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreational facilities and where access to individual rooms is provided through an indoor lobby or office. Motel means a commercial establishment primarily providing transient accommodations to the general public containing rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

The Commission discussed the intent to add “primarily” to the definition in two separate places so as to provide for extended stay units while limiting them to secondary status meaning the primary use of the majority of rooms at a hotel/motel was to be restricted to transient travelers who resided permanently elsewhere.

Grundahl inquired as to the definition of cooking facility. He supported the definition to allow some cooking facilities and limited extended stay units in each facility.

Smith favored the definition.

Grundahl inquired as to what zoning districts accommodated hotels/motels. The C-2 District provides for such uses. Some discussion occurred regarding allowing hotels/motels in the C-3 or RC-1 Districts. Commissioners reached consensus not to recommend a change at this time.

Motion Smith, seconded by Eggers to call for public hearing on the code amendment at the July meeting. Motion approved 4:0.

#### E. Planning Commission Work List.

Chairperson Heher announced the agenda topic.

Strack addressed items on the work list.

She noted the City Council in work session considered a request to investigate amending the code to regulate “sports courts” or home sports facilities. The Council in a split vote requested the Commission review what other area communities are doing to accommodate such uses.

Consensus is Strack will provide sample language for discussion at the July meeting.

#### F. July Meeting Date.

The July meeting date will remain as scheduled.

## **7. Old Business.**

None.

## **8. Miscellaneous.**

### **A. May Building Permit Report.**

The May building permit report was received. Permits continue to be issued at a swift pace.

## **9. Commissioner Reports.**

Smith, Eggers, Grundahl, and Hallquist did not have reports.

Heher updated Commissioners on City Council actions.

## **10. Adjourn**

Motion – Grundahl, Seconded by Smith to adjourn the meeting. With all in favor the meeting adjourned at 7:07 p.m.

Respectfully submitted,

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Steve Helget  
Zoning Administrator





To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 6, 2021

Re: Variance: Dynamic Sign All Saints Church – 511 Merger Street

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<b>Applicant:</b>	All Saints Lutheran Church
<b>Subject Address:</b>	511 Merger Street
<b>Legal Description:</b>	Lots 1,2,3, and 4, Block 32 Rothfork's Addition
<b>Property ID:</b>	586880050
<b>Zoning Class:</b>	C-2 General Commercial District
<b>Request:</b>	Variance Area of Dynamic Sign Display
<b>Representative:</b>	Pastor Eric Aune, All Saints Lutheran Church Matthew Duffy, Think Digital Signs
<b>Attachments:</b>	Application Sign Details

#### BACKGROUND

Matthew Duffy, Think Digital Signs and Eric Aune, All Saints Lutheran Church have filed an application for a variance to sign standards pertaining to a pylon sign with a dynamic display at 511 Merger Street. The proposed sign will replace an existing sign and face Highway 212, an arterial roadway. The proposed dynamic display area and total sign area exceed code requirements. The sign code provides for processing of variances pursuant to section 1210.06 of the Code. Notice of public hearing has been posted, published, and mailed.

The Applicants represent:

- The existing sign will be removed and replaced with a pylon sign.
- Proposed sign height is 16 feet and three inches.
- Proposed sign area is 80 square feet.
- Proposed dynamic display area is 45% of total sign square footage.
- Required 15-inch dynamic display minimum letter size under City Code for traffic traveling at speeds of 55 mph limits the number of letters per display line. A larger sign area enables more effective and safer communication to passing traffic driving in excess of 55 mph.

## EXAMINATION OF CODE REQUIREMENTS: SIGN VARIANCE

### Section 1260 Signs:

1. Section 1260.09, Subd. 4(D) establishes maximum sign area limitations in the C-2 Highway Business District. The maximum total sign area is 60 square feet. The maximum individual sign height is not to exceed 15' and maximum individual sign width not to exceed 8 feet. The proposed sign contains 80 square feet of sign area. Neither of the sign components exceed individual sign height or width standards. The Applicant's propose approximately 33% more sign area than allowed under code.
2. Section 1260.08, Subd. (7)(A)(2) limits the amount of sign area occupied by a dynamic display. In the C-2 District a maximum of 35% of sign area may be dynamic. The Applicant's propose 45% of the proposed sign area be a dynamic display.

### Section 1210.04 Variances:

Section 1210.04 of the City Code provides for variance consideration. A variance from the literal provisions of the Code may be approved where strict enforcement would cause practical difficulties. Practical difficulties when used in connection with the granting of a variance means:

1. The property owner proposes to use the property in a reasonable manner not permitted by the Code.
2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
3. The variance, if granted will not alter the essential character of the locality.

Variances to allowable uses of property are not allowed, variances to performance standards such as required heights and percentages may be considered. Economic considerations alone do not constitute a practical difficulty.

### Potential Findings Supporting Variance Issuance

- The proposed variance does not alter the use of the property. The use remains consistent with the Comprehensive Plan in terms of future land use (commercial) and policies relating to industrial development.
- The property is zoned for commercial use.
- The variance is not for the use of the property.
- The proposed sign conforms to sign height requirements.
- A larger sign area enables more effective and safer communication to passing traffic driving in excess of 55 mph.

### Potential Findings Opposing Variance Issuance

- The proposed sign could be designed to fit within the parameters of the City Code by reducing sign area and percentage of dynamic display or shortening of display messages.
- A larger sign and a dynamic display are not required to use the property in the manner it exists.
- The plight of the land owner is due to circumstances created by the landowner and not conditions on the property such as topographical issues, irregular lot shape, or unusual orientation of the lot to the street.

## RECOMMENDATION

After review and discussion, the Planning Commission may consider a MOTION to recommend approval or denial of the sign variance.

If approval is contemplated the following conditions are recommended:

1. The variance is applicable to the property at 511 Merger Street.
2. The total sign area shall not exceed 80 square feet and the dynamic display shall not exceed 45 percent of the total sign area.
3. The existing sign shall be removed in its entirety.
4. No other pylon sign is allowed.

**ACTION**

The Commission is to hold the public hearing and make a recommendation via MOTION to either approve or deny the variance request to maximum pylon sign area and dynamic display area.

**ATTACHMENTS**

- Variance Application
- Sign plan information

# 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 All Saints Lutheran Church (Pastor Eric Aune)		Telephone Home 952-467-3388 (Church) Work/Cell 952-913-6520 (Cell)																														
Address (Street, City, State, ZIP) 511 Merger St, Norwood Young America, MN 55368																																
Property Owner's Name (If different from above)		Telephone Home Work/Cell																														
Location of Project 511 Merger St, Norwood Young America, MN 55368																																
Legal Description  Parcel ID: 586889010																																
Description of Request (Attach separate sheet, if necessary) We are requesting a variance from the requirement that a dynamic sign occupy up to 35% of the sign area on a pylon sign in the C-2 District. We are requesting a 36 square foot dynamic sign with a sign area of 80 sf. The 36 sf dynamic sign would occupy 45% of the 80 sf sign. See attached supporting documentation.																																
<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 checked="" type="checkbox"/> Recording Fee \$46.00</td> </tr> <tr> <td><input type="checkbox"/> CUP/IUP \$300.00 (Non Residential)</td> <td><input type="checkbox"/> PUD Final Plan \$300.00 + Escrow</td> <td>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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Recording Fee \$46.00	<input type="checkbox"/> CUP/IUP \$300.00 (Non Residential)	<input type="checkbox"/> PUD Final Plan \$300.00 + Escrow	Other _____	<input type="checkbox"/> Variance \$150.00 (Residential)	<input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow		<input checked="" 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 checked="" 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>																																
The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.																																
Applicant's Signature:		Date																														
Fee Owner's Signature:		Date																														
<b>For Office Use Only</b>																																
Accepted By:	Amount	Date																														

# All Saints Lutheran Church

Norwood Young America, MN

511 Merger St.  
Norwood Young America, MN 55368  
Sign Variance Request Supporting Documents\_1  
June – 2021

5111 Merger St, Norwood Young America, MN 55368

think



# All Saints Lutheran Church

511 Merger St, Norwood Young America, MN 55368

Carver County Property Information

Basemap

Themes

511 Merger Street, Norwood Young America

Search on address, property ID, or addition name

Parcel ID: 58680010

[Field Definition](#)

TaxpayerALL SAINTS LUTHERAN CHURCH

Taxpayer 2

Taxpayer AddressPO BOX 550  
NYA, MN 55368-0550

Property Address511 MERGER ST  
NYA, MN 55368

City/TownshipNORWOOD YOUNG AMERICA

Use 1Church

Mapped Acres1.07

Net Acres1.06

Tax Acres1.42

PL \$ \$TWP 115, RANG 02S, SEC 14

Plat NameRIGHTFORKS ADDITION TO NORWOOD

Lot001

Tax

Building

Photo

Property Viewers

Print

Measure

Legend

Sign Location

think  
DIGITAL SIGNS

3

952-456-2575

ThinkDigitalSigns.com

# Zoning District: C-2 General Commercial



NYA Zoning Districts

City of Norwood Young America

NYA City Boundary



## Zoning District

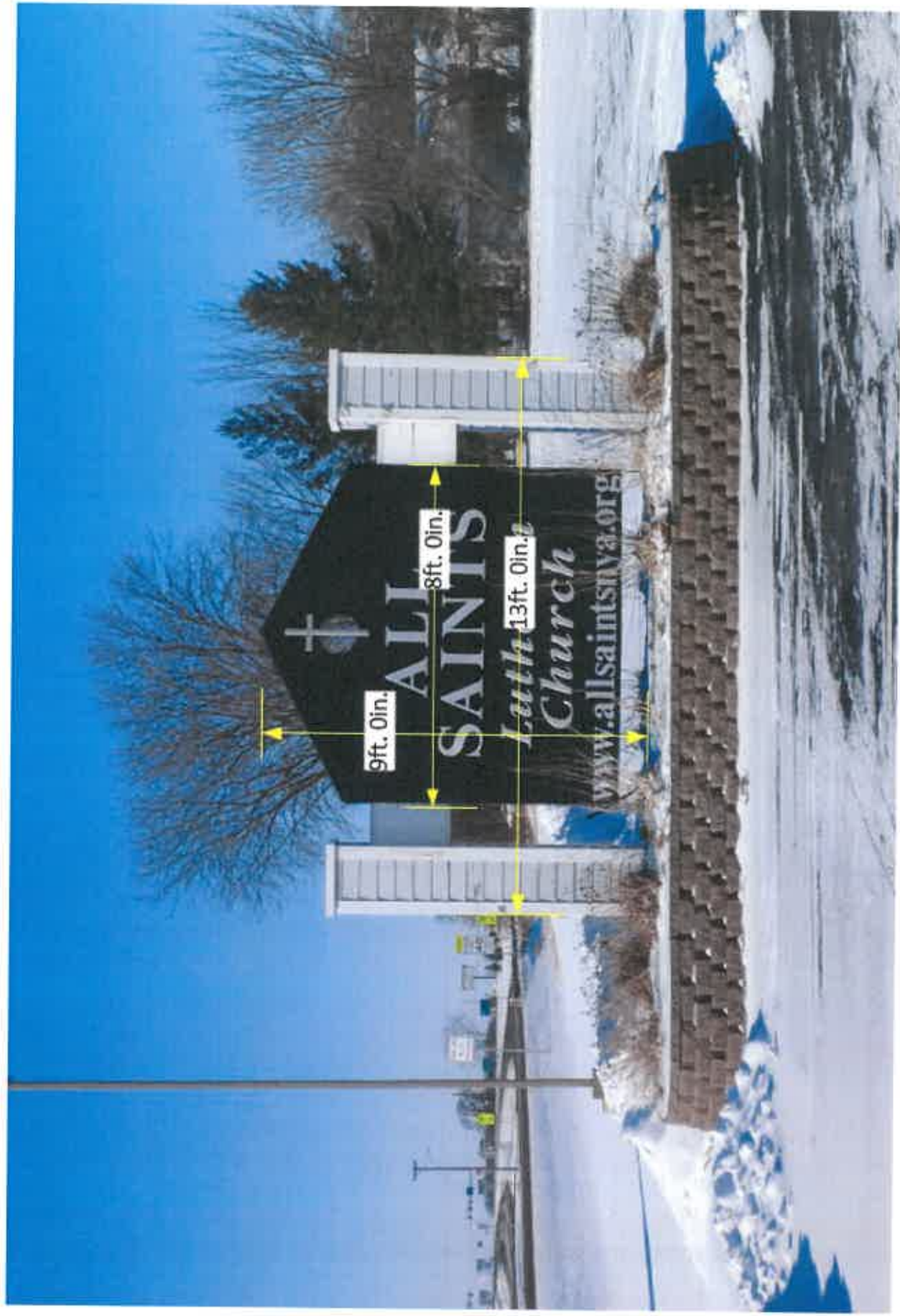
- R-1 Low Density Single Family Residential
- R-2 Medium Density Single Family Residential
- R-3 Medium Density Mixed Residential
- R-4 Multiple Family Residential
- RC-1 Residential/ Neighborhood Commercial
- C-2 General Commercial
- C-3 Downtown District
- B-1 Business Industrial
- I-1 Light Industrial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

