

**CITY OF HANOVER
JOINT MEETING OF THE
CITY COUNCIL AND PLANNING COMMISSION
MAY 23, 2016**

CHAIR

STAN KOLASA

COUNCIL LIAISON

DOUG HAMMERSENG

MAYOR

CHRIS KAUFFMAN

BOARD MEMBERS

JIM SCHENDEL

MICHAEL CHRISTENSON

MICHELLE ARMSTRONG

DEAN KUITUNEN

COUNCIL MEMBERS

JOHN VAJDA

KEN WARPULA

JIM ZAJICEK

DOUG HAMMERSENG

- 1. Call to Order and Pledge of Allegiance: 7:00 p.m.**
- 2. Approval of Agenda**
- 3. Approval of Minutes from March 28, 2016, Regular Meeting**
- 4. Citizen's Forum**
- 5. Public Hearings**
- 6. Unfinished Business**
- 7. New Business**
 - a. Consideration of Amendments to the Performance Standards for Construction of Single Family Dwellings**
- 8. Reports and Announcements**
 - a. Planning Commission Reports**
 - b. Liaison Report**
 - c. Staff Reports**
- 9. Adjournment**

**CITY OF HANOVER
PLANNING COMMISSION MEETING
MARCH 28, 2016
DRAFT MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the March 28, 2016, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Jim Schendel, Michelle Armstrong, Dean Kuitunen, and Mike Christenson. Also present were Council Liaison Doug Hammerseng, City Planner Cindy Nash, and Administrative Assistant Amy Biren. Also present: David Phillips, Mike Straub, Bob and Kay Kane, and Lynnae Karsten. Absent: City Engineer Justin Messner.

Oath of Office

Jim Schendel took the Oath of Office with Biren acting as the witness for the City.

Approval of Agenda

MOTION by Armstrong to approve the agenda as presented, seconded by Kuitunen. **Motion carried unanimously.**

Approval of Minutes from the February 22, 2016, Regular Meeting

MOTION by Armstrong to approve the February 22, 2016, minutes as presented, seconded by Kuitunen. **Motion carried unanimously.**

Citizen's Forum

None.

Public Hearing

Amendment to Conditional Use Permit for Outdoor Storage at 11103 River Road NE

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:03 pm. Nash reviewed the amendment that was being requested to an existing Conditional Use Permit (CUP) and recommended that it be tabled and additional materials be submitted as the property is located in the Shoreland Management Overlay. The additional items to be submitted included a survey by a licensed surveyor and a more detailed site plan. The survey would need to include boundary lines; the existing building; the existing parking area; the existing trees including type and size; the ordinary high water level of the Crow River; two-foot contours; and the impervious surface calculations. The site plan would need to go into further detail showing the specific improvements including parking for employees and customers and the impervious surface calculations.

David Phillips, the architect of the submitted plans, addressed the Commission: Mike Straub, the owner of Rhino Imported Auto Parts, also known as Hanover European Auto Parts, is requesting that he be able to create outdoor storage for some of the larger parts and to be able to have six (6) cars outside in addition to the tow truck and forklift. The cars are ones that are waiting to be disassembled inside of the building. He is willing to have a fence in order to screen the cars from view or to leave it open to view in order for compliance checks to be easier. He is willing to have a new survey prepared, but would like the number of cars to be decided tonight, so he would be asking to have the survey tabled and the storage of waiting cars to be decided tonight.

Mike Straub, owner, spoke to the Commission as well. He stated that over the past years, information and direction has changed with administrators and would like to have the mixed messages cleared up. By

establishing clarification of what can and cannot be done, he would be able to be compliant without worrying if changes would happen in the future. At the time of the original Special Use Permit, people voiced concern about the property becoming full of cars and looking bad. Straub stated that he has limited to the cars waiting disassembly to the gravel area.

Commission members asked the following questions of Mike Straub (MS):

Christenson: Will the tow truck and fork lift be part of the number of vehicles considered as part of the vehicles allowed outside?

MS: No, this would be in addition to the six cars, so a total of eight (8) vehicles would be outside.

Armstrong: Why do you need space for cars outside?

