

**CITY OF HANOVER
PLANNING COMMISSION MEETING
SEPTEMBER 28, 2020
AGENDA
CITY HALL**

CHAIR

STAN KOLASA

COUNCIL LIAISON

DOUG HAMMERSENG

BOARD MEMBERS

JIM SCENDEL

MICHAEL CHRISTENSON

DEAN KUITUNEN

GRETCHEN BARRETT

- 1. Call to Order and Pledge of Allegiance: 7:00 p.m.**
- 2. Approval of Agenda**
- 3. Approval of Minutes from August 24, 2020, Regular Meeting**
- 4. Citizen's Forum**
- 5. Public Hearing**
 - a. Amendments to the Zoning Ordinance Related to Accessory Structures**
- 6. Unfinished Business**
- 7. New Business**
- 8. Reports and Announcements**
 - a. Planning Commission Reports**
 - b. Liaison Report**
 - c. Staff Reports**
- 9. Adjournment**

**CITY OF HANOVER
PLANNING COMMISSION MEETING
AUGUST 24, 2020
DRAFT MINUTES**

Call to Order

Stan Kolasa called the August 24, 2020, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Jim Schendel, Dean Kuitunen, Mike Christenson and Gretchen Barrett. Also present City Planner Cindy Nash, Council Liaison Doug Hammerseng and Administrative Assistant Amy Biren. No guests were present

Approval of Agenda

MOTION by Schendel to approve the agenda, seconded by Kuitunen.

Motion carried unanimously.

Approval of Minutes from the July 27, 2020, Regular Meeting

MOTION by Schendel to approve the July 27, 2020, minutes, seconded by Kuitunen.

Motion carried unanimously.

Citizen's Forum

None

Unfinished Business

Amendment to the Zoning Ordinance Related to Solar

Nash brought the draft solar ordinance back to the Planning Commission at the request of the City Council. She included additional information for the Board.

Directing the Board to the Memo in the packet, Nash reviewed several items.

The types of installation allowed would be building integrated and building mounted. Ground mounted systems would not be allowed under this draft ordinance.

Kuitunen said that the Board had tabled this a couple of years ago and had decided to deal with solar energy when the request was made.

Schendel said that solar businesses have been to the Industrial Park businesses and that the time frame to recoup expenditures was actually longer than presented. Hammerseng said that when it was proposed to City Hall in the past, it was determined that a 12 year period was the recoup period.

Nash went on to say as it had been presented, the draft ordinance made solar energy an accessory use in every zoning district with guidelines to be followed. Kuitunen, Christenson, and Barrett agreed that it would be allowed in every zoning district.

Hammerseng said that Council had asked him questions about the draft ordinance and there were several things that he was not able to provide an answer. More clarification and substance to the draft ordinance is desired.

Nash continued with the discussion about the type of building permit that would be required. Currently, the draft has it an over-the-counter building permit with administrative review, but if the Board desires, it could also be a conditional use permit or an interim use permit. That said, there have been complaints in the past about the cost and length of time of a land use permit.

Kuitunen said that if the draft ordinance is strong and specific, there would not be a need for a conditional use permit or an interim use permit.

Hammerseng said that the resident interested in having solar panels has commented on how long this process is taking.

Nash directed the Board members to the draft of the solar ordinance and led the discussion, explaining the changes.

Currently, the draft ordinance is written to allow solar panels on accessory buildings. Was this something the Board still wanted or did they want it remove, allowing only panels on the principle structure? The City Council brought up the scenario of someone building an accessory building solely for the purpose of mounting solar panels. After discussion, the Board decided to remove accessory buildings from the draft ordinance.

The Board was directed to the section on building mounted systems in the draft ordinance. The plane of the roof and the solar panel will be the same. The draft ordinance outlines the most common type of roof styles and that the solar system cannot be higher than six (6) inches above the roof plane. Christenson asked if the six inches was a standard figure. Nash said that she used the same figure that neighboring cities had in their solar ordinances. Christenson asked if there needed to be something about the overhang. Nash said that yes, it was outlined in Section C. Hammerseng referred to Section D and whether or not the equipment should be visible on the structure. Christenson stated that there is so much already on structures that most people would not even detect it. Section F referred to the possibility of glare and Hammerseng stated he is concerned about how it would impact neighbors. Nash said that reflectors are more common in solar gardens and showed the Board an example. The reflectors redirect sunlight to the solar panels. If someone wanted reflectors, a glare analysis would be required. Hammerseng asked for clarification regarding residential and commercial roofs and the type of system allowed. Nash said that if a residential home had a flat roof, it would have to follow the requirements for a mounted system, not an integrated system. Most residential homes are built to the maximum height allowed so it would be a rare occurrence that a mounted system would be on a residential home.

