

**CITY OF HANOVER
PLANNING COMMISSION MEETING
DECEMBER 29, 2016**

CHAIR
STAN KOLASA

COUNCIL LIAISON
DOUG HAMMERSENG

BOARD MEMBERS
JIM SCHENDEL
MICHELLE ARMSTRONG
DEAN KUITUNEN
MICHAEL CHRISTENSON

- 1. Call to Order and Pledge of Allegiance: 7:00 p.m.**
- 2. Approval of Agenda**
- 3. Approval of Minutes from the November 28, 2016, Planning Commission Meeting**
- 4. Citizen's Forum**
- 5. Public Hearings**
 - a. Amendment to Zoning Ordinance Related to Principal Uses and Structures**
- 6. Unfinished Business**
 - a. Amendments to Zoning Ordinance Related to Accessory Uses and Structures**
- 7. New Business**
 - a. Planning Commission Time Cards**
- 8. Reports and Announcements**
 - a. Planning Commission Reports**
 - b. Liaison Report**
 - c. Staff Reports**
- 9. Adjournment**

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

Call to Order/Pledge of Allegiance

Stan Kolasa called the November 28, 2016, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Jim Schendel, Dean Kuitunen, and Mike Christenson. Also present Council Liaison Doug Hammerseng, City Planner Cindy Nash, and Administrative Assistant Amy Biren. Absent: Michelle Armstrong. Guests present: Cindy Hiller, Kelsey Wilmes, and Joe Wolverton.

Approval of Agenda

MOTION by Schendel to approve the agenda as presented, seconded by Christenson. **Motion carried unanimously.**

Approval of Minutes from the October 24, 2016, Regular Meeting

MOTION by Christenson to approve the October 24, 2016, minutes as presented, seconded by Schendel. **Motion carried unanimously.**

Citizen's Forum

None

Public Hearings

a. Amendments to Zoning Ordinance Related to Accessory Uses and Structures

Kolasa closed the Planning Commission meeting at 7:01 pm and opened the Public Hearing.

Nash reviewed the amendments being brought before the Planning Commission:

- Accessory apartments are allowed in the RA district, but had no qualifying conditions. Since the City has opted out of the “granny pod”, qualifiers are needed.
- Outdoor dining is mentioned as an accessory use, but there are no details or qualifiers.
- The fence ordinance is vague and needs clarification so that it is easily understandable.
- As there have been some inquiries regarding solar panels/energy at the residential level, a section can be added outlining these regulations.

Since the guests present came to speak to the fence portion of the amendments, Nash suggested to the Board to start with that amendment. Kolasa and the Board members agreed. Nash stated that the fence ordinance was changed in 2013 in part due to the variety of fences in front yards and the Planning Commission at that time did not desire chain link fencing in the front yard. She said that the previous ordinance had more detail and provided information about decorative fences which the current ordinance does not.

Kelsey Wilmes, 11556 Erin Street: Kelsey contacted the City and spoke with staff about constructing a chain link fence on her property. The property is a corner lot on Erin Street and 11th Street. She was told since a corner lot has two “front” yards, that the fence would need to be decorative if it was located other than straight back from the back corner of the house. She stated that decorative fencing is not defined in the ordinance and the definition is subjective and can be interpreted many ways. She does not believe a corner lot should be treated differently than an interior lot.

Joe Wolverton, 1020 Mallard Street: Joe said that he had run into the same issue with his property being located at the corner of Mallard and 11th Streets. He felt that the interpretation was only one person's opinion. He considers a black-coated chain link fence to be decorative. He also asked why the ordinance was changed in the first place. He also said that he would consider a partially fenced property less appealing than having the fence go into the side “front” yard.

Kuitunen also asked why the ordinance changed. Schendel said that it was to prevent front yards from having a “compound” look.

Kuitunen asked Nash what was her vision for this ordinance. Nash that the terminology for decorative does need to be addressed.

Christenson asked if corner lots had different requirements than interior lots. Nash replied that yes, the setbacks are different than for an interior lot. Kuitunen asked about the different types of corner lots and if there would be different right of ways that would affect the placement of the fences. Nash agreed that there were different types of corner lots and that would also need to be addressed.

Wolverton asked why some fences came off the back corner of the house and other fences came off the front corner.