Find Address, PID, or Place

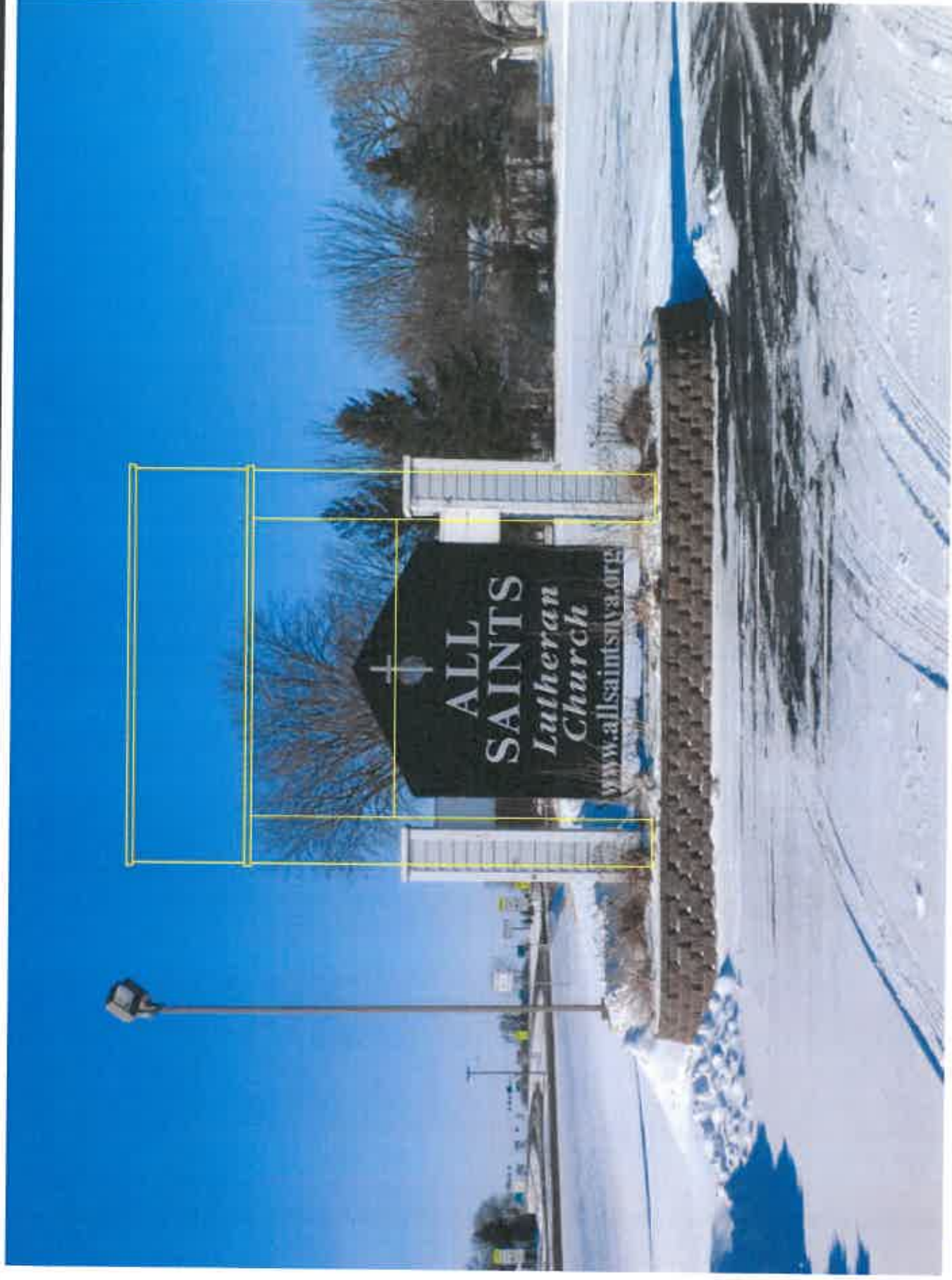




Current Sign (will be removed)



## Proposed Sign

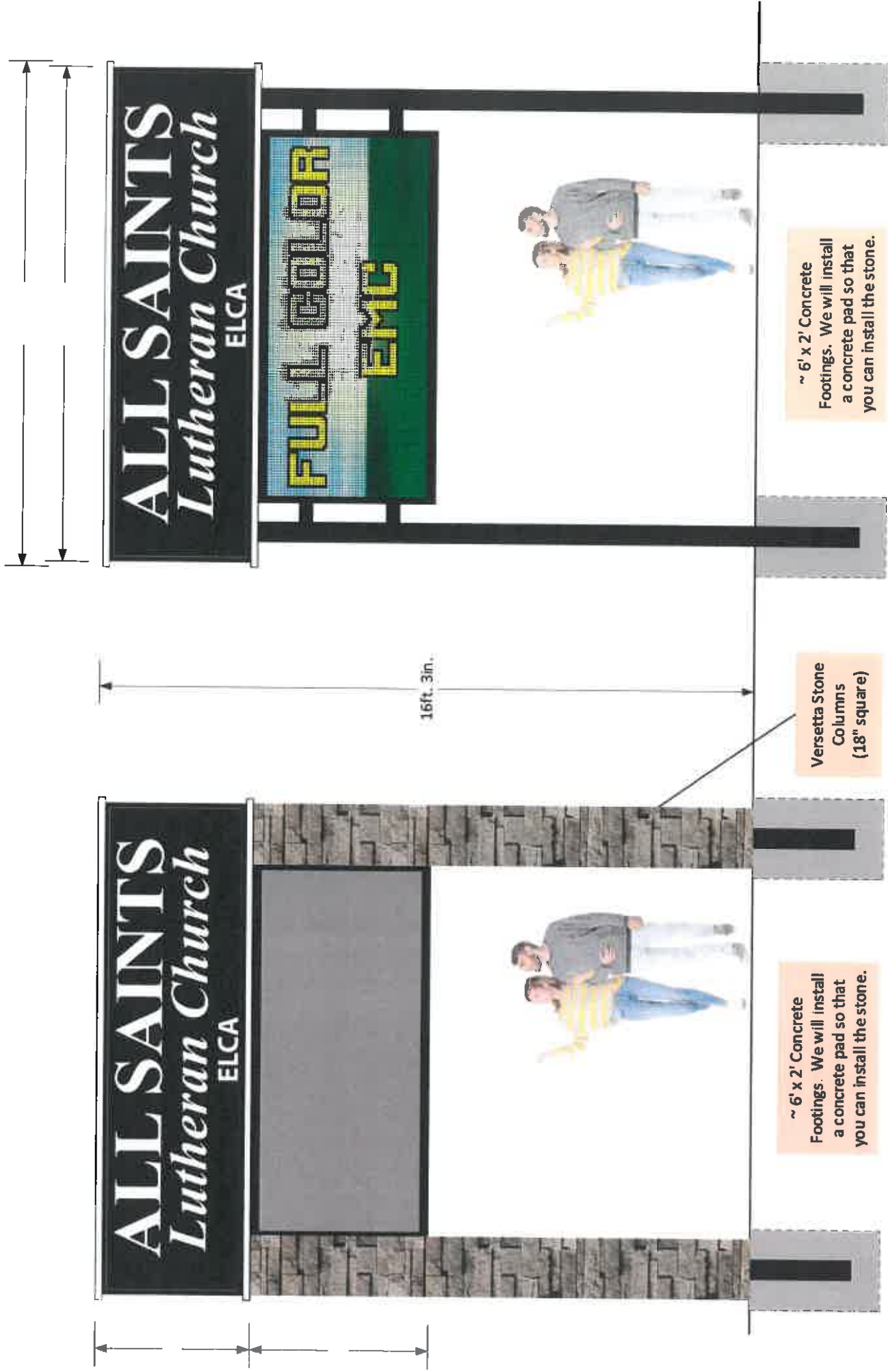




## Proposed Sign

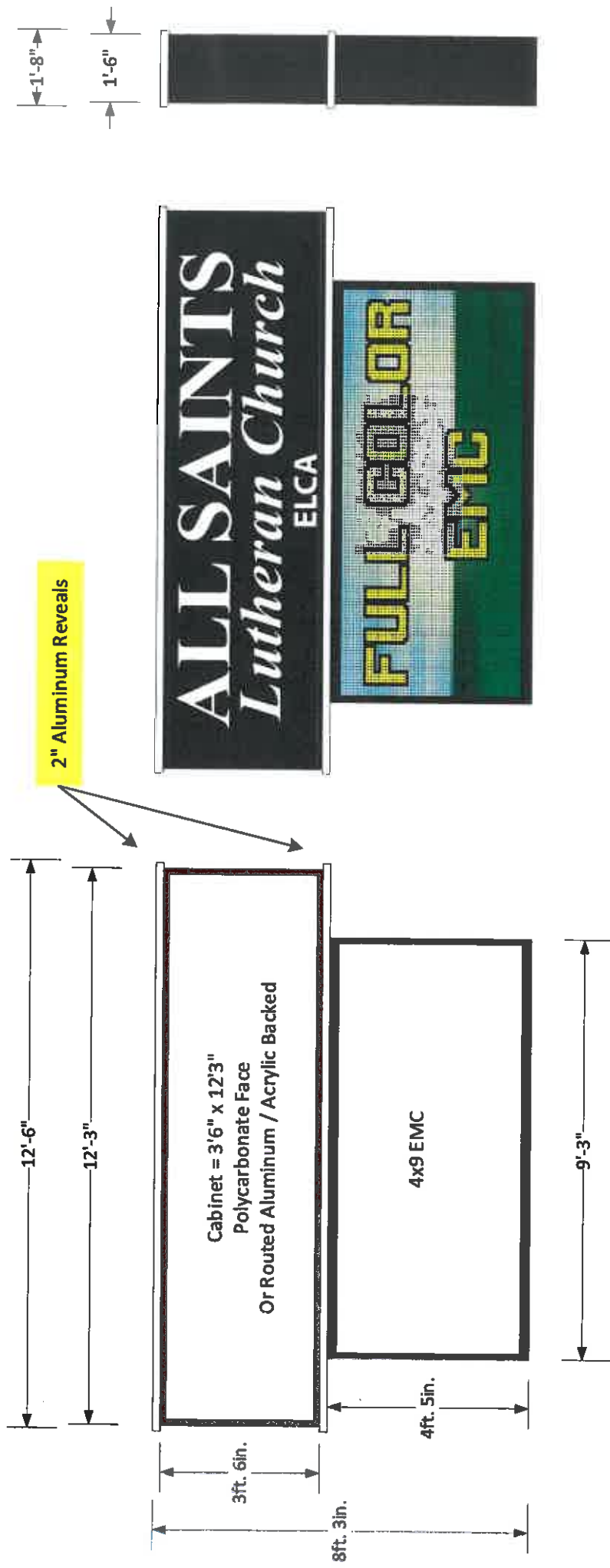


Proposed Sign: 4x9 Message Center



Church Brick Mason will install the Stone.

Proposed Sign: 4x9 Message Center





Dynamic Sign: 4x9 = 36 sf (45% of sign area)



## Dynamic Sign: 4x9 Requested

- H. Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour and 15 inches on a road with a speed limit of 55 miles per hour or more.

4x9 Dynamic Sign

FALL 2021-22  
SUNDAY SCHOOL  
REGISTER NOW

15 inch text.

4x7 Dynamic Sign

FALL 2021  
SUN SCHOOL  
REGISTER

ABCDEFGHIJKL  
123456789123

ABCDEFGHI  
123456789

The 15 inch letter height requirement for speed limits of 55 mph limit the number of letters available per line. The 4x7 dynamic sign limits each line of text to 9 letters. The 4x9 allows for 12 letters per line. The 4x9 dynamic sign enables more effective and safer communication to passing traffic driving in excess of 55 mph.

All Saints Lutheran Church desires to install a new Pylon sign on our property at 5111 Merger Street. Our plan is to install the new sign in the same location as our current sign. We will remove the old sign. As we are in the same location, we will meet all the same setbacks as our current sign.

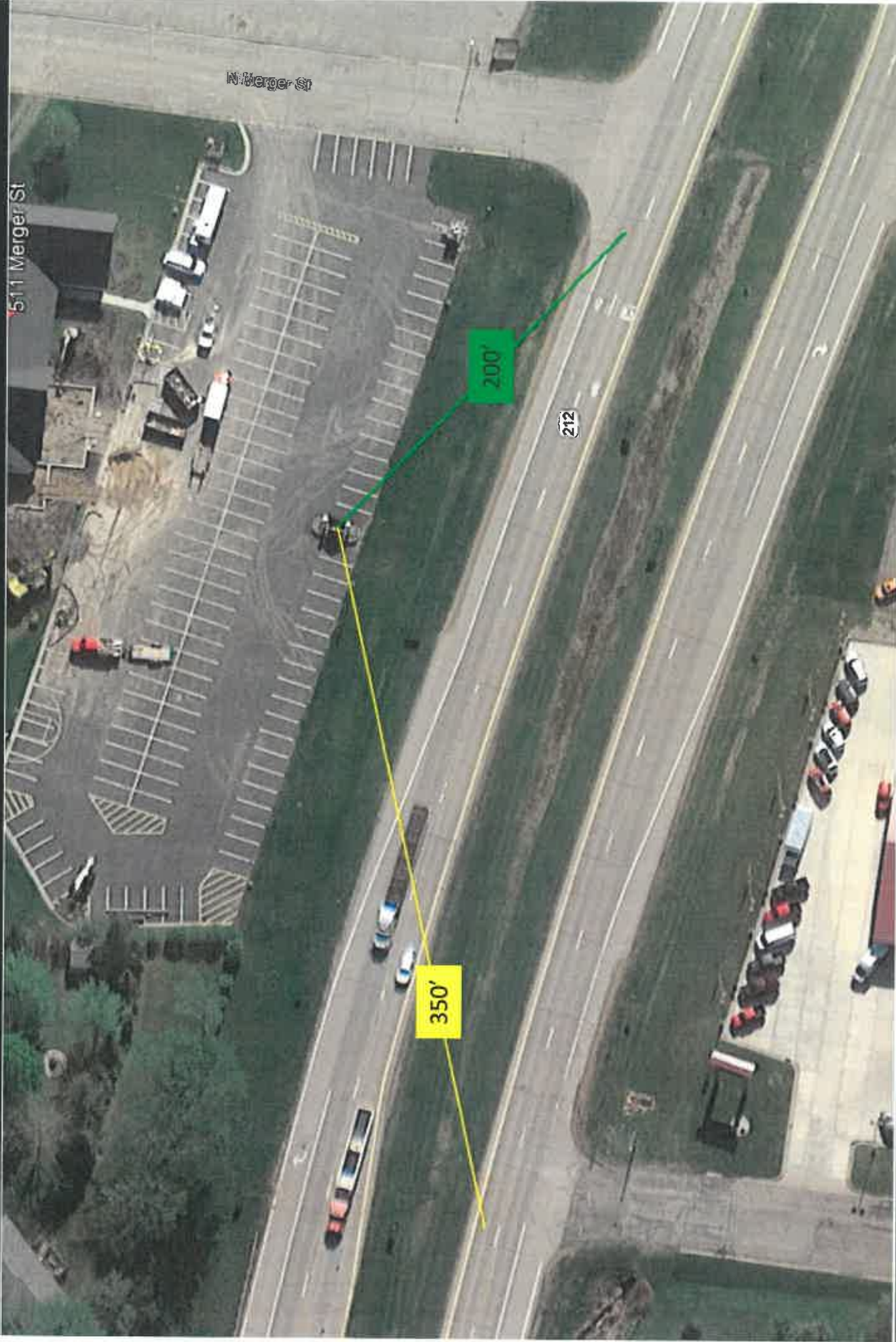
The church is hoping to include a dynamic sign as the primary communication tool for the new sign. Our new sign is intended primarily for cars traveling on Hwy 212. Most of the traffic will be traveling in excess of 55 mph. We feel that a 4x7 dynamic sign is too small to effectively and safely communicate to people traveling at that speed.