Barrett confirmed that solar energy applicants would not have to come to the Planning Commission unless a variance or other land use permit was required. Nash confirmed this.

Nash directed the Board to the section on utility notification. She explained that net metering is where any excess energy goes back to the energy grid and is not stored onsite. When there is not enough solar energy generated, the structure would use energy from the grid. She also gave an example of an off-grid system such as a solar panel attached to a traffic sign—it is not attached to the energy grid, nor is it metered.

Hammerseng asked if the City needed to manage the recycling of the solar panels when the lifespan is completed. Nash said no, only if it was a solar garden. In the case of a solar garden, there would be a reclamation plan within the interim use permit similar to that of mining. Recycling of solar panels is also regulated by the State.

Christenson is concerned with houses changing ownership and the new owners would be left with an aging system or possibly having to recycle the panels.

He went on to ask if the newly drafted ordinance would apply to existing solar systems. Nash said they would be grandfathered in if the system was installed legally and if it wasn't, then enforcement action would be taken. If the system was updated or switched to newer technology, it would need to follow whatever current ordinance was in place.

Nash confirmed with the Board that she is removing accessory buildings as an option for solar panels and that it would only be allowed on the principle structure. The Board confirmed this.

Hammerseng stated that he is concerned with the possibility of glare. Nash said that he may be thinking of older systems or technology in solar panels or even reflectors. She continued that with the new technology, solar panels are supposed to absorb the sunlight. There may be a little reflection, but it would be similar to the glare on a windshield.

MOTION by Barrett to recommend sending the draft solar ordinance forward to the City Council for approval with the removal of accessory buildings as an option for solar systems, seconded by Christenson.
Motion carried unanimously.

Reports and Announcements

Schendel asked if the City would look into having a porta potty along the River Road trail as there have been runners using the pine trees as a restroom. He also mentioned the flickering street light at Rosedale and CSAH 19. Biren said she would pass along the request and that the street light has been called into Xcel several times.

Christenson asked for an update on the 15th Street project. Nash said that the City is working on the developer's agreement which needs to be in place before the project starts. Also, the plans are taking longer than anticipated. Hammerseng asked if the trail was going to be done. Nash said the plans for the trail are included and Fehn was given permission for the trail to be completed next year.

Barrett asked for an update on the Hilltop. Nash said that she and Brian Hagen, City Administrator, will have a meeting this week with the applicants and Hennepin County. Some of the aspects of their plans are not congruent with Hennepin County's requirements.

Nash said that the preliminary plat for River's Edge is scheduled to be at the October Planning Commission meeting and will require a public hearing. The developer is planning on submitting materials mid-September and they will be available on the website if Board members want to start reviewing them. Barrett asked how Council decided on the Planning Commission's recommendation to remove the three houses at the 5th Street entrance. Nash said that Council suggested that it become one single family home. Hammerseng said they also suggested taking some of the villa homes around the corner and turning them into single family homes as well as put a trail segment in the southern part of the development. He continued that the Council meeting went well and that Council approved the concept plan.

Hammerseng said that Mercantile Pass received a vote of support and the developer is moving forward and starting the planning process. Nash said that there is a purchase agreement for the southern corner for a gas station/grocery store/liquor store. Hammerseng said that the City is trying to assist with the County and the CSAH 19 traffic issues.

Kuitunen asked if Covid 19 was causing delays to happen within governmental entities. Nash responded that it depends on the department or the city.

Adjournment

MOTION by Kuitunen to adjourn, seconded by Schendel.

Motion carried unanimously.

Meeting adjourned at 8:05 pm.