MS: Inside is area enough to disassemble two cars. The cars outside are waiting to be disassembled. There is no more floor space available inside to put additional cars.

Kuitunen: When the business first started, were all of the cars stored inside?

MS: Yes, and I rented storage space at two different off-sites in the past.

Armstrong: Do you have sufficient space right now without the off-site storage?

MS: Yes, and I am thinking about the future and where I want to be in 10 years.

Armstrong: What is the outdoor storage like?

MS: The outdoor storage is behind the building and items are stored on racks. It is a grassy area with trees overhanging it.

Armstrong: What about the stuff by the front doors?

MS: That will be gone soon. It goes to a recycler. Parts that cannot be sold, but can be recycled go into the frame and then off to the recycler. Sometimes people drop stuff off when he is closed and he has to dispose of it through the recycler.

Christenson: So you are using the back area for storage currently?

MS: Yes, I had been told by previous administrations that if it was out of site and no one complained, it would be okay.

Armstrong: Have you had more vehicles outside than what is currently there?

MS: Yes, I have had up to 20 vehicles. Right now there are 8-9 plus the forklift and tow truck.

Christenson asked Nash about the length of time that a CUP runs. Nash explained that a CUP runs with the property and that if the property were sold, the next owner could use the CUP. She said that for a limited use permit that would be an Interim Use Permit and would expire within a time frame or with the transfer of ownership.

Kuitunen asked Straub if grading would need to be done in the back of the property for the storage and Straub replied "no".

Hammerseng asked Nash about the details of the initial CUP. Nash said that the original was actually a Special Use Permit (SUP), which now is handled as a CUP, and that it was written in a manner typical of the time and the terms are vague. By defining the conditions of the CUP within this amendment that would give clarity to both Straub and the City.

Straub commented that he has received letters in the past as well as mixed messages. He has been here for many years and has tried to be a good citizen. He has not had fire calls or police calls to the property and he does his best to keep hazardous waste contained and follows the rules by the EPA. He does this to protect his property.

Phillips stated that they are willing to get the survey, but that it would have to wait until the May meeting as surveyors are very busy right now. Nash confirmed this.

Phillips said that he and Straub were given the impression that the City wants the number of cars to be zero (0) as that was what the CUP states. Straub said that in his discussion with Brian Hagen, City Administrator, they talked about previous administrators and Hagen was going to follow the directives in the CUP and suggested that Straub apply for an amendment. This was after a letter was sent in November 2015 asking Straub to bring his property into compliance by December 31, 2015.

Armstrong asked that if the amendment was tabled, how would enforcement be handled? Nash said that typically, enforcement goes on hold. She also said that shoreland management comes into play on this property and tabling the amendment would allow further research.

Armstrong asked Straub to speak to the sliding gate that was on the architectural drawing. Phillips replied that the sliding gate would act as screening.

Hammerseng stated that it sounded like the City and Straub both have similar goals regarding this situation. He went on to say that if people are dropping off things, there must be something that is causing them to do this. Hammerseng suggested that Straub take some action now during the interim to show his willingness to work toward a common goal. Straub replied that since receiving the letter in November, he has not brought any more cars in to disassemble and that he has been working on the cars there to get them completed and recycled. Straub also stated that since the frost is gone and winter over, he will be able to get rid of some of the larger parts. He does not intend to bring anything else onto the property until this amendment has been decided. He said that he had been told by Hagen not to put cars behind the building and wouldn't want to anyway since it is dirt and not gravel like the driveway.

Kuitunen asked Nash if at the time of the SUP did the zoning B-1 (Downtown River Commercial District) allow for outdoor storage. Nash replied that at the time, outdoor storage was not allowed.

Lynnae Karsten expressed concern with the proximity of the business and outdoor storage so close to the Crow River. Nash said that was another reason she requested tabling the matter in order to have a survey showing the ordinary high water mark of the Crow River and to see how it applied to shoreland management.

Kolasa asked to see the site via Pictometry in Beacon (the Wright County Interactive GIS Map). The site was brought up and projected on the screens. Kolasa wanted to see the storage area and where the cars were located in a more current picture.

Hammerseng asked about the current parking lot. Straub said that he shares it with Bob Pink.