We are requesting a variance of the requirement that a dynamic sign not be larger than 35% of the overall sign area. We are requesting a 4x9 dynamic sign which would be 45% of our sign area of 80 sf.

This sign will be used to promote, not only events happening at All Saints Lutheran Church, but community events as well. This sign will be used to cheer on our Raiders, highlight dates and times for events such as Stiftungsfest, and showcase celebrations within our city. We want our message to be clear. With this variance approved, all who pass by this sign will be able to see what Norwood Young America has to offer.



## Variance Narrative: Unique Difficulties



## Variance Narrative: Unique Difficulties

All Saints Lutheran Church sign is set lower than the Hwy 212. The viewing distances range from 200' to over 350'. In order to create messages that are easy and safe to read for passing traffic, we will need to use letter heights of 12" – 15". This letter height will maximize the trade off between visibility and being able to add more letters/words. A 4'x7 message center will limit the church's ability to create messages and communicate to passing traffic.

A 4x9 message center allows for three (3) more 15" letters than a 4x7 message center. Slide #11 shows the differences in message quality of a 4x7 vs. 4x9.

Maximum Readable Distance	Readable Distance For Maximum Impact	Letter Height
100'	30'	3"
150'	40'	4"
200'	60'	6"
350'	80'	8"
400'	90'	9"
450'	100'	10"
525'	120'	12"
630'	150'	15"
750'	180'	18"
1000'	240'	24"
1250'	300'	30"
1500'	360'	36"
1750'	420'	42"
2000'	480'	48"
2250'	540'	54"
2500'	600'	60"



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 6, 2021

Re: Public Hearing: Ordinance Amending Definition of Hotel/Motel

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### BACKGROUND

The Planning Commission and City Council have been investigating amending the definition of hotel/motel by reducing or removing any numerical restriction on number of units and any prohibition on cooking facilities in individual rooms. A draft ordinance containing the proposed definition is attached.

The Commission called for a public hearing to update the definition for hotel/motel. The hearing is to be held July 6<sup>th</sup> pursuant to published and posted notice.

The current definition included in the code is: *"A building in which there are more than ten (10) sleeping rooms usually occupied singly and temporarily by individuals who are lodged with or without meals and where no provision is made for cooking in any individual room".*

The proposed definition is as follows:

**Hotel/Motel: Hotel means a facility offering primarily transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreational facilities and where access to individual rooms is provided through an indoor lobby or office. Motel means a commercial establishment providing primarily transient accommodations to the general public containing rooms having direct access to the outside without the necessity of passing through the main lobby of the building.**

### ACTION

The Commission is to hold a public hearing and make a recommendation to the City Council. The Commission may entertain a MOTION recommending the City Council approve an ordinance amending the definition of hotel/motel as contained within the draft ordinance.

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

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE BY  
AMENDING SECTION 1200.04 PERTAINING TO DEFINITION OF  
HOTEL/MOTEL.**

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

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

~~Hotel/Motel. A building in which there are more than ten (10) sleeping rooms usually occupied singly and temporarily by individuals who are lodged with or without meals and where no provision is made for cooking in any individual room.~~ Hotel means a facility offering primarily transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreational facilities and where access to individual rooms is provided through an indoor lobby or office. Motel means a commercial establishment providing primarily transient accommodations to the general public containing rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**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:



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 6, 2021

Re: Sports Court, Home Recreation Facilities, or Home Sports Facilities.

---

### BACKGROUND

At the May meeting PZC Bob Smith, recused himself and addressed the Planning Commission during a non-action "Public Comment" period regarding sport courts. Smith requested the PZC consider need to regulate such facilities. The Commission requested input from the City Council. The City Council in work session on a 3-1 vote recommended the Commission further discuss sports courts and if/how other communities address such issues.

The Commission requested research and sample language from other communities.

1. I am unable to document language in other Carver County cities, other than Victoria.
2. No cities in Scott County have specific zoning rules for sports courts.
3. The following are attached:
  - a. Delano standards. Require building permit (residential district sport courts) and CUP (commercial district). Allow in interior side and rear yards with 10 foot setback. Can't be above/below utility lines, if they have walls maximum height is 10 feet. Allow fences to be up to 12 feet tall. Lighting has to have 90 degree cutoffs and be directed downward.
  - b. Lakeland standards. Requires a CUP. Standards same as Delano, except if facility has walls it has to be setback 30' from property line.
  - c. Lino Lakes standards. Require building permit, alludes to CUP but no enabling language requiring CUP found. Standards mirror Lakeland standards.
  - d. Burnsville brochure. Maximum facility size is 1,000 sf. Allowances tied to other accessory structures.
  - e. Victoria standards. No standards specific to sport courts other than specifically allowing as accessory structures and identifying required setbacks which are relatively minimal.
  - f. Orono standards. Language previously adopted appears to have been removed in 2018.

Commissioners are encouraged to conduct their own research and bring sample language.

Potential discussion items:

1. Does the Commission perceive a need to recommend regulation of sport courts?
2. If so, under administrative (or building if needed) permit or more strict such as CUP?
3. If so, what types of standards are suggested?

### ACTION

This item is for discussion.



accompanied by a site plan and structural components data for the accessory antenna, including details of anchoring. The Building Official must approve the plans before installation.

- f) **Lightning Protection.** Each accessory antenna shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City of Delano.
- g) **Electrical Code.** Accessory antenna electrical equipment and connections shall be designed and installed in conformance with the National Electrical Code as adopted by the City of Delano.
- h) **Color/Content.** Accessory antennas shall be of a neutral color.
- i) **Effective Date.** The provisions of this section shall be applicable to all accessory antennas erected after the effective date of this Ordinance. All such structures existing prior to this date shall be addressed as legal non-conforming uses.

c. **Commercial or Industrial Accessory Buildings.**

- 1) Commercial or industrial buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
- 2) Accessory buildings shall meet all the required setbacks of the principal building.
- 3) Accessory buildings shall be constructed of building materials to match the principal structure and comply with the building material requirements of Section 51.03, Subd. C.3.d.2).a) of this Ordinance.

d. **Sport Courts.** In all districts, the following standards shall apply to sport courts:

- 1) A building permit shall be required for all private residential and commercial sport courts.
- 2) A conditional use permit shall be required for all commercial sport courts.

- 3) An application for a building permit or an administrative permit shall include a site plan showing the following along with all required information:
  - a) The size, shape, pavement and sub-pavement materials.
  - b) The location of the court.
  - c) The location of the house, garage, fencing, utilities and any other structural improvements on the lot.
  - d) The location of structures on all adjacent lots.
  - e) A grading plan showing all revised drainage patterns and finished elevations at the four corners of the court.
  - f) Landscaping and turf protection around the court.
  - g) Location of existing and proposed wiring and lighting facilities.
  - h) Details on light fixtures and light standards.
- 4) Sport courts shall not be located closer than ten (10) feet to any side and rear lot line. Sport courts shall not be located within any required front yard or side yard abutting a street.
- 5) Sport courts shall not be located over under-ground utility lines of any type, nor shall any court be located within any private or public utility, drainage or other easement.
- 6) Solid sport court practice walls shall not exceed ten (10) feet in height. A building permit shall be required for said walls. Said walls shall meet the principal building setbacks of the district.
- 7) Chain link fencing surrounding the sport court may extend up to twelve (12) feet in height above the sport court surface elevation. Any fence in excess of six (6) feet shall require a building permit.
- 8) Lighting for the sport court shall be designed with a ninety (90) degree cutoff and shall be hooded to direct lighting downward and not toward adjacent properties.

e. Swimming Pools.

## **§ 159.089 TENNIS COURTS OR SPORT COURTS.**

In all districts, the following standards shall apply:

- (A) A city permit shall be required for all private tennis courts on residential lots.
- (B) A conditional use permit shall be required for all public, semi-public and commercial tennis courts or sport court.
- (C) An application for a city permit or a conditional use permit shall include a site plan showing: The size, shape and pavement and sub-pavement materials, the location of the court, the location of the house, garage, fencing, septic systems and any other structural improvements on the lot, the location of structures on all adjacent lots, a grading plan showing all revised drainage patterns and finished elevations at the 4 corners of the court, landscaping and turf protection around the court, location of existing and proposed wiring and lighting facilities.
- (D) Tennis courts or sport courts shall not be located closer than 10 feet to any side or rear lot line. Tennis courts or sport courts shall not be located in any front yard.
- (E) Tennis courts nor sport courts shall not be located over underground utility lines of any type, nor shall any court be located within any private or public utility, walkway, drainage, or other easement.
- (F) Solid practice walls shall not exceed 10 feet in height. A building permit shall be required for the walls. The walls shall be set back a minimum of 30 feet from any lot line.
- (G) Chain link fencing surrounding the tennis court or sport court may extend up to 12 feet in height above the tennis court or sport court surface elevation.

(Prior Code, Ch. 300 § 747.01)



d. Removal of an accessory structure or portion thereof for the purpose of utilizing the easement shall be at the property owner's expense.

6. In Rural and Residential districts, Gazebos that are attached to the dwelling by a raised deck, porch, or patio shall not be counted towards the maximum area or number of accessory structures allowed on a site, so long as the sides of the gazebo remain at least 50%, though the open areas may be covered with screens.

7. In Rural and Residential districts, Fabric structures are considered an accessory structure and are therefore counted towards the maximum area and number of accessory structures allowed on a site.

(b) *Sport Courts.* In all Rural and Residential districts, the following standards shall apply to outdoor sport courts, whether temporary or permanent:

1. A building permit shall be required for all private residential sport courts.
2. An application for a building permit or a conditional use permit shall include a site plan showing the following along with all required information:
  - a. The size, shape, pavement and sub-pavement materials.
  - b. The location of the court.
  - c. The location of the house, garage, fencing, septic systems and any other structural improvements on the lot.
  - d. The location of structures on all adjacent lots.
  - e. A grading plan showing all revised drainage patterns and finished elevations at the four corners of the court.
  - f. Landscaping and turf protection around the court.
  - g. Location of existing and proposed wiring and lighting facilities.
3. Sport courts shall not be located closer than ten (10) feet to any side and rear lot line. Sport courts shall not be located within any required front yard or side yard abutting a street.
4. Sport courts shall not be located over under-ground utility lines of any type, nor shall any court be located within any private or public utility, walkway, drainage or other easement.

5. Solid sport court practice walls shall not exceed ten (10) feet in height. A building permit shall be required for said walls. Said walls shall be set back a minimum of thirty (30) feet from any lot line.

6. Chain link fencing surrounding the sport court may extend up to twelve (12) feet in height above the sport court surface elevation.

7. Lighting for the sport court shall be directed toward the sport court and not toward adjacent property. Lighting shall meet the requirements of §1007.043 (6).

(c) *Swimming Pools.*

1. *Single Family and Two Family Dwellings.* The following shall apply to all swimming pools which are intended for use accessory to single-family and two-family dwellings:

a. A building permit shall be required for any swimming pool with a capacity of over five thousand (5,000) gallons and with a depth potential of thirty (30") inches.

b. An application for a building permit shall include a site plan showing the type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump and wiring indicating the type of such units, location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool, location of existing overhead or underground wiring, utility easements, trees, similar features, and location of any water heating unit.

c. Pools shall not be located within ten (10) feet of any septic tank and twenty (20) feet from drain field nor within six (6) feet of any principal structure or frost footing. Pools shall not be located in front of the principal building or within any accessory structure setback.

d. The filter unit, pump heating unit and any noise-making mechanical equipment shall be located not closer than twenty (20) feet to any lot line.

e. Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.

f. Pools shall not be located within any private or public utility, walkway, drainage or other easement.

g. In the case of in ground pools, the necessary precautions shall be taken during the construction to:

i. Avoid damage, hazards or inconvenience to adjacent or nearby property.

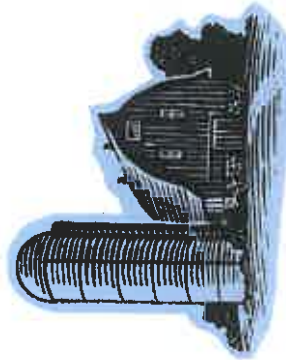
## Additional Requirements for R-1A Zoning District

Accessory buildings and structures on lots less than two acres in size must follow the requirements of the R-1 District.

Accessory buildings and structures on lots two acres in size and greater may not exceed one thousand (1000) sq. ft. in area each; and in no case shall an accessory building exceed fifteen (15') in overall height with ten (10') side walls, except by conditional use permit.

Accessory buildings and structures, in the R1-A district only, are limited to one building or structure per acre. All structures must comply with the required zoning setbacks.

All additional structures require a Conditional Use Permit.

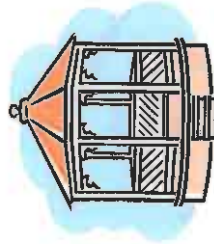


(Continued from page 1)

I. All accessory buildings on through lots located in R Districts, except attached garages, shall provide a required front yard setback for each street.

J. No cellar, basement, tent, trailer or accessory building shall, at any time, be used as an occupied dwelling.

K. An accessory building constructed within ten feet (10') of the principal building shall be constructed on a foundation with frost footings. There shall be no windows in the walls facing the space between the two (2) buildings, and the walls of the structure shall be fire protected as per the State Building Code.