ATTEST:

Amy L. Biren
Administrative Assistant

Collaborative Planning, LLC

Memorandum

Date: September 23, 2020

To: Planning Commission

From: Cindy Nash, AICP EDFP

RE: Potential changes to Zoning Ordinance related to accessory structures on Farms

Hanover has a limited number of farming operations left in the City. The Bechtolds approached the City about a potential new Farm building and it was determined that the ordinance did not adequately address Farm buildings, particularly when there is not a farm homestead on the property and with regard to the typical arrangement and size of farm buildings.

A proposed ordinance amendment is attached for consideration. Both a redline and clean ordinance are included for your consideration.

The ordinance changes accomplish the following:

1. Permit a Farm to have buildings without a homestead by recognizing that there are already existing farms in the City.
2. Exempt Farms from being required to obtain a Conditional Use Permit when the maximum floor area exceeds the floor area of the principal structure.
3. Requires Farm buildings to meet all principal structure setbacks of the zoning district they are located in.

SEC. 10.48. ACCESSORY BUILDINGS AND STRUCTURES

A. Residential districts. In residential districts:

1. No accessory buildings installed on slab or with footings may be located within ten feet of the side lot lines nor within ten feet of the rear lot lines or within a drainage and utility easement; and provided that if the accessory building is moveable, in such event, the side and rear setbacks shall not be less than five feet.
2. No detached accessory storage type building (excluding garages) shall be located in any yard other than a rear yard. For properties located in the Agriculture District (AG) or Rural Residential District (RR) accessory buildings may be allowed in the side yard upon receiving a Conditional Use Permit (CUP).
3. No accessory building shall exceed the height of the principal building. For properties located in the Agriculture District (AG) accessory buildings may be allowed to exceed the height of the principal building upon receiving a Conditional Use Permit (CUP).
4. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered, enclosed passageway built on a slab or other suitable foundation. If detached, it shall not be located closer than six feet from the principal structure.
5. One-family and two-family dwellings constructed after November 1, 1989, are required to have two enclosed spaces per unit attached to the dwelling.
6. A site plan shall be submitted with all requests for an accessory detached building permit in all residential districts, and shall include the following information (and other information required by zoning officials):
 - a. Existing buildings and their relationship to property lines.
 - b. Indication of location for well, septic system and driveways.
 - c. Any easements.
 - d. Property lines and setback requirements.
8. All detached accessory buildings shall be both designed and constructed to meet minimum standards as required for residential accessory structures under the state building code and shall be compatible with the principal building and general neighborhood environments, including, but not limited to, exterior finish, materials, overhangs, soffits and fascia. Properties located in the AG and RR Districts are allowed to construct accessory structures with steel siding as long as it is compatible

with the principal structure color. Prefabricated sheds not exceeding 120 square feet are allowed in all districts.

9. All accessory buildings shall be constructed to comply with the following side wall height, eaves and overhang restrictions:

Side Wall Heights (feet)	Eaves (inches)	Overhang (inches)
10 or less	12	12
12 or less	12	18
AG and RR District only: 20 or less	12	18

(A sidewall height greater than 12 feet in any zoning district except AG and RR, and greater than 20 feet in the AG and RR zoning district, shall not be constructed except after obtaining a conditional use permit authorizing the same.)

10. In all districts except the AG and RR District, an accessory building shall not be a pole barn nor of pole barn type construction. As used in this subsection, pole barn is defined as a structure, the basic support and framework of which is provided by wooden poles inserted vertically into the ground similar to telephone poles. A permitted accessory building exceeding 120 square feet in size shall be an on-site custom-made stick-built structure, and is to mean a building which is wholly constructed on the lot. A building shall be deemed constructed on the lot if 90 percent of the value of the building is constructed on the lot from individual block, board, plywood, siding, roofing, finishing and other individual construction materials. Value shall be measured on the basis of the cost of the materials used in the construction of the building.
11. The combination of all accessory structures, including detached garages, shall not exceed the following area limitations:

Parcel Size	Maximum Floor Area (sq. ft.)
Smaller than ¾ acre	1,000 *
¾ - 2.49 acres	1,500 *
2.5 – 5 acres	3,000 *
Greater than 5 acres	Up to the floor area of the principal structure, but may exceed the floor area of the principal structure if a Conditional Use Permit is obtained. <u>Farms are exempted from the maximum floor area requirement.</u>

- *Provided that the total maximum floor area of all accessory structures is not greater than the floor area of the principal structure. The total maximum floor

area of all accessory structure may exceed the floor area of the principal structure if approved by Conditional Use Permit, but the Conditional Use Permit may not permit a total maximum floor area for accessory structures that is greater than that allowed for the parcel size as shown in the table above.