Commission members asked Straub about the growth of the business and if he felt the need for additional off-site storage. Straub said that he does not want or need additional off-site storage and that he is trying to cut back on the number of cars he disassembles as his inventory is good. He specializes in collector cars and the older parts are now increasing in value.

Armstrong asked if Straub had ever thought about moving to a bigger building. Straub answered yes, and that the City had approached him years ago about a possible land swap. It didn't seem to go anywhere. Armstrong asked if he would still be open to that and Straub replied yes as long as it actually was discussed and would lead to it taking place.

Kuitunen said that as close to the Crow River and with MS4 in place, there really isn't an option not to do a new survey. Nash replied that was so.

Schendel asked about a time frame for tabling the amendment. Nash said that an extension could be requested for another 60 days and the May meeting would fall well within that extension. Phillips said that would agreeable as long as there was access to the planner during that time.

Karsten asked if Wright County would need to be involved and if wetlands are involved. Nash said that a river is not necessarily a wetland, but that would be determined with a new survey and that Wright County would be part of the research.

Kolasa closed the Public Hearing at 7:48 pm and reopened the Planning Commission meeting.

MOTION:

Schendel moved to table the amendment as suggested by Planner Nash to the May meeting in order for the suggested materials to be submitted and for Nash to request an extension, seconded by Christenson. **Motion carried unanimously.**

Public Hearing

Amendment to Zoning Ordinance Chapter 10 Related to Municipal Separate Storm Sewer System (MS4) and Impervious Surfaces

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:50 pm. Nash reviewed the changes suggested by WSB as the City Engineer was ill. Nash made mention that as it was located in a different section staff and citizens need to be aware of its location. The changes are standard language used when incorporating MS4 into a city.

Kolasa closed the Public Hearing and reopened the Planning Commission meeting at 7:55 pm.

MOTION:

Kuitunen moved to recommend the adoption of the amendments related to MS4 and Impervious Surface into Chapter 10 of the Zoning Ordinance, seconded by Armstrong. **Motion carried unanimously.**

Unfinished Business

Biren stated that the property that was out of compliance regarding signage was now in compliance and that the owners had worked within the time frame given.

New Business

None

Reports and Announcements

Planning Commission:

Schendel asked about the soil borings on the 10 Acres and Hammerseng said that they had been done, but that results were not yet received. Schendel suggested an alternate use of the property with allowing fill to be dumped there for a fee and then create a park or move the current shelter over to that site allowing the Public Works building to be built near the current location of City Hall. He asked that this suggestion be conveyed to Council.

Christenson asked about the condition of 15th Street. Biren explained the use of gravel trucks and the mines located at the east end of the road. She also said that Public Works keeps an eye on this street making repairs as needed. Christensen also asked about the style of housing being constructed in Schendel's Field. Biren said that the design standards had been changed since the early to mid-2000s and that all of the houses had been review by the City prior to permit.

Council Liaison:

Hammerseng asked about the signal work being done on CSAH 19 this week in Hanover. Biren said that the County was going to be working on the signal and improving the timing of the new yellow flashing arrow.

Staff Reports:

Biren reviewed what has been happening at City Hall over the past month. The Historic Bridge decking is almost installed. Public Works employees need to rent a mill and plane all of the boards to the same thickness prior to installation. Road restrictions went in place earlier than last year and there have been three violations. New construction of residential homes has been constant although permits issued have dropped due to road restrictions. Potential home buyers have been calling with permit and property questions. Septic inspections and compliance reports have been very active. Biren and Public Works employees attended a MS4 workshop in Brainerd last week which was very informative. The Minnesota Erosion Control Association and the Minnesota Pollution Control Agency gave the workshop.

Adjournment

MOTION by Schendel to adjourn, seconded by Armstrong. **Motion carried unanimously.**

Meeting adjourned at 8:21 pm.