One gazebo is allowed on any residential lot in addition to the other allowed accessory buildings and structures. A gazebo is defined as a roofed, open sided structure designed and used for outdoor living space. The side walls may be screened with insect screens but not solid walls or windows. Gazebos require building and zoning permits and must meet the same setback requirements as other accessory buildings and structures in their zoning district.

## Additional Requirements for R-1 Zoning District

Accessory buildings may not exceed five hundred (500) square feet of floor area each and in no case shall an accessory building exceed fifteen (15') in overall height with ten (10') side walls, except by conditional use permit. Swimming pools or sport courts may not exceed 1000 sq. ft. in total area.

If the property has an attached garage: one gazebo and one additional accessory building or one swimming pool or sport-court would be permitted.

If the property has only an existing detached garage: one gazebo and one additional accessory building, or one swimming pool or sport court in addition to the existing detached garage would be permitted.

If the Property has only a house (no garage): one garage (attached or detached), one gazebo, and one additional accessory building, or one swimming pool or sport court would be permitted.

All additional structures require a Conditional Use Permit.

**VICTORIA  
ORDINANCE**

**AN AMENDMENT TO LOW DENSITY RESIDENTIAL R-1 AND SINGLE-FAMILY  
RESIDENTIAL R-2 ZONE**

**NOW THEREFORE**, be it ordained by the Council of Victoria, in the State of Minnesota, as follows:

**SECTION 1: AMENDMENT** "Sec 24-1 Low Density Residential (R-1) District" of the Victoria Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

**Sec 16-1 Definitions**

~~*Dwelling, single family association means a single family dwelling and associated property where all exterior property maintenance, for both common and private properties, is completed by a homeowner's association. Maintenance includes but is not limited to snow removal, lawn care, common landscaping throughout the development and neighborhood and monument sign maintenance.*~~

~~*Dwelling, semi detached means a single structure containing two one family dwelling units connected by a common sidewalk, with each dwelling unit owned independently.*~~

*Dwelling, two family (duplex, double bungalow) means a residential structure consisting of two (2) dwelling units only.*

**Sec 24-1 Low Density Residential (R-1) District**

A. **Purpose and scope.** ~~The R-1 district is established to provide exclusive development of traditional single family residential uses where similar residential development seems likely to occur to meet the guided density of 1.5 — 2.5 units per acre. To recognize relatively low density, single-family residential areas that have been developed, together with supporting public and semi-public facilities, and to protect the low intensity living environment from encroachment by potential conflicting uses.~~

B. **Jurisdiction.** The following shall be applicable to property designated as R-1 within the city as defined by the official zoning map.

C. **Principal use.** The following uses and structures listed in this section are permitted as the principal use in the R-1 district:

1. Single-family dwellings.
2. State licensed residential group home serving six or fewer persons.
3. Municipal facilities and city parks.
4. Places of worship and assembly including cemeteries and memorial gardens.
5. Utility services.

6. Elementary, parochial, junior and senior high schools.
  7. Nursing homes, retirement communities, residential care facilities.
  8. Day care center with adherence to the Minnesota Department of Human Services, Minnesota Rules and Minnesota State Statutes.
  9. Golf courses, country clubs, club houses, swimming pools, tennis courts and similar private recreational business or association uses of at least one-half acre in size.
- D. *Permitted accessory use.* The following uses are permitted as an accessory to the principal use in the R-1 district provided they are subordinate to and associated with the permitted principal use:
1. One private detached garage per separately owned parcel, not to exceed 900 square feet.
  2. Accessory storage shed for domestic supplies, not to exceed 900 square feet.
  3. Greenhouses not to exceed 900 square feet and not involving retail or wholesale sales.
  4. Privately owned recreational facilities such as swimming pools, sport courts and tennis courts.
  5. Home occupations in adherence with this Code.
  6. Temporary buildings located entirely on private property for uses incidental to construction work to be removed upon the completion or abandonment of the construction work.
  7. Solar collectors mounted on the ground in the rear yard attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure and in accordance with the building code.
- E. *Conditional uses.* The following uses require a conditional use permit:
1. Commercial use antenna towers upon existing city-owned buildings or structures as referenced in this zoning code.
  2. Accessory dwelling units.
- F. *Bulk regulations – R-1 district.*



<b>Principle Uses— Single Family Dwelling Units R-1</b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Min. Lot Depth</b>	<b>Front Yard Setback</b>	<b>Rear Yard Setback</b>	<b>Side Yard Setback</b>	<b>Impervious Surface Max.</b>	<b>Max. Height</b>	<b># of Attached Homes</b>	<b>Min. Finished Floor Area</b>
Single Family	12,000 square feet	80 feet	130 feet	30 feet	30 feet	20 feet total, 10 feet each side	35%	35 feet	N/A	1,800 square feet
<b>Other Principal Uses R-1</b>	<b>Front Yard Setback</b>		<b>Rear yard Setback</b>		<b>Side yard Setback</b>		<b>Impervious Surface Maximum</b>	<b>Maximum Height</b>		
Group Homes	30 feet		35 feet		25 feet total, 15 feet one side		30%	35 feet		
Municipal Facilities	30 feet		35 feet		25 feet total, 15 feet one side		50%	40 feet		
Worship/Assembly	30 feet		35 feet		25 feet total, 15 feet one side		60%	40 feet		
Schools	30 feet		35 feet		25 feet total, 15 feet one side		60%	40 feet		
Nursing Homes, Care/Retirement Communities	30 feet		35 feet		25 feet total, 15 feet one side		60%	40 feet		
Day Care Centers	30 feet		35 feet		25 feet total, 15 feet one side		60%	40 feet		

Private Recreation Business or Association Uses	10 feet	10 feet	25 feet total, 15 feet one side	70%	35 feet
<b>Accessory Uses R-1</b>	<b>Front Yard Setback</b>	<b>Rear Yard Setback</b>	<b>Side Yard Setback</b>	<b>Maximum Height</b>	
Private Detached Garage	45 feet	10 feet	6 feet	24 feet	
Storage Shed	45 feet	10 feet	6 feet	14 feet	
Greenhouses	45 feet	10 feet	6 feet	12 feet	
Privately Owned Recreational Facilities	45 feet	10 feet	6 feet	N/A	
Construction Related Temporary Buildings	10 feet	10 feet	6 feet	N/A	
Solar Collectors	N/A	10 feet	6 feet	14 feet*	

\*If the system is roof mounted, height of system will not exceed the maximum height of the use.

(Ord. No. 415, § 1, 5-22-2017)

**SECTION 2: AMENDMENT** “Sec 24-2 Single-Family Residential (R-2) District” of the Victoria Municipal Code is hereby *amended* as follows:

#### A M E N D M E N T

Sec 24-2 ~~Single~~-Two-Family Residential (R-2) District

- A. **Purpose and scope.** The R-2 district is established to: provide for ~~single~~two-family detached housing ~~association single family and semidetached residential homes where similar residential development seems likely to occur to meet guided density of two to four units per acre, including supporting public and semi-public facilities; provide lots which can accommodate a house, garage, and deck without variance requests; assure that areas will not be developed too intensely and that a variety of housing styles will be encouraged, providing flexibility and preventing sameness and monotony of housing styles. Preservation of natural landforms, open space, and greenways will be encouraged for scenic enjoyment and recreational use.~~
- B. **Jurisdiction.** The following shall be applicable to property designated as R-2 within the city as defined by the official zoning map.
- C. **Principal uses.** The following uses and structures listed in this section are permitted as the principal use in the R-2 district:
- ~~1. Single-family dwellings for subdivisions approved prior to June 10 May 28, 2019.~~
  - ~~2. Association single family dwellings.~~ 2. Two-family dwellings
  - ~~3. Semidetached residential dwellings.~~
  - ~~4.~~ 3. State licensed residential group home serving six or fewer persons.
  - ~~5.~~ 4. Municipal facilities.
  - ~~6.~~ 5. Places of worship and assembly including cemeteries and memorial gardens.
  - ~~7.~~ 6. Utility services.
  - ~~8.~~ 7. Elementary, parochial, junior and senior high schools.
  - ~~9.~~ 8. Nursing homes, retirement communities, residential care facilities.
  - ~~10.~~ 9. Day care center with adherence to the Minnesota Department of Human Services, Minnesota Rules and Minnesota State Statutes.
  - ~~11.~~ 10. Golf courses, country clubs, club houses, swimming pools, tennis courts and similar private recreational business or association uses of at least 0.32 acres in size.
- D. **Permitted accessory use.** The following uses are permitted as an accessory to the principal use in the R-2 district provided they are subordinate to and associated with a permitted use:
1. One private detached garage per separately owned parcel not to exceed 600 square feet.
  2. Accessory storage shed for domestic supplies not to exceed 600 square feet.
  3. Greenhouses not to exceed 600 square feet and not involving retail or wholesale sales.
  4. Privately owned recreational facilities such as swimming pools and tennis courts.
  5. Home occupations in adherence with this Code.
  6. Temporary buildings located entirely on private property for uses incidental to construction work to be removed upon the completion or abandonment of the construction work.
  7. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure and in accordance with the building code.
- E. **Conditional uses.** The following uses require a conditional use permit:
1. Commercial use antenna towers upon existing city-owned buildings or structures as referenced in this zoning code.
  2. Accessory dwelling units.
- F. **Bulk regulations.**



Dwelling Units R-2	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Impervious Surface Max.	Max. Height	Max. # of Attached Homes	Min. Finished Floor Area Per Unit
Single Family**	7,500 square feet	60 feet	115 feet	25 feet	30 feet	8 feet each side	40%	35 feet	N/A	1,400 square feet
<del>Semidetached Two-Family</del>	<del>6,100</del> 10,000 square feet	<del>—</del> 50 feet	110 feet	25 feet	30 feet	8-10 feet each one-side	45%	35 feet	2 units	1,200 square feet
<del>Association Single Family</del>	<del>5,500</del> square feet	<del>50 feet</del>	<del>115 feet</del>	<del>25 feet</del>	<del>30 feet</del>	<del>8 feet each side</del>	<del>55%</del>	<del>35 feet</del>	<del>N/A</del>	<del>1,400 square feet</del>
Principal Uses R-2	Front Yard Setback		Rear Yard Setback		Side Yard Setback		Impervious Surface Maximum		Maximum Height	
Municipal Facilities	30 feet		35 feet		35 feet each side		60%		40 feet	
Worship/Assembly	30 feet		35 feet		35 feet each side		50%		40 feet	
Utility Services	30 feet		35 feet		35 feet each side		60%		40 feet	
Schools	30 feet		35 feet		35 feet each side		60%		40 feet	
Nursing Homes, Care/Retirement Communities	30 feet		35 feet		35 feet each side		60%		35 feet	
Day Care	30 feet		35 feet		35 feet each side		60%		35 feet	

Private Recreation Business or Association Uses	30 feet	35 feet	35 feet each side	70%	35 feet
<b>Accessory Uses R-2</b>	<b>Front Yard Setback</b>	<b>Rear Yard Setback</b>	<b>Side Yard Setback</b>	<b>Maximum Height</b>	
Private Detached Garage	45 feet	10 feet	6 feet		24 feet
Storage Shed	45 feet	10 feet	6 feet		14 feet
Greenhouses	45 feet	10 feet	6 feet		12 feet
Privately Owned Recreational Facilities	45 feet	10 feet	6 feet		N/A
Construction Related Temporary Buildings	10 feet	10 feet	5 feet		N/A
Solar Collectors	N/A	10 feet	5 feet		14 feet*

\*If the system is roof mounted, height will not exceed maximum height of use. \*\* For subdivisions approved prior to June 10, 2019

(Ord. No. 415, § 1, 5-22-2017)

**SECTION 3.** This ordinance shall become effective upon its passage and publication in accordance with the law. The pending applications for the development of the Official Plat known as The Meadows of Wassermann Lake outlot E at PIN 655390840 are exempt from this ordinance.

ORDINANCE NO. 222 , THIRD SERIES

CITY OF ORONO  
HENNEPIN COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
PERTAINING TO ACCESSORY STRUCTURES AND BUILDINGS

THE CITY COUNCIL OF ORONO ORDAINS:

**SECTION 1. Section 78-1 Definitions** shall be amended by adding and deleting text to read as follows:

**Sec. 78-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined in this section, the words and phrases used in this chapter shall have the meanings given to them in chapter 82.

*Accessory use, building, or structure* means a use, building, or structure subordinate to and serving the principal use or structure-building on the same lot and customarily incidental to the principal use or structure-building.

*Garage, private*, means a detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, and trailers or one truck of a rated capacity of not more than 1.5 tone.

~~*Private recreational facilities* means detached structures or equipment, whether stationary or mobile, such as swimming pools, tennis courts and sport courts, hockey rinks, hot tubs and spas, recreational fire rings, patios, barbecue pits and outdoor kitchens, playhouses and play structures, swing sets, trampolines, skateboard ramps, basketball hoops, batting cages, etc. used generally for recreation purposes for the convenience and use of the residents of the property and their guests.~~

**SECTION 2. Section 78-229. - Accessory uses** shall be amended to read as follows:

Within any R-1A one-family residential district, the only permitted accessory uses and structures are the following:

- (4) ~~Private recreational facilities subject to the pertinent accessory structure location and height requirements of this chapter. This section purposely left blank.~~

**SECTION 3. Section 78-230 -Area, height, lot width, and yard requirements** shall be amended by adding and deleting text to read as follows:

**Sec. 78-230. – R-1A District.** Area, height, lot width, setback, and yard requirements.

- (a) ~~Height.~~ No structure of building in the R-1A district shall exceed 30 feet in height except as provided in section 78-1633.
- (b) ~~Lots.~~ The following minimum requirements shall be observed:

<u>Dimensional Requirements</u>	<u>Lot Area (Minimum)</u> 1.0 acre	<u>Lot Width (Minimum)</u> 140 feet	<u>Height</u> Maximum 30 feet defined height; accessory buildings may not exceed height of principal building			
<u>Setbacks:</u>	<u>Street/ Front (feet)</u>	<u>Interior Side (feet)</u>	<u>Side Street (feet)</u>	<u>Rear (feet)</u>	<u>OHWL (feet)</u>	<u>Wetland (feet)</u>
<u>Principal Building</u>	<u>35</u>	<u>10</u>	<u>35</u>	<u>30</u>	<u>na</u>	<u>25 or MCWD buffer</u>
<u>Accessory Building (AB) &lt;1,000 sf</u>	<u>35</u>	<u>10</u>	<u>35</u>	<u>10</u>	<u>na</u>	<u>25 or MCWD buffer</u>
<u>Oversize Accessory Building &gt;1,000 sf (OAB)</u>	<u>35</u>	<u>10</u>	<u>35</u>	<u>30</u>	<u>na</u>	<u>25 or MCWD buffer</u>
<u>Accessory Structures (AS)</u>	<u>17.5</u>	<u>10</u>	<u>17.5</u>	<u>10</u>	<u>na</u>	<u>25 or MCWD buffer</u>

**(b) Exceptions:**

- 1) Side Yard Setback. For lots that are non-conforming as to their width, the interior side yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be the lessor of ten feet or equal to ten percent of the lot width as defined. However, in no case shall the side yard setback be less than 7.5 feet.
- 2) Side Yards adjacent to unimproved rights-of-way. In any residential district, the setback for side yards adjacent to unimproved rights-of-way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.
- 3) Front Yard Setback. For lots that are non-conforming with respect to area the minimum front yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be equal to the average depth of the existing front yards on the adjacent lots on each side of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.