Cindy Hiller, 1283 Irvine Drive: Cindy stated that having two types of fencing because it was required dependent on where the fence was located would make it harder to resell.

Kuitunen said he would be okay with having chain link in the side yard, but not in the front yard.

Schendel said that he would be okay with a fence coming off the front corner of the house.

Christenson said he didn’t have any issue with either the front or back corner of the house for the placement of the fence. He said that there are decorative fencing options available that are not too expensive and look nice. He wouldn’t want to have fences too close to the road and interfere with the right of way as in snowplowing and he wouldn’t want to have damage caused for the homeowner.

The Board agreed that there should not be any chain link allowed in the front yard and that a fence could come off the front corner of the house.

Nash advised the Board to table the amendments until the December meeting so they could see the language of the actual amendments.

Schendel reiterated to the guests that in the event that the City would need to access the manhole located within the fence, the fence would need to be rolled back and returned in place by the homeowner.

Hammerseng asked if diagrams could be included with the proper language so that it was easy to understand. Nash agreed. She also asked if the Board would like her to come up with the various scenarios pertinent to different lot types. The Board said yes.

Nash moved on from the fences and returned to the drafted changes given to the Board. She explained that modifications to the Use charts would need to be updated. A qualifier would need to be added regarding the Accessory Apartment section and outdoor dining changed to an accessory use in the industrial and commercial districts with qualifiers.

Nash explained that outdoor dining was included in the industrial and commercial districts on the chance that a brewery would come to Hanover. Christenson asked if the qualifiers would be too restrictive, but Nash said that they would not be as the qualifiers had the outdoor dining taking place on the property owner’s lot. Schendel asked about how it would affect the River Inn as there were two properties there owned by the same people. Nash said that she would review the properties. Christenson said that the industrial district should be left in just in case a brewery would come to town and want to be in that district.

Nash moved on to the qualifiers for Accessory Apartments explaining that it needed to be outlined in the section on Building Eligibilities so as not to take away an eligibility on a parcel of land. She gave an example of a parcel having two eligibilities and the accessory apartment would not count as one as it would be within the building footprint of one of the homes. Nash also explained that accessory apartments were not clearly defined in the current ordinance and gave standards in which one would need to be in compliance. Hammerseng said that some regulations would be nice to have. He also asked if the minimum size qualifier should meet the current minimum size standard of 1000 square feet since most of the summer had been spent deciding that. Nash replied that it should and would make the necessary changes.

Christenson asked if there would be any difference in having a family member living in an accessory apartment than a non-family member. Nash replied no, but that often times with a family member, there is more of an openness and not so many barriers such as a locked door between the two areas.

Solar energy systems were looked at next by the Board. At present, Hanover does not have an ordinance that deals with solar energy systems. Nash drafted an ordinance similar to what other cities in the area have adopted. She explained the definitions and pointed out that the type of system allowed in the residential districts would be flush-mounted panels which could not be angled or raised. To have solar panels on a house, a building permit application would be submitted and a conditional use permit would not be needed. Solar farms would not be allowed under this ordinance. This ordinance would limit solar energy systems to: 1) Residential properties where the system is mounted flush to the roof; and 2) commercial and industrial buildings having flat roofs, up on a frame, and usually not visible from the ground.

Hammerseng asked if there were other regulations in place regarding solar energy systems. Nash replied no, but that there is encouragement at the state level to incorporate solar.

Wolverton asked if adjustable panels would be allowed. Nash replied the panels need to be flush-mounted.

Christenson asked if there were homes in Hanover currently using them and if there would be any reason to prohibit them. Nash replied she did not know of any homes, but could check. Kuitunen said that aesthetics or falling into disrepair could be reasons for prohibition of solar panels.

The discussion then led to whether or not to include solar energy systems at all or to say they are not allowed. Schendel said it could be taken out and if anyone wanted to have a solar energy system they could appear before the Board and Council. Kuitunen said to take it out of residential. Christenson said he was flexible and could go either direction. The Board then decided to take it out of the amendments.

MOTION by Kuitunen to table the amendments to the zoning ordinance related to accessory uses and structures, seconded by Schendel.

Motion carried unanimously.

Reports:

Staff:

Biren informed the Board that the Crow River Regional Trail Master Plan was available for review and that formal comments could be submitted until January 6, 2017.