ATTEST:

Amy L. Biren
Administrative Assistant

**AGENDA
HANOVER SPECIAL CITY COUNCIL
MAY 23, 2016**

MAYOR

CHRIS KAUFFMAN

COUNCIL

JOHN VAJDA

DOUG HAMMERSENG

KEN WARPULA

JIM ZAJICEK

- 1. Call to Order/Pledge of Allegiance: 6:45 p.m.**
- 2. Public Hearing – Adoption of Moratorium on the Issuance of Single Family Dwelling Building Permits**
- 3. Res No 05-23-16-68 – Authorizing & Directing the Study of Official Controls on Single Family Dwellings**
- 4. Ordinance 2016-03 – Establishing a Moratorium on Building Permits for Single Family Dwellings**
- 5. Adjournment**

**CITY OF HANOVER
COUNTIES OF WRIGHT AND HENNEPIN
STATE OF MINNESOTA**

A regular meeting of the City Council of the City of Hanover, Minnesota, was called to order by Mayor Kauffman at 6:45 p.m. in the Council Chambers of the City Hall, in the City of Hanover, Minnesota, on the 23rd day of May, 2016.

The following Council Members were present:

The following Council Members were absent:

A motion to adopt the following resolution was made by _____ and seconded by _____.



RESOLUTION NO 05-23-16-68

**A RESOLUTION AUTHORIZING AND DIRECTING THE STUDY OF
POSSIBLE AMENDMENT OF THE CITY OF HANOVER'S OFFICIAL CONTROLS
RELATING TO THE CONSTRUCTION OF SINGLE FAMILY DWELLINGS**

WHEREAS, the City has a Zoning Ordinance containing performance standards relating to the construction of single family dwellings; and,

WHEREAS, the single family dwelling performance standards were changed in 2013; and,

WHEREAS, the City Council believes it would be in the public interest to reconsider the changes that were made in 2013; and,

WHEREAS, the Planning Commission has responsibility for reviewing amendments to official controls within the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Commission and staff are hereby directed and authorized to begin studying the City's current official controls and plans that relate to single family dwelling performance standards, including but not limited to, the building standards for single family dwelling structures in the Zoning Ordinance to determine whether changes to the standards would be necessary or desirable in order to protect and promote the public health, safety and welfare in the City.
2. The Planning Commission and City Staff are directed to consider and determine the most appropriate means of conducting the study, including the necessity and desirability of contracting with outside consultants or experts in order to assist in this process.

Council members voting in favor:

Opposed or abstained:

Adopted by the city Council this 17th day of May, 2016

APPROVED BY:

ATTEST:

Chris Kauffman, Mayor

Brian Hagen, City Administrator

SECTION FIVE: ENFORCEMENT

The City of Hanover may enforce any provision of this Ordinance by any means authorized by City ordinances or State Law.

SECTION SIX: SEVERABILITY

Every section, provision or part of this Interim Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

SECTION SEVEN: EFFECTIVE DATE

The ordinance shall become effective on the date of its adoption.

Passed by the Council this ____ day of _____, 2016.

APPROVED BY:

Chris Kauffman, Mayor

ATTEST:

Brian Hagen, City Administrator

SEC. 10.26 RESIDENTIAL USE PERFORMANCE STANDARDS CHART

LAND USES DIMENSIONAL REQUIREMENTS AND PERFORMANCE STANDARDS
RESIDENTIAL DISTRICTS:

Performance Standard	R-A	R-1	R1-A	R-2
Minimum Lot Area	2.5 acres (1.5 buildable)	20,000 sq. ft.	Interior: 12,000 sq. ft. Corner: 15,000 sq. ft.	Two Family Dwellings: 15,000 sq. ft. Multiple Family Dwellings: 15,000 sq. ft plus 2,000 sq. ft for each dwelling unit in excess of two (2)
Minimum Lot Width	200 feet	100 feet	80 feet	Two Family Dwellings: 100 feet Multiple Family Dwellings: 150 feet with 15 feet of separation
Minimum Lot Depth	200 feet		No current regulation – insert requirement	150 feet
Maximum Building Height (except church spires and chimneys)	2.5 stories, or 35 feet, whichever is less	2.5 stories, or 35 feet, whichever is less	2.5 stories, or 35 feet, whichever is less	2.5 stories, or 35 feet, whichever is less