**SECTION 4. Section 78-254. - Accessory uses shall be amended to read as follows:**

Within any R-1B one-family residential district, the only permitted accessory uses and structures are the following:

- (4) ~~Private recreational facilities subject to the pertinent accessory structure location and height requirements of this chapter. This section purposely left blank.~~

**SECTION 5. Section 78-255. – Area, height, lot width, and yard requirements shall be amended by adding and deleting text to read as follows:**

**Sec. 78-255. – R-1B District.** Area, height, lot width, setback, and yard requirements.

- (a) ~~Height. No structure of building in the R-1B district shall exceed 30 feet in height except as provided in section 78-1633.~~

(b) ~~Lots~~—The following minimum requirements shall be observed:

<u>Dimensional Requirements</u>	<u>Lot Area (Minimum)</u> 0.5 acre	<u>Lot Width (Minimum)</u> 100 feet	<u>Height</u> Maximum 30 feet defined height; accessory buildings may not exceed height of principal building			
<u>Setbacks:</u>	<u>Street/ Front (feet)</u>	<u>Interior Side (feet)</u>	<u>Side Street (feet)</u>	<u>Rear (feet)</u>	<u>OHWL (feet)</u>	<u>Wetland (feet)</u>
<u>Principal Building</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>30</u>	<u>na</u>	<u>25 or MCWD buffer</u>
<u>Accessory Building (AB)</u> <u>&lt;1,000 sf</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>10</u>	<u>na</u>	<u>25 or MCWD buffer</u>
<u>Oversize Accessory Building</u> <u>&gt;1,000 sf (OAB)</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>30</u>	<u>na</u>	<u>25 or MCWD buffer</u>
<u>Accessory Structures (AS)</u>	<u>15</u>	<u>10</u>	<u>7.5</u>	<u>10</u>	<u>na</u>	<u>25 or MCWD buffer</u>

(b) Exceptions:

- 1) Side Yard Setback. For lots that are non-conforming as to their width, the interior side yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be the lessor of ten feet or equal to ten percent of the lot width as defined. However, in no case shall the side yard setback be less than 7.5 feet.
- 2) Side Yards adjacent to unimproved rights-of-way. In any residential district, the setback for side yards adjacent to unimproved rights-of-way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.
- 3) Front Yard Setback. For lots that are non-conforming with respect to area the minimum front yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be equal to the average depth of the existing front yards on the adjacent lots on each side of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.

**SECTION 6. Section 78-304. - Accessory uses** shall be amended to read as follows:

Within any LR-1A one-family lakeshore residential district, the only permitted accessory uses and structures are the following:

- (4) ~~Private recreational facilities subject to the pertinent accessory structure location and height requirements of this chapter.~~ This section purposely left blank.

**SECTION 7. Section 78-305. –Area, height, lot width, and yard requirements** shall be amended by adding and deleting text to read as follows:

Sec. 78-305. – LR-1A District. Area, height, lot width, setbacks, and yard requirements.



(a) ~~Height.~~ No structure of building in the LR-1A district shall exceed 30 feet in height except as provided in section 78-1633.

(b) ~~Lots.~~ The following minimum requirements shall be observed:

<u>Dimensional Requirements</u>	<u>Lot Area (Minimum)</u> 2.0 acre	<u>Lot Width (Minimum)</u> 200 feet	<u>Height</u> Maximum 30 feet defined height: accessory buildings may not exceed height of principal building			
<u>Setbacks:</u>	<u>Street/ Front (feet)</u>	<u>Interior Side (feet)</u>	<u>Side Street (feet)</u>	<u>Rear/ Street (feet)</u>	<u>OHWL* (feet)</u>	<u>Wetland (feet)</u>
<u>Principal Building</u>	<u>50</u>	<u>30</u>	<u>30</u>	<u>50</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Building &lt;1,000 sf</u>	<u>50</u>	<u>15</u>	<u>30</u>	<u>15</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Oversize Accessory Building &gt;1,000 sf (OAB)</u>	<u>50</u>	<u>30</u>	<u>30</u>	<u>50</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Structures (AS)</u>	<u>25</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>

*\*OHWL setback is determined by the classification of the lake as defined in Section 78-1217 and the applied minimum setback from the OHWL as outlined in Section 78-1279.*

(e-b) Exceptions:

- 1) Side Yard Setback. For lots that are non-conforming as to their width, the interior side yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be the lessor of ten feet or equal to ten percent of the lot width as defined. However, in no case shall the side yard setback be less than 10 feet.
- 2) Side Yards adjacent to unimproved rights-of-way. In any residential district, the setback for side yards adjacent to unimproved rights-of-way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.
- 3) Front Yard Setback. For lots that are non-conforming with respect to area the minimum front yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be equal to the average depth of the existing front yards on the adjacent lots on each side of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.

**SECTION 8. Section 78-329. - Accessory uses** shall be amended to read as follows:

Within any LR-1B one-family lakeshore residential district, the only permitted accessory uses and structures are the following:

- (4) ~~Private recreational facilities subject to the pertinent accessory structure location and height requirements of this chapter.~~ This section purposely left blank.

**SECTION 9. Section 78-330. – Area, height, lot width, and yard requirements** shall be amended by adding and deleting text to read as follows:

Sec. 78-330. – LR-1B District. Area, height, lot width, setback, and yard requirements.

(a) ~~Height~~. No structure of building in the LR-1B district shall exceed 30 feet in height except as provided in section 78-1633.

(b) ~~Lots~~. The following minimum requirements shall be observed:

<u>Dimensional Requirements</u>	<u>Lot Area (Minimum)</u> 1.0 acre	<u>Lot Width (Minimum)</u> 140 feet	<u>Height</u> Maximum 30 feet defined height; accessory buildings may not exceed height of principal building			
<u>Setbacks:</u>	<u>Street/ Front (feet)</u>	<u>Interior Side (feet)</u>	<u>Side Street (feet)</u>	<u>Rear/ Street (feet)</u>	<u>OHWL*</u> <u>(feet)</u>	<u>Wetland (feet)</u>
<u>Principal Building</u>	<u>35</u>	<u>10</u>	<u>20</u>	<u>30</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Building &lt;1,000 sf</u>	<u>35</u>	<u>10</u>	<u>20</u>	<u>10</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Oversize Accessory Building &gt;1,000 sf (OAB)</u>	<u>35</u>	<u>10</u>	<u>20</u>	<u>30</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Structures (AS)</u>	<u>17.5</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>

*\*OHWL setback is determined by the classification of the lake as defined in Section 78-1217 and the applied minimum setback from the OHWL as outlined in Section 78-1279.*

(e-b) Exceptions:

- 1) Side Yard Setback. For lots that are non-conforming as to their width, the interior side yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be the lessor of ten feet or equal to ten percent of the lot width as defined. However, in no case shall the side yard setback be less than 7.5 feet.
- 2) Side Yards adjacent to unimproved rights-of-way. In any residential district, the setback for side yards adjacent to unimproved rights-of-way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.
- 3) Front Yard Setback. For lots that are non-conforming with respect to area the minimum front yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be equal to the average depth of the existing front yards on the adjacent lots on each side of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.

**SECTION 10. Section 78-349. - Accessory uses shall be amended to read as follows:**

Within any LR-1C one-family lakeshore residential district, the only permitted accessory uses and structures are the following:

- (4) ~~Private recreational facilities subject to the pertinent accessory structure location and height requirements of this chapter. This section purposely left blank.~~

**SECTION 11. Section 78-350. Area, height, lot width, and yard requirements** shall be amended by adding and deleting text to read as follows:

Sec. 78-350. – LR-1C District. Area, height, lot width, setback, and yard requirements.

- (a) ~~Height.~~ No structure of building in the LR-1C district shall exceed 30 feet in height except as provided in section 78-1633.

- (b) ~~Lots.~~ The following minimum requirements shall be observed:

<u>Dimensional Requirements</u>	<u>Lot Area (Minimum)</u> 0.5 acre	<u>Lot Width (Minimum)</u> 100 feet	<u>Height</u> Maximum 30 feet defined height; accessory buildings may not exceed height of principal building			
<u>Setbacks:</u>	<u>Street/ Front (feet)</u>	<u>Interior Side (feet)</u>	<u>Side Street (feet)</u>	<u>Rear/ Street (feet)</u>	<u>OHWL* (feet)</u>	<u>Wetland (feet)</u>
<u>Principal Structure</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>30</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Building (AB) &lt;1,000 sf</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>10</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Oversize Accessory Building &gt;1,000 sf (OAB)</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>30</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Structures (AS)</u>	<u>15</u>	<u>10</u>	<u>15</u>	<u>10</u>	<u>75/100/150 + ALS</u>	<u>25 or MCWD buffer</u>

*\*OHWL setback is determined by the classification of the lake as defined in Section 78-1217 and the applied minimum setback from the OHWL as outlined in Section 78-1279.*

**(e-b) Exceptions:**

- 1) Side Yard Setback. For lots that are non-conforming as to their width, the interior side yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be the lessor of ten feet or equal to ten percent of the lot width as defined. However, in no case shall the side yard setback be less than 7.5 feet.
- 2) Side Yards adjacent to unimproved rights-of-way. In any residential district, the setback for side yards adjacent to unimproved rights-of-way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.
- 3) Front Yard Setback. For lots that are non-conforming with respect to area the minimum front yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be equal to the average depth of the existing front yards on the adjacent lots on each side of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.

**SECTION 12. Section 78-368. - Accessory uses** shall be amended to read as follows:

Within any LR-1C-1 one-family lakeshore residential district, the only permitted accessory uses and structures are the following:

- (4) ~~Private recreational facilities subject to the pertinent accessory structure location and height requirements of this chapter. This section purposely left blank.~~

**SECTION 13. Section 78-370. – Area, height, lot width, and yard requirements shall be amended by adding and deleting text to read as follows:**

**Sec. 78-370. – LR-1C-1 District.** Area, height, lot width, setback, and yard requirements.

- (a) ~~Height. No structure of building in the LR-1C-1 district shall exceed 30 feet in height except as provided in section 78-1633.~~

- (b) ~~Lots.~~ The following minimum requirements shall be observed:

<u>Dimensional Requirements</u>	<u>Lot Area (Minimum)</u> 0.5 acre	<u>Lot Width (Minimum)</u> 100 feet	<u>Height</u> Maximum 30 feet defined height; accessory buildings may not exceed height of principal building			
<u>Setbacks:</u>	<u>Street/ Front (feet)</u>	<u>Interior Side (feet)</u>	<u>Side Street (feet)</u>	<u>Rear/ Street (feet)</u>	<u>OHWL* (feet)</u>	<u>Wetland (feet)</u>
<u>Principal Building</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>30</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Building (AB) &lt;1,000 sf</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>10</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Oversize Accessory Building &gt;1,000 sf (OAB)</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>30</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Structures (AS)</u>	<u>15</u>	<u>10</u>	<u>15</u>	<u>10</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>

*\*OHWL setback is determined by the classification of the lake as defined in Section 78-1217 and the applied minimum setback from the OHWL as outlined in Section 78-1279.*

- (b) Exceptions:

- 1) Side Yard Setback. For lots that are non-conforming as to their width, the interior side yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be the lesser of ten feet or equal to ten percent of the lot width as defined. However, in no case shall the side yard setback be less than 7.5 feet.
- 2) Side Yards adjacent to unimproved rights-of-way. In any residential district, the setback for side yards adjacent to unimproved rights-of-way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.
- 3) Front Yard Setback. For lots that are non-conforming with respect to area the minimum front yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be equal to the average depth of the existing front yards on the adjacent lots on each side of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.

**SECTION 14. Section 78-394. - Accessory uses** shall be amended to read as follows:

Within any RR-1A one-family rural residential district, the only permitted accessory uses and structures are the following:

- (4) ~~Private recreational facilities subject to the pertinent accessory structure location and height requirements of this chapter. This section purposely left blank.~~

**SECTION 15. Section 78-395. – Area, height, lot width, and yard requirements** shall be amended by adding and deleting text to read as follows:

Sec. 78-395. – RR-1A District. Area, height, lot width, setback, and yard requirements.