12. An accessory building constructed on Farms, for the exclusive use of sheltering agricultural machinery and storage of agricultural products shall be exempt from building permit requirements. Description of the proposed use must be submitted in writing, and signed by the property owner. Administrative review of the site plan is required. The building must meet all principal structure setbacks required in the Zoning District in which it is located as well as those in paragraph 13 below.
 13. An accessory building constructed for the use of a shelter or stabling facility shall provide a minimum of one hundred (100) square feet of enclosure per “Animal Unit Equivalent” and shall be located a minimum of seventy-five (75) feet from any adjacent lot. This type of building shall be exempt from building permit fees and agricultural standards. Administrative review of the application and site plan are required.
- B. Interpretation; abrogation and greater restrictions. It is not the intention of this section to interfere with, advocate or annul any covenant or any other agreement between any parties; provided, however, where this section imposes a greater restriction upon the use of the premises for detached accessory buildings than are imposed or required by other ordinances, rules or regulations or permits, or by covenants or agreements, the provisions of this ordinance shall govern.
- C. In commercial and industrial districts.
1. No accessory building shall exceed the height of the principal building except by conditional use permit.
 2. Accessory buildings may be located any place to the rear of the principal building subject to the building code and the fire zone regulations.
- D. In all districts.
1. No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building. Properties for which the principal use of the property on October 1, 2020 is a Farm are exempt from the requirement to have a principal building.
 2. Accessory structures located on properties subject to the Section 10.33 related to the shoreland district may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location. In no event, however, shall the structure be located closer than 20 feet to the public road right-of-way.

3. An accessory building may be located within the rear yard setback provided that the lot is not a through lot and said accessory building does not occupy more than the allowed maximum floor area for the lot size.
4. No accessory building may be used as a dwelling unit except as may be permitted in the AG District.

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

ORDINANCE NO. 2020-_____

**AN ORDINANCE AMENDING THE HANOVER ZONING ORDINANCE
RELATED TO SOLAR ENERGY SYSTEMS**

THE CITY COUNCIL OF THE CITY OF HANOVER, WRIGHT AND HENNEPIN COUNTY, MINNESOTA, DOES ORDAIN AS FOLLOWS:

Section 1. Rescind and replace section. Section 10.48 of the Hanover Zoning Ordinance is hereby rescinded and a new Section 10.48 is added as follows:

SEC. 10.48. ACCESSORY BUILDINGS AND STRUCTURES

A. Residential districts. In residential districts:

1. No accessory buildings installed on slab or with footings may be located within ten feet of the side lot lines nor within ten feet of the rear lot lines or within a drainage and utility easement; and provided that if the accessory building is moveable, in such event, the side and rear setbacks shall not be less than five feet.
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4. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered, enclosed passageway built on a slab or other suitable foundation. If detached, it shall not be located closer than six feet from the principal structure.
5. One-family and two-family dwellings constructed after November 1, 1989, are required to have two enclosed spaces per unit attached to the dwelling.
6. A site plan shall be submitted with all requests for an accessory detached building permit in all residential districts, and shall include the following information (and other information required by zoning officials):

- a. Existing buildings and their relationship to property lines.
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2.5 – 5 acres	3,000 *
Greater than 5 acres	Up to the floor area of the principal structure, but may exceed the floor area of the principal structure if a Conditional Use Permit is obtained. Farms are exempted from the maximum floor area requirement.

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4. No accessory building may be used as a dwelling unit except as may be permitted in the AG District.

Section 2. Effective Date. This Ordinance shall be in force and effect upon adoption and publication in the official newspaper of the City in accordance with applicable law. The City may publish a summary of this Ordinance.

Section 3. Codification. City staff is directed to codify the revisions to the Zoning Ordinance as enacted in this Ordinance.

Passed and adopted by the City Council of the City of Hanover on the 6th day of October, 2020.

Chris Kauffman, Mayor

ATTEST:

Brian Hagen, City Administrator