Performance Standard	R-A	R-1	R1-A	R-2
Front yard setback	50 feet	35 feet	30 feet	25 feet
Side yard setback	20 feet	15 feet	10 feet	15 feet
Side yard on Corner lot abutting Street	Same as front yard setback			
Rear yard setback	35 feet	35 feet	30 feet	30 feet
Arterial road setback	50 feet	50 feet	50 feet	50 feet
Collector road setback	45 feet	45 feet	45 feet	45 feet
Wetland setback	30 feet	30 feet	30 feet	30 feet
Bluff setback (from top of bluff)	30 feet	30 feet	30 feet	30 feet
GD and RD waters setback	75 feet	75 feet	75 feet	75 feet
NE waters setback	200 feet	200 feet	200 feet	200 feet
Impervious coverage in shoreland area	25%	25%	25%	30%
Minimum garage size	576 sq. ft.	576 sq. ft.	576 sq. ft.	

SEC. 10.27 NON-RESIDENTIAL DISTRICT USE CHART

ALLOWABLE LAND USES WITHIN NON-RESIDENTIAL DISTRICTS

The uses permitted or authorized with a conditional use permit are listed below:

P = Permitted Use A = Accessory Use CUP = Conditional Use Blank space indicates Not Permitted							
Type of Land Use	Qualifier	B-1	B-1A	B-2	I-1	I-2	I-3

ARTICLE 50

R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION

- 20-50-01: Purpose
- 20-50-02: Permitted Uses
- 20-50-03: Accessory Uses
- 20-50-04: Conditional Uses
- 20-50-05: Temporary Uses
- 20-50-06: Interim Uses
- 20-50-07: Height, Lot and Yard Requirements

20-50-01: PURPOSE: The R-1A District is intended for low density, single family areas served by municipal sewer and water. *(Amended effective 12.02.03, Res. 12-12-03, Ord.. 2003.11)*

20-50-02: PERMITTED USES: Within an R-1A District, no building or land shall be used and no building shall be erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses:

- A. Single family dwellings.
- B. Home Occupation as defined in Article 20-02-02 (Rules and Definitions) of this Chapter.
- C. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.
- D. State Licensed Residential Facility serving six (6) or fewer persons in a single family detached dwelling.
- E. Essential services, not including structures, except those requiring administrative permits or conditional use permits pursuant to Article 20-28-00 (Essential Services) of this Chapter.
- F. Land filling and land excavation/grading operations (50 to 250 cubic yards of material), except mining as regulated by Article 20-33-00 (Mining) of this Chapter and subject to the provisions of Article 20-60-01 (Shoreland Management Overlay District), Article 20-57-00 (Floodplain Overlay District), Article 20-58-00 (Greenway Corridor Overlay District), Article 20-30-00 (Grading, Filling and

Excavating) and Article 20-39-00 (Storm Water Pollution Control Regulations) of this Chapter.

- G. Personal wireless service antennas located upon a public structure or existing tower, as regulated by Article 20-26-00 (Antennas) of this Chapter.

20-50-03: ACCESSORY USES: The following are permitted accessory uses in the R-1A District.

- A. Accessory uses incidental and customary to the uses allowed as permitted, conditional, interim, and temporary in this Article.
- B. Accessory radio and television receiving antennas including single satellite dish TVROs two (2) meters or less in diameter, short wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Article 20-26-00 (Antennas) of this Chapter.
- C. Antennas attached to existing structures and base stations associated with such antennas and antennas and other structures and equipment reasonably necessary to provide adequate emergency warning systems and services to the public.
- D. Boarding, or rental of rooms to not more than four people on premises provided:
 - 1. The boarding facilities providing rooms do not create the need for more than two (2) off-street parking spaces. Said spaces shall be provided within the driveway of the principal structure.
 - 2. Separate cooking facilities shall not be provided to accommodate boarding or renting of rooms.
- E. Facilities for flood and erosion control.
- F. Fences.
- G. Garage, Private (Residential). Private garages and parking spaces for licensed and operable passenger cars and trucks not to exceed a gross weight of twelve thousand pounds, as regulated by Article 20-36-00 (Off-Street Parking and Loading) of this Chapter.
- H. House pet enclosure provided it is screened from view of adjacent properties and right-of-way and is located in a rear or side yard at least ten (10) feet from a property line.