- (a) ~~Height. No structure of building in the RR-1A district shall exceed 30 feet in height except as provided in section 78-1633.~~

- (b) ~~Lots.~~ The following minimum requirements shall be observed:

<u>Dimensional Requirements</u>	<u>Lot Area (Minimum)</u> 5.0 acre	<u>Lot Width (Minimum)</u> 300 feet	<u>Height</u> Maximum 30 feet defined height: accessory buildings may not exceed height of principal building			
<u>Setbacks:</u>	<u>Street/ Front (feet)</u>	<u>Interior Side (feet)</u>	<u>Side Street (feet)</u>	<u>Rear/ Street (feet)</u>	<u>OHWL* (feet)</u>	<u>Wetland (feet)</u>
<u>Principal Building</u>	<u>100</u>	<u>50</u>	<u>100</u>	<u>100</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Building (AB) &lt;1,000 sf</u>	<u>100</u>	<u>20</u>	<u>100</u>	<u>20</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Oversize Accessory Building &gt;1,000 sf (OAB)</u>	<u>100</u>	<u>50</u>	<u>100</u>	<u>100</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>
<u>Accessory Structures (AS)</u>	<u>50</u>	<u>20</u>	<u>50</u>	<u>20</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>

*\*OHWL setback is determined by the classification of the lake as defined in Section 78-1217 and the applied minimum setback from the OHWL as outlined in Section 78-1279.*

- (b) Exceptions:

- 1) Side Yards adjacent to unimproved rights-of-way. In any residential district, the setback for side yards adjacent to unimproved rights-of-way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.
- 2) Front Yard Setback. For lots that are non-conforming with respect to area the minimum front yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be equal to the average depth of the existing front yards on the adjacent lots on each side of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.

**SECTION 16. Section 78-419. - Accessory uses** shall be amended to read as follows:



Within any RR-1B one-family rural residential district, the only permitted accessory uses and structures are the following:

- (4) ~~Private recreational facilities subject to the pertinent accessory structure location and height requirements of this chapter. This section purposely left blank.~~

**SECTION 17. Section 78-420. – Area, height, lot width, and yard requirements** shall be amended by adding and deleting text to read as follows:

Sec. 78-420. – RR-1B District. Area, height, lot width, setback, and yard requirements.

- (a) ~~Height. No structure of building in the RR-1B district shall exceed 30 feet in height except as provided in section 78-1633.~~

- (b) ~~Lets.~~ The following minimum requirements shall be observed:

<b>Dimensional Requirements</b>	<b>Lot Area (Minimum) 2.0 acre</b>	<b>Lot Width (Minimum) 200 feet</b>	<b>Height Maximum 30 feet defined height; accessory buildings may not exceed height of principal building</b>			
<b>Setbacks:</b>	<b>Street/ Front (feet)</b>	<b>Interior Side (feet)</b>	<b>Side Street (feet)</b>	<b>Rear/ Street (feet)</b>	<b>OHWL* (feet)</b>	<b>Wetland (feet)</b>
<b>Principal Building</b>	<u>50</u>	<u>30</u>	<u>30</u>	<u>50</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>
<b>Accessory Building (AB) &lt;1,000 sf</b>	<u>50</u>	<u>15</u>	<u>30</u>	<u>15</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>
<b>Oversize Accessory Building &gt;1,000 sf (OAB)</b>	<u>50</u>	<u>30</u>	<u>30</u>	<u>50</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>
<b>Accessory Structures (AS)</b>	<u>25</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>75/100/ 150 + ALS</u>	<u>25 or MCWD buffer</u>

*\*OHWL setback is determined by the classification of the lake as defined in Section 78-1217 and the applied minimum setback from the OHWL as outlined in Section 78-1279.*

**(e-b) Exceptions:**

- 1) Side Yard Setback. For lots that are non-conforming as to their width, the interior side yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be the lessor of ten feet or equal to ten percent of the lot width as defined. However, in no case shall the side yard setback be less than 10 feet.
- 2) Side Yards adjacent to unimproved rights-of-way. In any residential district, the setback for side yards adjacent to unimproved rights-of-way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.
- 3) Front Yard Setback. For lots that are non-conforming with respect to area the minimum front yard setback for the principal building, and accessory buildings less than 1,000 square feet, shall be equal to the average depth of the existing front yards on the adjacent lots on each side of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.

**SECTION 18. Section 78-570. - Yard and setback requirements shall be amended by adding and deleting text to read as follows:**

**Sec. 78-570. – RS District. Yard and setback requirements.**

Within any RS seasonal recreational district, the following yard and setback requirements shall be observed for all new buildings and structures and for any addition or alteration to any existing building or structure, whether temporary, seasonal or permanent:

- (1) Minimum setback from lakeshore, all buildings and structures, including decks, fences, retaining walls, wells, on-site sewage treatment systems and land alteration of any kind, 75 feet.
- (2) Minimum setback from wetlands shall be:
  - a. Wells and sewage treatment systems, 75 feet.
  - b. All buildings and structures, land alteration or hard cover of any kind, shall meet the setback requirements established within article XI of chapter 78 of this Code (the wetlands protection element of the Zoning Code).
- (3) Minimum setback from platted street rights-of-way, all buildings and structures, 30 feet.
- (4) Minimum setback from internal side or rear property line shall be:
  - a. All buildings and structures on lots 200 feet or more in width, 50 feet.
  - b. All buildings and structures on existing record lots 100 feet or more in width but less than 200 feet in width, 30 feet.
  - c. All buildings and structures on existing record lots less than 100 feet in width, ten feet.
- (5) Minimum setback any building to any other, ten feet.

**SECTION 19. Section 78-1279. - Placement of structures on lots shall be amended by adding and deleting text as follows:**

**Sec. 78-1279. - Placement of buildings and structures on lots.**

When more than one setback applies to a site, buildings, structures, and facilities must be located to meet all setbacks. Buildings and sStructures shall be located as follows:

(1) Building, sStructure, and on-site sewerage system setbacks (in feet) from ordinary high water level:

	Setbacks		
			Sewage
Public Water	<u>Building/Structure</u>		Treatment
Classification	Unsewered	Sewered	System
NE	150	150	150

RD	100	75	75
GD	75	75	75
Tributary	100	75	75

(2) Additional building and structure setbacks. The following additional structure setbacks apply, regardless of the classification of the water body:

Setback from:	Setback (in feet)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state or county highway and local public and private roads	30*

\* Except for ~~detached garages~~ accessory buildings on lakeshore lots as regulated in this chapter section 78-1435 and except for buildings and structures subject to less restrictive side yard adjacent to street setbacks as regulated in the various zoning districts.

- (3) *Bluff impact zones.* Buildings, sStructures and accessory facilities, except stairways, landings and lock boxes, must not be placed within bluff impact zones.
- (4) *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.
- (5) *Fences, docks, retaining walls.* No fence shall be placed within the shore setback zone. Portions of dock located landward of the OHWL shall be considered as a landing, subject to the regulations for landings per section 78-1282. Retaining walls shall not be placed within the shore setback zone.
- (6) *Average lakeshore setback.* No principal or accessory structure building shall be located closer to the lakeshore than the average distance from the shoreline of existing residence buildings on adjacent lots; except that this does not apply to patios and other accessory structures less than 42 inches above existing grade, stairways, lifts, landings, lockboxes, flagpoles and pump houses. Further, the average lakeshore setback shall apply only to classified lakes and shall not apply to tributaries. The average lakeshore setback line shall be a straight line connecting the most lakeward protrusions of the residence buildings on the immediately adjacent lakeshore lots.
  - a. In situations where improvement is proposed on a lot adjacent to a vacant lot or right-of-way, the average lake shore setback shall be equivalent to the setback of the most lakeward protrusion of the residence building on the immediately adjacent improved lakeshore lot.

**SECTION 20. Section 78-1403. - Lot coverage and massing standards shall be amended by adding and deleting text to read as follows:**

**Sec. 78-1403. - Lot coverage and massing standards.**

In all zoning districts other than the I—Industrial district, all lots that have a gross acreage of less than two acres shall comply with the following massing standards for ~~structures~~ buildings:

(a) *Maximum total footprints allowed.*

(1) On lots equal to or greater than 10,000 square feet in area, the total combined footprints of all principal and accessory ~~structures~~ buildings shall not exceed 20 percent of the gross lot area.

(2) On lots of less than 10,000 square feet in area, the total combined footprints of all principal and accessory ~~structures~~ buildings shall not exceed 2,000 square feet.

(b) *Calculation of massing.* ~~The following~~ All buildings shall be included in the calculation of the total combined footprints by ~~structures~~ buildings.

(1) ~~All roofed structures where the highest point of the roof is more than six feet above existing ground level.~~

**SECTION 21. Section 78-1404. – Tennis courts, sport courts, pools, paddocks, arenas shall be adding and deleting the text as follows:**

**Sec. 78-1404. ~~Tennis courts, sport courts, pools, paddocks, arenas.~~ This section purposely left blank.**

~~Tennis courts, sport courts, pools and paddocks or arenas, when such accessory structures exceed 1,000 square foot footprint area, shall be subject to the following special setback restrictions:~~

(1) ~~Front, 30 feet minimum and not within the required front yard nor between the front lot line and the principal structure on the property.~~

(2) ~~Side, 30 feet minimum and not within the required side yard area.~~

(3) ~~Rear, 30 feet minimum and not within the required rear yard area.~~

**SECTION 22. Section 78-1405. - Nonencroachments shall be amended by adding and deleting text to read as follows:**

**Sec. 78-1405. - Nonencroachments.**

(a) The following shall not be considered to be encroachments on yard setback requirements:

(1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and similar building elements, provided they do not extend more than two feet into a required yard.

(2) Nameplate signs for one-family dwellings subject to the provisions of article X, division 4 of this chapter; lights for illuminating parking areas, loading areas or yards for safety and security purposes, provided the direct source of light is not visible from the public right-of-way or adjacent residential property and is located at least five feet from the front lot line; public utility poles and overhead lines; mailboxes.

(3) ~~Terraces, s~~Steps, sidewalks, uncovered porches, stoops or similar structures which do not extend above the height of the ground floor level of the principal building and extend

- to a distance of not less than two feet from any lot line. ~~Window wells including those for fire egress which do not extend more than five feet from the building. Sidewalks, driveways and parking areas when constructed, located and used in compliance with other provisions contained within chapter 78. Driveways and parking areas may extend to within five feet of a side lot line.~~
- (4) Bays, cantilevers, and fire escapes. In side or rear yards only, the following encroachments are permitted:
- a. Bays and/or cantilevers which are not part of the defined building footprint, may extend up to not to exceed a depth of two feet into the required side or rear yard, provided the nor to contain an aggregate area of the bays and/or cantilevers is not more than 20 square feet; and
  - b. Fire escapes not to exceeding a width of three feet and a depth of four feet; and open off street parking.
- (5) ~~d~~Driveways and parking areas when constructed, located and used in compliance with other provisions contained within chapter 78. Driveways and parking areas may extend to within five feet of a side lot line. In rear yards only, balconies, breezeways, detached outdoor picnic shelters, laundry drying equipment, and recreational equipment except as otherwise regulated; no accessory structure shall be closer than five feet from a rear lot line.
- (~~5-16~~) Retaining walls, planters and similar structures, subject to the following provisions:
- a. Retaining walls, planters and similar structures may be located in all required yards when all of the following conditions are met:
    - 1. The structure is located at least ten feet from the edge of the traveled roadway;
    - 2. The structure is not located within a drainage, utility, or other easement, except upon approval in writing for an encroachment agreement by the city; or similar approval from another regulatory and/or utility agency;
    - 3. The structure creates no impacts to drainage direction, rate or volume for adjacent properties.
    - 4. The structure is two feet in height or less above existing grade.
  - b. Retaining walls, planters and similar structures exceeding two feet in height above existing ground level or which are located less than five feet from a side property line, shall require a permit and upon recommendation of the building official may require city council review or a conditional use permit per the provisions of section 78-967.
  - c. Retaining walls, planters and similar structures exceeding the allowed height of a fence shall be located so as to meet the required accessory structure setbacks established for that yard.
- (~~67~~) Window wells including those for fire egress which do not extend more than five feet from the building, and no closer than two feet to the property line. In side yards only, no accessory structure shall be closer than ten feet from any side lot line.
- (~~78~~) Air conditioning or heating equipment may be located within a required yard but shall be located within five feet of the building it serves; shall not be located within an existing or required drainage and/or utility easement; and shall be located at least five feet from any lot line.



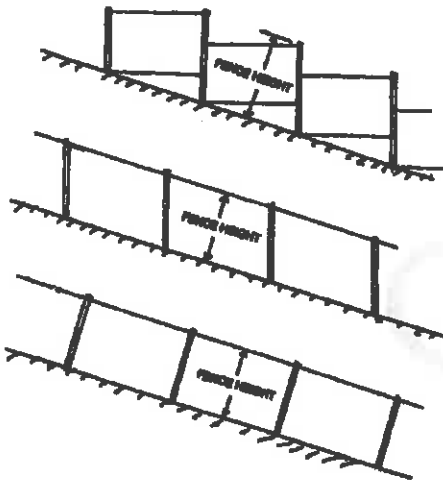
- (89) Fences erected in all zoning districts are considered as a nonencroachment when they conform to the standards listed below. For the purposes of this section, the following definitions shall apply:

**Permanent fence.** A fence that is installed in a fixed or enduring manner that is not intended for a seasonal or temporary purpose.

**Temporary fence.** A fence that is not permanently secured or anchored to the ground by posts or affixed footings, and is installed and removed on a limited term or seasonal basis such as: snow fences, garden fences, seasonal recreational fences such as hockey boards; fences installed for safety or access management purposes for special events; and fences installed for the duration of a construction project such as silt fences, erosion control bioretention logs, and septic drainfield site protection fences.

**Fence height.** The measurement from the top of any part of the fence, including posts or other structural supports, lattice, ornate top design elements, and so forth measured to the existing ground level below the fence, as measured perpendicular to the slope (see Drawing). Exception: Post finials extending above the top of the fence shall not be deemed as part of the fence for height determination purposes as long as they do not exceed ten inches in width per finial and do not extend above the top of the fence by more than ten percent of the allowed maximum fence height at that location.

**Drawing: Fence Height Measurement on Sloped Site**



a. *Nonlakeshore lots.*

1. Fences and walls within a required front yard or side street yard shall not exceed a height of 42 inches above existing ground level.
2. Fences and walls within a required rear or side yard shall not exceed a height of six feet above existing ground level.

b. *Lakeshore lots.*

1. Fences within the required street (rear) yard or side street yard of a lakeshore lot shall not exceed 42 inches above existing ground level. Exception: A fence not exceeding six feet in height may be located along the street lot line of a lake frontage lot which abuts a major thoroughfare. A major thoroughfare for purposes of this section means any county road or state highway. If such fence

involves fill or berming, the total combined height of both fence and fill shall not exceed six feet above the height of the crown of the major thoroughfare.