Adjournment

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

Meeting adjourned at 8:01pm.

ATTEST:

Amy L. Biren
Administrative Assistant

Collaborative Planning, LLC

PO Box 251
Medina, MN 55340
763-473-0569

Memorandum

Date: December 20, 2016
To: Planning Commission
From: Cindy Nash, City Planner
RE: Ordinance Amendment related to Principal Buildings and Uses

A draft ordinance is attached for your consideration related to principal uses and structures. The purpose was to clarify and update in which districts there may be more than one principal use or structure per lot.

Attachments:

- 1) Proposed Changes Related to Principal Buildings and Uses

Proposed Changes Related to Principal Buildings and Uses

Principal Building. The building in which it is conducted the principal use of the lot on which it is located. Lots in commercial and industrial zoning districts with may have multiple principal uses ~~may have~~ and more than one multiple-principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings. Lots in residential districts shall not have more than one principal building.

Use, principal. The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional. Lots in commercial and industrial districts may have multiple principal uses. Lots in residential districts shall not have more than one principal use.

Collaborative Planning, LLC

PO Box 251
Medina, MN 55340
763-473-0569

Memorandum

Date: December 21, 2016
To: Planning Commission
From: Cindy Nash, City Planner
RE: Ordinance Amendment related to Accessory Structures

A draft ordinance is attached for your consideration related to accessory structures that reflects the discussion that occurred at the November 2016 Planning Commission meeting.

Attachments:

- 1) Ordinance

Section 10.25 – Modifications

1. Add a qualifier to Accessory Apartment to see Section 10.72.

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Section 10.27 – Modifications:

1. Outdoor Dining –

Change to an accessory use in only the B-1, B-1A, B-2, I-1, I-2, and I-3 Districts, with the qualifier that the outdoor dining must be on the same lot as the principal use and cannot be in the right-of-way or sidewalk areas.

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SEC. 10.17 BUILDING ELIGIBILITIES

- It is presumed that all parcels of record existing on July 2, 2013 that are zoned for residential use shall be eligible to have one single-family home (“Building Eligibility”) constructed on that parcel, subject to compliance with all other requirements of this Chapter 10 except for lot size requirements.
- Every parcel of land containing up to forty (40) acres zoned for residential use shall have one Building Eligibility on that parcel.
- For parcels larger than forty (40) acres, the number of Building Eligibilities shall equal one per 40 acres as rounded to the nearest 40 acres. By way of example, both 65 acres and 99 acres rounds to 80 acres, granting two single-family Building Eligibilities to either of those properties.
- When a parcel is annexed to the City, the parcel is considered undeveloped for the purpose of this calculation regardless of the number of lots that may have been created while under the Township’s jurisdiction.
- E. In the event that a subdivision is proposed that results in any parcel no longer having the number of Building Eligibilities that would be anticipated under paragraphs A or B above, then a condition of approval of the subdivision shall be that a document is recorded against the property documenting the remaining number of Building Eligibilities for that parcel.

~~E.F.~~ An Accessory Apartment as may be permitted in the RA zoning district is not counted as the use of a Building Eligibility for the purpose of this section.

SEC. 10.66. FENCES

- A. Permit required. Except as otherwise provided herein, no person shall erect, alter or relocate any fence within the City without first having been issued a permit therefor.
- B. Permit fee. A fee as set forth by resolution of the City Council shall be charged for a permit under this subdivision for new fences, as well as the replacement of fences in the same location.
- C. Application procedures.
 - 1. Residential, single-family and two-family. Each application for a permit under this subdivision shall be submitted to the Administrator or his designee on forms provided for by the city. Each application shall include a site plan drawn to scale showing the location of the houses, garages and other structures on the lot and location of the fencing to be erected, altered or relocated. Fences six (6) feet tall and higher shall be processed as a building permit. Fences less than six (6) feet tall shall be processed as an administrative permit.
 - 2. Commercial, Industrial, and Residential, other than single-family and two-family. Commercial and industrial uses. Request for fencing shall be processed as part of and according to the procedures of site plan review. Fences six (6) feet tall and higher shall require a building permit. Fences less than six (6) feet tall shall be processed as an administrative permit.
 - 3. Agricultural Properties. Fences constructed on properties used for agricultural purposes are exempt from the provisions of this Section 10.66.
- D. Intent of fence regulations. The purpose of this section is to enact minimum restrictions on fencing necessary to ensure orderly and attractive development, to enhance "curb appeal" from city streets, to protect the health and welfare of the citizens, to allow a free flow of air, to prohibit unreasonable restrictions of you while allowing each property owner to protect his property in privacy.
- E. General requirements.
 - 1. New construction, maintenance, and design requirements.
 - a. Fencing shall be constructed and maintained so as not to endanger life or property. Any fence which through lack of repair, type of construction, or which otherwise imperils health, life, property, or the aesthetic quality of a neighborhood shall be deemed a public nuisance.
 - b. The side of the fence considered to be the face shall face abutting property. The face shall be defined as the finished side of the fence rather than the side with structural supports.