- I. Maintenance as pets, by members of the family residing on the property, of dogs and cats or other household pets, subject to licensing requirements, health regulations and other applicable ordinances of the City. Anyone so maintaining pets shall comply with this and all other applicable ordinances.
- J. Parking of one passenger vehicle at a time, for the purpose of offering it for sale. Such vehicle shall be a licensed, operable vehicle and shall be registered to the owner or occupant of the premises. No more than two (2) vehicles may be offered for sale in one calendar year. Vehicles shall be parked on a hard surface driveway and shall not interfere with traffic or be parked within the right-of-way.
- K. Private composting of yard and household waste in compliance with the conditions of Article 20-27-00 (Composting) of this Chapter.
- L. Signs as regulated by Article 20-40-00 (Signs) of this Chapter.
- M. Storage buildings and recreational buildings or structures where such buildings or structures are clearly incidental to the main use.
- N. Private swimming pool provided all Minnesota State Building Code requirements are met.

20-50-04: CONDITIONAL USES: The following are conditional uses in the R-1A District. These uses require a conditional use permit based on criteria and procedures outlined in Article 20-12-00 (Conditional Use Permits) and Article 20-37-00 (General Performance Standards) of this Chapter.

- C. Essential Services requiring a conditional use permit pursuant to Article 20-28-00 (Essential Services) of this Chapter.
- D. Essential service structures as defined by Article 20-28-00 (Essential Services) of this Chapter, necessary for the health, safety, and general welfare of the City, excluding municipal public works type facilities and uses, provided that:
 - 1. Equipment is completely enclosed in a permanent structure with no outside storage.
- E. Planned Unit Developments.
- F. Signs as regulated by Article 20-40-00 (Signs) of this Chapter.
- G. State licensed daycare facilities serving thirteen (13) or more persons, when meeting the following conditions:

1. Accessory Use. The day care facility is an accessory use of a building used for educational or religious purposes as permitted by this Chapter.
 2. Front Yard Setback. The front yard setback is a minimum of fifty (50) feet.
 3. Outdoor Play Area. Outdoor play areas and parking areas are landscaped and screened from abutting residential properties in compliance with Article 20-32-00 (Landscape, Screening and Tree Preservation) of this Chapter.
 4. Street Access. The site and related parking and service are served by a street of sufficient capacity to accommodate the traffic that will be generated.
 5. State Regulations. The regulations and conditions of Minnesota Rules Parts 9545.0510 through 9545.0678, as may be amended, supplemented or replaced from time to time, are satisfactorily met. No facility shall begin operation without a State license.
 6. Building and Fire Codes. That all applicable provisions of the Minnesota State Building Code and Fire Code have been met. The City Building Official shall inspect the property prior to the issuance of the occupancy permit to determine if this Subsection has been complied with.
- H. Towers, antennas and base stations associated with such antennas.

20-50-05: TEMPORARY USES: The following are temporary uses in the R-1A District:

- A. Temporary or mobile housing or structures. See Article 20-34-00 (Model Homes and Temporary Housing) of this Article.
- B. Temporary mobile towers for personal wireless service antennas.
- C. Model Homes/Temporary Real Estate Offices subject to the requirements of Article 20-34-00 (Model Homes and Temporary Housing) of this Chapter.

20-50-06: INTERIM USES: The following are interim uses in the R-1A District:

- A. Antennas not located on a public structure or existing tower, as regulated by Article 20-26-00 (Antennas) of this Chapter.
- B. Single satellite dish TVRO's greater than two (2) meters in diameter subject to the requirements of Article 20-26-00 (Antennas) of this Chapter.

- C. Land filling and land excavation/grading operations, (250 cubic yards or more), excluding mining as regulated by Article 20-33-00 (Mining) of this Chapter. *(amended 020304, Res. 03-02-04, Ord. 2004-02)*
- D. Home Occupations requiring an Interim Use Permit as regulated by Article 20-14-00 (Home Occupations) of this Chapter.
- E. WECS, as regulated by Article 20-41-00 (Wind Energy Conversion Systems) of this Chapter.