2. Fences within the required side yard of a lakeshore lot shall not exceed six feet in height, and shall not exceed 42 inches in height for any portion located lakeward of a line drawn between the most lakeward projection of the fence owner's principal residence structure and the most lakeward projection of the principal residence structure on the adjacent property abutting the side yard in which the fence is located.
  3. Fences shall not be constructed within the defined lakeshore yard of a lakeshore lot, i.e., shall not be located within 75 feet of the shoreline for general development lakes, 100 feet for recreational lakes, or 150 feet for natural environment lakes.
  4. When the building site of a lakeshore lot is separated from the lakeshore by a public or private road, the following definitions will apply for fence location purposes subject to the provisions of section 78-1405(a)(8)a.2: When the yard on the opposite side of the building site from the lake does not abut a street, such yard shall be considered as a standard rear yard. The yard between the building site and the street shall be considered as a standard front yard.
  - c. *Special provisions.* Split rail fences of no more than three rails within a required front, street or side street yard may have a maximum top rail height of 48 inches above existing ground level. Board rail fences within a front, street or side street yard for the specific purpose of enclosing permitted domestic animals may have a top rail height of 60 inches and shall be no more than 50 percent opaque.
  - d. *Intersection sightline obstruction prohibited.* No fence shall be installed so as to obstruct a required clear view at street intersections as required by section 78-1371.
  - e. *Fence construction and maintenance.*
    1. The owner of a fence shall maintain it in a condition of reasonable repair and appearance and shall not allow it to become or remain in disrepair or in a dangerous condition.
    2. Fences shall be installed with the finished side facing neighboring properties or the street. The term "finished side" means that side having no structural supports.
    3. Fencing materials shall consist of permanent all weather products.
    4. Temporary fencing shall not be allowed to remain on the property following final inspection, or issuance of a certificate of occupancy for a permitted construction project, or protection of property during a similar project or winter conditions. Winter conditions shall be defined as October 15 through March 31 of the following year. Temporary fencing associated with a special event shall be removed within seven days of the end of such event. Temporary fencing materials shall not be allowed to remain on a permanent basis on a parcel.
    5. Existing fences that are legal nonconforming as to location, height, design or other characteristics may be replaced in kind.
- (910) Entrance monuments, defined for the purpose of this section as a nearly permanent physical structure or object, natural or artificial, used to depict an entrance to the property, erected in all residential zoning districts are considered nonencroachments when they conform with the following standards:

- a. Each monument, with a maximum of two per approved driveway access, shall be limited to a single pillar with a footprint measuring no larger than 25 square feet and no length to exceed five feet;
- b. The monument must be setback a minimum of five feet from all property boundaries and never fewer than ten feet from the edge of the paved, traveled roadway;
- c. Plans and/or elevation views of the proposed monuments are required to be submitted for approval by the planning director;
- d. All signage proposed for the monuments must comply with Article X, Division 4 section 78-1467;
- e. The monuments are limited to eight feet in height including any appurtenances. Any monument exceeding the maximum height must meet principal structure setback requirements;
- f. When more than one monument is proposed, and serving two or fewer residences, a minimum horizontal width of 16 feet is required between them;
- g. When more than one monument is proposed, and serving three or more residences, a minimum horizontal width of 22 feet is required between them;
- h. Lighting is allowed, in conformance with section 78-1573 and at the discretion of the planning director.
- i. A building permit is required for installation and the property corners must be located for inspection purposes.

(101) Gates, when proposed, must meet the following requirements:

- a. The gate must open into the property not outward towards the right-of-way, and
- b. Gates serving two or fewer residences shall have a minimum horizontal width of 14 feet in the full open position, and
- c. Gates serving three or more residences shall have a minimum horizontal width of 20 feet in the full open position, and
- d. For all properties, gate height may not exceed the height of the monument, measured from grade, unless principal structure setbacks are met (if monuments are not proposed then gate height shall be regulated in accordance with the fence height regulations of section 78-1405(8), and
- e. For locked and/or secured gates a knox box, meeting the standards set forth by the police and fire department, must be provided for emergency access, and
- f. On major thoroughfares the monuments and gates must be located 40 feet from the paved, traveled road to allow for vehicle stacking. A major thoroughfare for the purposes of this section means any county road or state highway.

(b) The following shall not be considered to be encroachments on structure height requirements:

- (1) Parapet walls that extend no more than three feet above the height of the building.
- (2) HVAC cooling towers.
- (3) Elevator penthouses.

**SECTION 23. Section 78-1406. - Additional yard provisions shall be amended by adding and deleting text to read as follows:**

Sec. 78-1406. - Additional yard provisions.

Required yards in the districts specified shall be subject to the following additional requirements:

- (1) *Through lots.* Through lots in any district shall have a required front yard on each street.
- (2) *B and I districts: adjacent lots.* In the B and I districts, ~~where the average depth of at least two existing front yards for buildings within 150 feet of the lot in question are less or greater than the minimum front yard depth required for the district, required front yards shall not be less than the average depth of such existing front yards; however, the depth of a front yard shall not be less than five feet nor be required to exceed 50 feet.~~ for lots that are non-conforming with respect to area, the minimum front yard setback for the principal building shall be equal to the average depth of the existing front yards on the adjacent non-residential lots on each side of the non-conforming lot fronting on the same street. However, the depth of such front yard shall not be less than ten feet.
- (3) ~~*R districts: adjacent lots.* In any R district, where the average depth of at least two existing front yards for buildings within 150 feet of the lot in question and within the same block front is less or greater than the minimum front yard depth required for the district, the required front yard shall not be less than the average depth of such existing front yards; however, the depth of a front yard shall not be less than ten feet nor be required to exceed 50 feet.~~
- (4) ~~*R districts: Side Yards adjacent to unimproved rights of way.* In any residential district, the setback for side yards adjacent to unimproved rights of way shall be the same as the applicable interior side yard setback. Unimproved in this section shall be interpreted to mean not improved or maintained by the city or county for vehicular travel.~~

**SECTION 24. Section 78-1431. - Accessory buildings and structures on through lots** shall be amended by adding and deleting text to read as follows:

Sec. 78-1431. - Accessory buildings and structures on through lots.

All accessory buildings and structures on through lots located in R districts shall meet the following requirements:

- (1) The building or structure shall meet the principal building setbacks that are established under sections 78-230, 78-255, 78-305, 78-330, 78-350, 78-370, 78-395, 78-420, 78-444.
- (2) No negative impacts to adjacent neighbors or public right-of-way result in the placement of the building or structure, determined at the discretion of the City Administrator planning director.

Should the City Administrator planning director determine that item (2) above cannot be met an accessory structure or building may be permitted by conditional use permit if the planning commission determines no negative impacts result in the placement of the building or structure. The planning commission may apply reasonable conditions as part of the approval.

**SECTION 25. Section 78-1432. - Time of construction** shall be amended by adding and deleting text to read as follows:

Sec. 78-1432. - Time of construction.

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. ~~At the time of demolition of the principal building, all nonconforming accessory structures must be removed. Accessory structures, which comply with this title, are allowed to remain contingent on a signed agreement stating the following:~~

~~(1) Applicants agree to obtain a building permit for construction of the replacement residence within 60 days of demolition; to begin construction on the new residence within 120 days of demolition; and to complete all exterior work within one year of building permit issuance and interior work within two years of building permit issuance.~~

~~(2) In the event that any activity described in item (1) has not been accomplished within the defined timeframe, the applicants shall remove the accessory structures at the applicants' expense, or the applicants shall apply for an extension of this agreement.~~

~~(3) If one of the item (1) events occurs and the applicants fail to perform their removal obligations per item (2), the applicants hereby agree as follows:~~

~~a. The city may enter upon the property and remove the accessory building(s).~~

~~b. The city may assess the costs of removal to the property.~~

~~(4) The agreement shall be binding upon current and future owners of the property, and shall be filed within the chain of title of the property.~~

~~(5) Fee owner(s) of the property, if not the applicants, consent to the execution of the agreement and to its terms, as shown by his/her/their signature(s) upon the document.~~

~~(6) Applicants shall indemnify and hold harmless the city, the city council, and the agents and employees of the city from and against all claims, damages, losses or expenses, including attorney fees, which the city, city council and agents and employees of the city may suffer or for which it may be held liable, arising out of or resulting from the assertion against them of any claims, debts or obligations in consequence of the performance of the terms of this agreement.~~

**SECTION 26. Section 78-1433. - Height Restrictions** shall be amended by adding and deleting text as follows:

**Sec. 78-1433. - Height restrictions.** This section purposely left blank.

~~No accessory building or structure in an R district shall exceed the height of the principal building, nor shall an accessory building or structure exceed 30 feet in height.~~

**SECTION 27. Section 78-1434. - Area restrictions** shall be amended by adding and deleting text to read as follows:

**Sec. 78-1434. – Area Building Size Restrictions.**

~~In all R districts n~~No accessory building shall exceed 1,000 square feet of footprint area; except that accessory structures buildings in excess of 1,000 square feet shall be considered oversized and will be allowed under the following conditions:



- (1) Not more than one oversized accessory ~~structure building~~ (~~OASOAB~~) shall be permitted on any property. An ~~oversized accessory structure OAB~~ is defined as an accessory ~~structure building~~ of footprint area in excess of 1,000 square feet.
- (2) An OAB is regulated by the following table:

Lot Area (acres)	Maximum Individual <u>OAB Accessory</u> Structure Footprint Area (square feet)	Maximum Allowed Total of All Accessory <u>Structure</u> <u>Building</u> Footprint Areas <sup>2</sup> on a Property (square feet)
0—1.99	1,000	2,000
2.00—3.00	1,200	2,400
3.01—3.50	1,400	2,800
3.51—4.00	1,600	3,200
4.01—4.50	1,800	3,600
4.51—5.00	2,000	4,000
5.01—6.00	2,200	4,400
6.01—7.00	2,400	4,800
7.01—8.00	2,600	5,200
8.01—9.00	2,800	5,600
9.01 or more - <u>10.00</u>	3,000	6,000
<u>10.01 – 11.00</u>	<u>3,200</u>	<u>6,400</u>
<u>11.01 – 12.00</u>	<u>3,400</u>	<u>6,800</u>
<u>12.01 – 13.00</u>	<u>3,600</u>	<u>7,000</u>
<u>13.01 – 14.00</u>	<u>3,800</u>	<u>8,000</u>
<u>14.01 or more</u>	<u>4,000</u>	<u>8,000</u>

~~\*Excluding nonroofed tennis courts, sport courts, pools, paddocks, arenas.~~

(3) Any oversized accessory structure OAB shall be subject to the following conditions:

- a. ~~No such accessory structure shall be located within an required yard area (pPrincipal structure building setbacks must be met).~~ Further, no such structure OAB shall be nearer the front lot line than the front line of the principal residence building on the property, ~~and no such accessory structure shall be located less than 30 feet from the side or rear lot line regardless whether less strict principal structure setbacks apply.~~
- b. The maximum height for such accessory structure building shall be 30 feet or the defined height of the principal residence structure building on the property, whichever is less.
- c. ~~Such structure~~ An OAB shall be allowed only when the property owner agrees and covenants in writing with the city as follows:
  1. No future subdivision will be approved that places the OAB within a lot that has no principal structure building, except that the city in its subdivision approval may grant a finite time period in which the oversized accessory structure OAB may remain without a principal structure building, in order that a principal building may be constructed. At the end of this time period, the oversized accessory structure OAB must be removed if no principal structure building has been constructed.
  2. If the property is subdivided, the oversized accessory structure OAB and principal structure building will be located together within a lot that meets the minimum lot area requirement for the given size of the oversized accessory structure OAB.
  3. In subdivision approval, the setback required for the oversized accessory structure OAB shall remain.

Such covenant shall be binding on current and future property owners and shall be filed in the chain of title of the property.

**SECTION 28. Section 78-1435. – Location** shall be amended by adding and deleting text to read as follows:

**Sec. 78-1435. –Location** Garages on lake lots.

Accessory buildings on lake lots with garage doors facing a street shall meet the applicable principal structure setbacks for the district; Section 78-1681 Driveways, in general shall apply.

~~Except as may be specifically provided, no detached garage or other accessory building shall be located nearer to the front or street lot line than the principal building on that lot. Detached garages or other accessory buildings on lots which have frontage on a lake may be located between the rear yards of such lots and the principal building only if setback requirements of section 78-305(b), section 78-330(b) and section 78-350(b) are met. Exception: Detached garages on lots that have frontage on a lake may be located ten feet from the street or rear lot line when doors face away from the street and an adequate vehicle turnaround is provided on the site. This section shall not apply to lakeshore lots that are divided by streets or private roads or are corner lots.~~

**SECTION 29. Section 78-1436. - Setbacks** shall be amended by adding and deleting text to read as follows:

**Sec. 78-1436. - Setbacks.** This section purposely left blank.

~~Accessory structures in excess of 750 square foot footprint area but not exceeding 1,000 square foot footprint area shall be located at least 15 feet from any lot line.~~

**SECTION 30. Section 78-1437. - Plumbing** shall be amended by adding and deleting text to read as follows:

**Sec. 78-1437. - Plumbing.**

Because the provision of plumbing fixtures and wastewater plumbing in accessory buildings has the potential to allow such buildings to be used as dwelling units, and because it is the policy of the city to limit residential development density to the allowed densities within the respective zoning districts, plumbing in accessory buildings shall be regulated as follows:

- (1) The provision of outside sillcocks and indoor water supply shall be allowed in any accessory building ~~that is conforming in location, size and height.~~
- (2) Installation of any combination of fixtures requiring wastewater plumbing that does not include a shower or bathtub shall be allowed in any accessory building ~~that is conforming in location, size and height with,~~ subject to provision of municipal sanitary sewer or a conforming sewage treatment system designed to handle the anticipated flows from such fixtures, and subject to the property owner's executing a covenant providing that the accessory building will not be:
  - a. Used for a home occupation unless specifically approved by the city or if allowed by this Code.
  - b. Used as a dwelling unless a guest house conditional use permit is obtained.
  - c. Rented, leased or otherwise provided for use as a dwelling under any circumstances.
- (3) Installation of any combination of fixtures requiring wastewater plumbing that includes a shower or bathtub shall be allowed only in an accessory building ~~that is conforming in location, size and which~~ meets one of the following criteria:
  - a. The accessory building has been approved for a guest house conditional use permit; or
  - b. The accessory building has been approved for a bathtub or shower in accessory building conditional use permit.