c. If fencing is built away from a property line, property on both sides of the fence must be maintained so as not to create a public nuisance.

2. Fence location requirements.

a. All fences shall be located entirely upon the private property of the person constructing the fence.

b. When driveway, trail, access, or walkway easements are located on private property, fences shall not be constructed on the easement. No fence shall be constructed which obstructs the flow of water upon a drainage or utility easement or which would cause the City to be unable to access the easement. The City may require that obstructions to easements be removed at the property owner's expense. Privacy fences and other types of fences that have the potential to restrict the flow of water within a drainage and utility easement shall be constructed to allow not less than three inches of clear area from the ground to the bottom of the fence to allow the passage of water.

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c. Fences shall not be permitted within any right-of-way or below the 100-year floodplain of any lake, river or wetland.

3. Traffic visibility requirements. On any corner lot, no fence shall be erected in the triangle formed by the front lot line, side street lot line, and a third straight line joining points on such property lines 30 feet from their intersection at the corner of the lot when such action would impede vision above a height of 2 1/2 feet above the centerline grades of the adjacent streets.

F. Requirements for residential areas.

1. General design requirements.

a. The use of barbed wire, or of any electrical current is prohibited.

b. ~~If a chainlink fence is constructed, it shall have a minimum gauge of 11.~~

2. Rear and side yard ~~boundary~~ fence.

a. Height restrictions. A rear and side yard ~~boundary~~ fence shall not exceed six feet in height.

b. Required yard location.

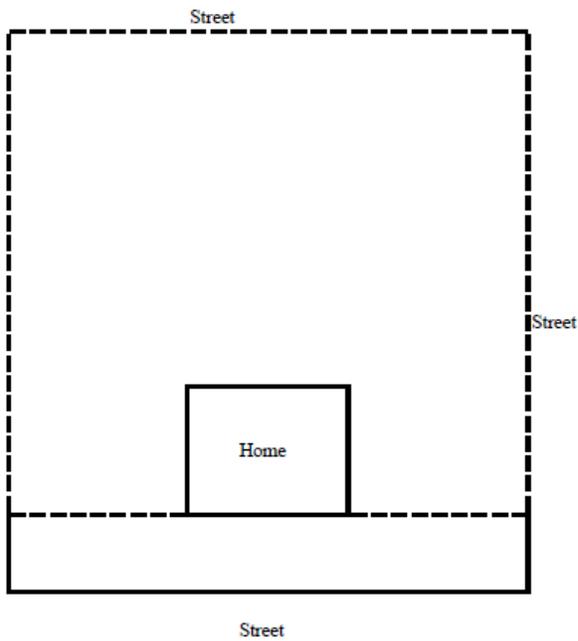
1. 1. —A rear yard ~~boundary~~ fence shall be permitted only within the rear and side yards, not extending forward of a line drawn from the front corners of the primary building to

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~~the side lot lines, except where rear yard access from the principal building is achieved from an entrance/exit to a side yard. In such instances, a six foot boundary fence is permitted in the side yard to a distance not greater than three feet beyond the entrance/exit in the direction of the front yard.~~

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Rear and Side Yard Fence Location



2. ~~Should a corner lot have a rear lot line in common with the side lot line of an abutting lot, the boundary fence shall meet the principal structure's required side yard setback for corner lots, or shall not extend past the front corner of the house on the abutting lot, whichever is less.~~
3. ~~Large lots containing structures set back 100 feet or more from a street right of way, a rear yard boundary fence shall be permitted within side yards to the front of the structure;~~