20-50-07: HEIGHT, YARD AND LOT REGULATIONS:

- A. For lands located in a SD, Shoreland Management Overlay District, see Article 20-60-00 (Shoreland Management Overlay District) for additional and/or supplemental requirements.
- B. For lands located in a FP, Floodplain Overlay District, see Article 20-57-00 (Floodplain Overlay District) for additional and/or supplemental requirements.
- C. For lands located in a W, Wetlands Overlay District, see Article 20-61-00 (Wetlands Overlay District) for additional and/or supplemental requirements.
- D. **Height Regulations.** No structure shall exceed two and one-half (2.5) stories or thirty (30) feet in height.
- E. **Front Yard Regulations.**
 - 1. There shall be a front yard having a depth of not less than thirty (30) feet,
 - 2. There shall be a front yard on each street side of each corner lot except that for corner lots of record on September 13, 1982, the front yard on the side street side may be reduced to a depth of not less than fifteen (15) feet.
- F. **Side Yard Regulations.**
 - 1. Each lot shall have two (2) side yards:
 - a. Principal Building Side Yard Setback. Ten (10) feet.
 - b. Accessory Structures. See Article 20-24-00 (Accessory Buildings, Structures, Uses and Equipment) of this Chapter.

G. Rear Yard Regulations.

1. Each lot shall have a rear yard having a depth of not less than
 - a. Principal Building Rear Yard Setback. Thirty (30) feet.
 - b. Accessory Structures: See Article 20-24-00 (Accessory Buildings, Structures, Uses and Equipment) of this Chapter.

H. Setbacks along Arterial and Collector Streets:

1. The minimum setback from Arterial Streets shall be fifty (50) feet.
2. The minimum setback from Collector Streets shall be forty-five (45) feet.

I. Wetland Setbacks. Thirty (30) feet from ordinary high watermark.

J. Bluff Setback (if Shoreland District). Thirty (30) feet from top of bluff.

K. Lake and River Setbacks.

1. General Development Waters. 75 feet from ordinary high water mark
2. Natural Environment Waters. 200 feet from ordinary high water mark
3. Permitted open space uses requiring location on public waters may be allowed by conditional use permit closer to the public waters than identified in items 1 and 2 above.
4. Boathouses foundations shall be located a minimum of ten (10) feet land ward from the ordinary high water mark further provided that said boathouses are not used for habitation and do not contain sanitary facilities.

L. Lot Requirements.

1. Lot Area Requirement. Twelve thousand (12,000) square feet. Corner lots shall be a minimum of fifteen (15,000) square feet. Minimum lot area requirements shall be exclusive of road right-of-way, restrictive soils, wetlands and natural or unique resources to be protected or conserved.
2. Lot Width Requirement. Eighty (80) feet.
3. Lot Depth Requirement. Lots located adjacent to powerlines, pipe lines, rail road right of way, collector or arterial streets shall be platted longer than other lots to accommodate the required twenty (20) foot buffer and

screening outlined in Article 20-32-00 (Landscape, Screening and Tree Preservation) of this Chapter.

M. **Driveways.** All uses shall comply with the driveway and parking standards and requirements of Article 20-36-00 (Off-Street Parking and Loading) of this Chapter.

N. **Building Standards.**

1. Single Family Dwellings and Manufactured Homes. All single family detached homes and manufactured homes shall conform to the following standards:

a. General Requirements.

- (1) All homes shall be constructed upon a continuous perimeter foundation that meets the requirements of this Chapter and the Minnesota State Building Code.
- (2) All homes shall have frost footings and a permanent foundation consisting of concrete block, concrete, or approved equivalent. For the purpose of this Article, a frost footing shall be any footing placed at the required depth to avoid the accepted frost line as determined by an engineer of soil mechanics, and absent an engineers report, placed at a depth of at least three and one-half (3 ½) feet.
- (3) Shall not be less than twenty-four (24) feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwelling shall also meet the minimum floor area requirements as set out in this Article.
- (4) With the exception of earth-sheltered homes, all homes shall have an earth covered, composition, shingled, tiled or interlocking metal roof with a roof pitch of at least 5:12.
- (5) Receive a Building Permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used.
- (6) Meet the requirements of the Minnesota State Building Code or the applicable manufactured housing code.