**SECTION 31. Section 78-1439. - Garages** shall be amended by adding and deleting text to read as follows:

**Sec. 78-1439. -Garages.** This section purposely left blank.

~~Accessory buildings which are for the storage of automobiles shall have the doors 30 feet or more from the property line when the doors face on a public alley or street.~~

**SECTION 32. Section 78-1440. - Exterior materials** shall be amended by adding and deleting text to read as follows:

Sec. 78-1440. - Exterior materials.

- (a) Any accessory building and the principal building shall be consistent in design and color. Except for accessory buildings that are less than 120 square feet in area or are located on lots two acres in area or larger. Detached garages located within the rear yard on lots that have frontage on a lake shall have windows or other ornamental features on the wall facing a street or private road.
- (b) Within RR-1A and RR-1B districts, an accessory building less than 1,000 square feet may be located streetward of the principal building provided the following conditions are met:
- Principal building setbacks shall be met; and
  - The accessory building shall be consistent in design, color and exterior material with the principal building.

**EFFECTIVE DATE:** This ordinance shall take effect immediately upon its passage and publication.

**ADOPTED** this 10<sup>th</sup> day of Dec., 2018 on a vote of 4 ayes and 0 nays by the City Council of Orono, Minnesota.

ATTEST:



Anna Carlson, City Clerk



Dennis Walsh, Mayor

Ordinance published in *The Laker* and *The Pioneer* newspapers the week of Dec. 29, 2018.



TO: Planning Commission

FROM: Steven Helget, City Administrator

DATE: July 6, 2021

SUBJECT: Discuss Amending Ordinance Definition of Adult Bookstore, Adult Video, or Adult Store

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Currently in the Zoning Code we have a definition that allows up to 10% of a business floor area to be utilized for adult bookstore, adult video, or adult store. Proposed is to discuss removing the percentage from the definition. Below is the definition.

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

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

# BUILDING PERMIT REPORT - June

PERMIT #	NAME	ADDRESS	PURPOSE	DATE	PERMIT FEE	PLAN CHECK FEE	SURCHARGE	VALUE
2021001	Kevin Harms	110 Railroad St. W.	Solar Array	1/5/2021	\$137.85	\$89.60	\$3.00	\$5,544.00
2021002	Ronald Kroells	403 5th St. Court	Solar Array	1/5/2021	\$307.25	\$199.71	\$8.50	\$16,500.00
2021003	Ryan Finnerty - Pour House	325 Elm St. W.	Alterations	1/8/2021	\$800.60	\$520.39	\$31.00	\$62,000.00
2021004	Duane Schrupp	411 4th Ave. SW	Fireplace/Stove	1/8/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021005	Donald Knea	205 Washington St.	Furnace/AC	1/11/2021	\$120.00	\$0.00	\$1.00	\$7,200.00
2021006	Loomis Homes	855 Barnes Lake Dr.	Fireplace	1/12/2021	\$60.00	\$0.00	\$1.00	\$1,500.00
2021007	Mike & Lori Schmidt	412 Park Circle	Windows/patio door	1/12/2021	\$60.00	\$0.00	\$1.00	\$24,002.00
2021008	Ryan Kaiser	310 2nd Ave. SE	Windows	1/15/2021	\$60.00	\$0.00	\$1.00	\$9,992.00
2021009	Ross Schneider	410 Emma St.	Furnace/AC	1/15/2021	\$120.00	\$0.00	\$2.00	\$11,000.00
2021010	Fran Champion	412 Devonshire Dr.	Door replacement	1/27/2021	\$60.00	\$0.00	\$1.00	\$2,266.00
2021011	Renee & Alan Drews	301 4th St. SW	Windows	1/27/2021	\$60.00	\$0.00	\$1.00	\$2,913.00
2021012	Dominique Mitchell	132 Elm St. E.	Alterations	2/8/2021	\$977.70	\$535.51	\$43.50	\$85,000.00
2021013	Carolyn Jensen	231 Hill St. E.	Windows	2/3/2021	\$60.00	\$0.00	\$1.00	\$4,800.00
2021014	Ameriprise	510 Faxon Rd.	Replace Sign	2/1/2021	\$42.65	\$0.00	\$0.50	\$300.00
2021015	Jencar Holdings	575 Marsh Path	Water Softner	1/29/2021	\$15.00	\$0.00	\$1.00	\$0.00
2021016	Mavis Oelfke	361 Emma St.	Furnace/AC	2/2/2021	\$120.00	\$0.00	\$1.00	\$0.00
2021017	Kristen Johnson	123 Muirfield Circle	Reside	2/2/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021018	Carlie Cropp	930 Meadow Blvd.	Fireplace	2/4/2021	\$60.00	\$0.00	\$1.00	\$4,600.00
2021019	Karmen Dahl	210 Lake St. W.	Plumbing	2/5/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021020	Loomis Homes	950 Lakewood Trail	Reside	2/11/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021021	Mike Kimpling	423 Morse St. N.	Furnace	2/16/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021022	Kwik Trip	520 Reform St.	Addition	2/25/2021	\$3,557.20	\$2,312.18	\$250.00	\$500,000.00
2021023	Jeff Debner	216 First St. SE.	Reroof	2/22/2021	\$60.00	\$0.00	\$1.00	\$7,500.00
2021024	Bob Verner	502 4th Ave. SW.	Windows	2/22/2021	\$60.00	\$0.00	\$1.00	\$10,000.00
2021025	Mike Barto	304 Main St. E.	Alterations	3/1/2021	\$430.45	\$279.79	\$12.50	\$25,000.00
2021026	Ben Schweer	1015 Barnes Lake Drive	Water heater	2/26/2021	\$15.00	\$0.00	\$1.00	\$0.00
2021027	Sharon Beneke	350 Meadow Lane	finish basement	3/2/2021	\$490.45	\$279.79	\$13.50	\$25,000.00
2021028	David Eischens	312 4th St SW	Water Softner	3/1/2021	\$15.00	\$0.00	\$1.00	\$1,649.00
2021029	Laufele Murphy	575 Marsh Path	Water Softner	3/1/2021	\$15.00	\$0.00	\$1.00	\$2,849.00
2021030	The Pour House Pub	325 Elm St W	Plumbing	3/8/2021	\$307.25	\$76.81	\$8.50	\$17,000.00
2021031	Loomis Homes	1015 Whitetail Path	Water Softner	3/8/2021	\$60.00	\$0.00	\$1.00	\$500.00
2021032	Loomis Homes	855 Barnes Lake Dr.	Water Softner	3/8/2021	\$60.00	\$0.00	\$1.00	\$500.00
2021033	Chris & Becky Gremis	224 Union St N	repair basement wall	3/22/2021	\$168.65	\$109.62	\$4.00	\$8,000.00
2021034	Ron Smith	123 Park Place W	replace furnace	3/19/2021	\$60.00	\$0.00	\$1.00	\$2,800.00
2021035	Castle Gate	616 Shoreview Lane	New Twinhome	3/22/2021	\$15,927.71	\$1,426.30	\$141.50	\$278,645.00
2021036	Castle Gate	622 Shoreview Lane	New Twinhome	3/22/2021	\$15,927.71	\$1,426.30	\$141.50	\$278,645.00
2021037	Geoffrey Pearson	214 7th St SW	foundation repair	4/12/2021	\$291.85	\$189.70	\$8.00	\$15,864.45
2021038	Marty Gregor	860 Lakewood Trail	finish basement	3/29/2021	\$634.88	\$373.67	\$20.00	\$38,000.00
2021039	Dominique Mitchell	132 Elm St. E.	remodeling	3/24/2021	\$977.70	\$635.51	\$42.50	\$85,000.00
2021040	Dominique Mitchell	132 Elm St. E.	Plumbing	3/26/2021	\$75.00	\$0.00	\$2.00	\$6,000.00
2021041	Kwik Trip	520 Reform St N	Plumbing	3/26/2021	\$384.25	\$96.06	\$11.00	\$22,000.00
2021042	Kim Olson	315 E Lake ST	reroof	3/30/2021	\$60.00	\$0.00	\$1.00	\$0.00

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2021043	Eric Johnson	1013 Tacoma Ave N	Reroof	3/31/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021044	Charles Buckentin	1035 Lakewood Ct.	finish basement	4/5/2021	\$338.05	\$219.73	\$9.50	\$19,000.00
2021045	Troy Werth	808 Martingale Dr.	Patio Door	4/9/2021	\$60.00	\$0.00	\$1.00	\$3,589.00
2021046	Ally & Bryan Rehneit	1015 Lakewood Tr.	Alterations/Plumbing	4/8/2021	\$208.48	\$135.51	\$5.00	\$10,000.00
2021047	Craig Droege	525 Devonshire Dr.	Basement wall repair	4/21/2021	\$144.08	\$93.65	\$3.00	\$5,675.00
2021048	Loomis Homes	405 Emma St.	New Home	4/27/2021	\$1,992.56	\$1,295.16	\$123.00	\$245,902.00
2021049	Janet Schug	820 Preserve Blvd.	finish basement	5/11/2021	\$199.45	\$129.64	\$5.00	\$10,000.00
2021050	Tom Christensen	221 Elm St. W.	Alterations/Plumbing	4/9/2021	\$91.65	\$59.57	\$1.50	\$3,000.00
2021051	Todd Peterson	111 Murfield Cir.	Reroof	4/13/2021	\$60.00	\$0.00	\$1.00	\$10,000.00
2021052	Karen Droeger	511 W. Elm St.	Reroof	4/13/2021	\$60.00	\$0.00	\$1.00	\$9,000.00
2021053	Brian Clark	617 Casper Cir.	Reroof	4/13/2021	\$60.00	\$0.00	\$1.00	\$10,000.00
2021054	Brian Clark	617 Casper Cir.	Replace deck boards	4/16/2021	\$137.85	\$89.60	\$3.00	\$6,000.00
2021055	Kwik Trip	520 Reform St. N.	Addition/Mechanical	4/29/2021	\$1,130.16	\$734.60	\$53.00	\$106,000.00
2021056	Ron Swanson	885 Lakewood Tr.	4-season deck	4/21/2021	\$245.65	\$159.67	\$6.50	\$12,544.00
2021057	Kelly Petersen	490 Emma St.	Deck	4/21/2021	\$214.85	\$139.65	\$5.50	\$10,640.00
2021058	Chris Custer	119 Brush St.	Water heater	4/21/2021	\$60.00	\$0.00	\$1.00	\$1,200.00
2021059	Bob & Becky Day	313 Washington St.	Windows	4/23/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021060	Matt McClintock	917 Serenity Cir.	AC & Furnace	4/23/2021	\$120.00	\$0.00	\$2.00	\$0.00
2021061	Delvyn Wickenhauser	702 Martingale Ct.	Reroof	4/26/2021	\$60.00	\$0.00	\$1.00	\$12,200.00
2021062	Tim & Wendy Rohwer	935 Lakewood Tr.	Deck/Porch	4/27/2021	\$430.45	\$279.79	\$12.50	\$25,000.00
2021063	Jeff Debner	216 1st Ave. SE.	Chimney demo	5/3/2021	\$230.25	\$149.66	\$6.00	\$12,000.00
2021064	Warren Koistinen	414 Central Ave. S.	Deck	5/3/2021	\$153.25	\$99.61	\$3.50	\$7,680.00
2021065	Delton & Miriam Brelje	205 1st Ave. SE.	Residing	4/27/2021	\$60.00	\$0.00	\$1.00	\$25,000.00
2021066	Corey & Cassie Storms	500 Emma St.	Addition/Mechanical	4/29/2021	\$1,185.60	\$770.64	\$57.50	\$115,000.00
2021067	Leroy Luedloff	920 Preserve Blvd	Reroof	5/3/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021068	Dean Williamson	105 2nd St SW	Windows	5/3/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021069	Kwik Trip	520 Refrom St N	Ansul System	5/6/2021	\$42.65	\$27.72	\$1.00	\$1,000.00
2021070	Alan & Emily Perlbachs	427 Park Circle	Reroof	5/10/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021071	Dona Herrmann	217 2nd Ave SE	Window/siding	5/4/2021	\$120.00	\$0.00	\$2.00	\$0.00
2021072	Tom Christensen	221 Elm St. W.	Frame & sheetrock	5/7/2021	\$76.25	\$49.56	\$1.00	\$2,000.00
2021073	Grant Zellmann	419 Casper Circle	Water heater		\$15.00	\$0.00	\$1.00	\$0.00
2021074	Bronwyn McMullin	128 South St E	Furnace	5/5/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021075	Fred Oelfke	215 E Wilson St	Reroof	5/7/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021076	Chester Mealey	850 Lakewood Trail	Deck	5/12/2021	\$168.65	\$108.62	\$4.00	\$7,680.00
2021077	Kevin Guenewald	126 Faxon Road	Deck	5/14/2021	\$314.85	\$139.65	\$5.50	\$11,000.00
2021078	Mary Janke	411 Tacoma Ave	Reroof	5/18/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021079	Andy Clabo	226 West Court	Furnace/AC	5/18/2021	\$120.00	\$0.00	\$2.00	\$0.00
2021080	Chad Mulva	24 2nd Ave SW	Reroof	5/24/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021081	Jean Boughten	435 Emma St	Reroof	5/25/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021082	Norwood Dental	222 Wilson St. E	Furnace/AC	5/28/2021	\$184.05	\$0.00	\$4.50	\$9,000.00
2021083	Mark Williams	211 3rd Ave. SE	Patio & Entry Doors	5/28/2021	\$60.00	\$0.00	\$1.00	\$9,809.00
2021084	Lynn Milbrett	306 Webster St.	Shed reroof	6/1/2021	\$60.00	\$0.00	\$1.00	\$0.00
2021085	Mollie Lovellette	1005 Fox Crossing	Softner	6/1/2021	\$60.00	\$0.00	\$0.00	\$200.00

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