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~~or in the case of two adjacent structures, to a line connecting the front of such structures.~~

3. If a chainlink fence is constructed, it shall have a minimum gauge of 11.

3. ~~Decorative Front~~ fences.

a. Height restrictions. A ~~decorative~~ fence shall not exceed four feet in height within the limits of the front and side yards.

b. ~~Required yard location.~~

~~1) A decorative fence is the only type of fence allowed within the limits of the front yard or side yards, except as indicated in subsection (e)(2)a of this section.~~

~~2) A decorative fence erected on a corner lot shall be subject to the additional traffic visibility requirements in subsection (e)(2)b of this section.~~

c. Design requirements. A decorative fence is the only type of fence allowed within the limits of the front yard. The decorative fence shall not exceed four (4) feet in height and shall have at least seventy-five (75) percent open area for passage of air and light. A fence meeting these design requirements may be erected in the front forward of -a line drawn across the front line of the principal building. Decorative fences shall include split rail, wrought iron, picket and other similar types of fences that meet the design requirements. Chain link fences are not decorative fences. shall have an opacity of no greater than 75 percent.

4. Screening Fence. Lots within Residential Districts which are developed with single family homes may erect an eight (8) foot high privacy fence along the side or rear of the lot that is adjacent to commercial or industrial lots provided:

a. The fence is not located in a drainage or utility easement.

b. The fence is set back a minimum of ten (10) feet from the property line or right-of-way line, whichever is greater.

c. The fence does not extend into the front yard.

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G. Requirements for commercial and industrial areas.

1. Fences for screening outdoor storage areas.

- a. Height restrictions. All fences required for the screening of outdoor storage areas shall be at least six but not more than eight feet in height.
 - b. Construction and design requirements.
 - 1. All fences required for screening open storage areas shall have an opacity of at least 90 percent.
 - 2. Screening fences shall be architecturally harmonious with the principal building and shall be compatible with the natural surroundings.
2. Fences for the separation of incompatible land uses.
- a. Explanation. Fences used for screening may be required at locations where commercial or industrial uses are adjacent to or across the street from property zoned or developed for residential or public use.
 - b. Height restrictions. The screening required shall consist of a continuous fence or wall at least six but not more than eight feet in height.
 - c. Construction and design requirements.
 - 1) The screening fence required shall have an opacity of at least ~~75-90~~ percent.
 - 2) A louvered fence shall be considered adequate if it blocks vision from a 90-degree angle to the fence.
 - 3) Plant materials of a type approved by the City Council may also be required in addition to, or in lieu of, fencing.
 - d. Required location on property.
 - 1) The screening fence shall not extend to within 15 feet of any street or driveway opening onto a street.
 - 2) The fence shall be placed along property lines or, in case of screening along a street, five feet off the property line with landscaping (trees, shrubs, grass, and other plant materials) between the screening fence and the property line.
3. Fences for protection from danger and of valuable private property. It may be necessary for a commercial or industrial use to construct fences specifically to protect people from danger or to guard valuable private property. Such uses may be enclosed with an industrial chainlink fence of at least six feet but not more than

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eight feet in height topped with three strands of barbed wire, provided they project over the property on the interior side of the fence.

Section 10.72. Accessory Apartment. Accessory apartments must comply with the following standards:

(A) The accessory apartment shall be clearly a subordinate part of the single-family dwelling. In no case shall it be more than thirty (30) percent of the building's total floor area nor greater than eight hundred (800) square feet nor have more than two (2) bedrooms.

(B) The principal unit shall have at least 1000 square feet of living space remaining after creation of the accessory apartment exclusive of garage area. Accessory apartments shall have at least 500 square feet of living space. Living space square footage for the accessory apartment shall be exclusive of utility rooms, common hallways, entryways or garages. Living space for the accessory apartment shall include a kitchen or cooking facilities, a bathroom and a living room.

(C) No front entrances shall be added to the house as a result of the accessory apartment.

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(D) The house must be owner-occupied.

(E) A minimum of three off-street parking spaces must be provided, two of which must be enclosed.

(F) The accessory apartment and principal unit must meet the applicable standards and requirements of the Building Code.

(G) The building and property shall remain in single ownership and title and shall only have one mailing address.

(H) Only one accessory apartment is permitted per detached single family home.