- (7) Provision shall be made for possible future decks, porches or additions that meet setback standards, as part of the initial building plans and survey.
 - (8) All dwellings shall be served by public sanitary sewer and water, or be approved for the use of an individual sewage treatment system pursuant to Chapter 8 of the City Code.
2. Building Materials. A minimum of twenty (20) percent of the front building facade of the principal structure shall be covered with brick or stone. Structures with front facades covered by at least seventy (70) percent stucco may reduce the brick or stone coverage to ten (10) percent. *(Amended 03.15.05, Res. 12-03-05, Ord. 2005-04)*
3. Garage Size. A double garage of at least five hundred seventy six (576) square feet shall be constructed as a part of any single family home.
4. Garage Frontage. From side building line to side building line of any single family structure, no more than forty (40) percent of such building width shall consist of garage doors that face the street. Side or rear loaded garages are not subject to this regulation. An exception shall be made for garage doors that face the street, but are set back at least ten (10) feet in back of the front building line of the principal use.
5. Repealed. *(Ord. 2004-04)*
6. Building Size.
- a. The minimum floor area for single-family dwellings measured using the outside building dimensions shall be as follows:

Rambler	1,260 square feet
1-1/2 Story	1,092 square feet
Split Foyer/Entry	1,248 square feet
Split Level – 3 level minimum	1,248 square feet
Two Story	1,040 square feet
 - b. All dwellings without basements in this district shall be required to provide an additional one hundred (100) square feet of floor area to house utilities.

- F. The number of access points to a residential lot shall be restricted to one driveway, unless the following conditions are met. If the following conditions are met, no more than two access points shall be allowed.
1. The lot is within the RA, R1, or R1A District.
 2. The lot has a minimum of two hundred and fifty (250) feet of road frontage.
 3. If the property has two street frontages, the driveways must be on separate frontages. If the property has only one street frontage, then the driveways must be located not less than 50 feet apart.
 4. If the driveway is proposed to connect from a County road, the applicant must first obtain a permit from the County.
 5. All other driveway requirements of Section 10.52 are met.

SEC. 10.53 HOUSING PERFORMANCE STANDARDS

- A. *Intent.* Housing performance standards are hereby established for the purpose of promoting residential energy conservation, preserving and protecting desired architectural and aesthetic characteristics of housing in the community, and protecting the health, safety and welfare of residents of the community.
- B. *Residential structures.*
1. All residential structures in the community shall be firmly anchored to a concrete foundation.
 2. All residential structures shall possess a minimum width of 24 feet
 3. All residential structures shall possess wall and ceiling joist construction consisting of framing materials of at least 1 3/4-inch by 3 1/2-inch dimensions, and shall be of sufficient weight to properly withstand damage from high winds and storms.
 4. All residential structures, except earth sheltered homes, shall possess pitched roofs, with at least a five percent slope.
 5. All residential structures, except earth-sheltered homes, shall possess a minimum height of 14 feet, measured from the top of the foundation to the peak of the roof, excluding any heights attributed to chimneys.

6. All residential structures shall be composed of materials that minimize the risk of hazards to the occupants of the structure.

SEC. 10.54 EXTERIOR LIGHTING

- A. Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths footcandle as measured on the property line when abutting any residential parcel and one footcandle on any abutting commercial or industrial parcel. Streetlights installed in public right-of way shall be excepted from these standards.
- B. Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and type of fixtures. The city may also limit the hours of operation of outdoor lighting if it is deemed necessary to reduce impacts on the surrounding neighborhood.
- C. No flickering or flashing lights shall be permitted.
- D. Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction with a site and building plan. Globe and ornamental fixtures shall only be approved when the developer can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by the fixture design and/or location.
- E. The City may require submission of a light distribution plan if deemed necessary to ensure compliance with the intent of this section.

SEC. 10.55 NOISE AND VIBRATION

- A. Noises emanating from any use shall be in compliance with and regulated by the standards of the state pollution control agency. Any use established or remodeled after the effective date of the ordinance from which this section is derived shall be so operated as to prevent vibration discernable at any point beyond the lot line of the site on which such use is located. The city may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhood.
- B. Ground vibration and noise caused by motor vehicles, trains, aircraft operations or temporary construction or demolition shall be exempt from these regulations. However, if deemed appropriate, the City may establish limits on the hours of