

**City of Hamburg Special Meeting
City Zoning Ordinances – Ordinance Number 160
October 13, 2009**

Acting Mayor Larry Mueller called the Special Meeting to order at 6:10 p.m. Councilmember Steve Trebesch, Councilmember John Barnes, Councilmember Brian Cumiskey, City Clerk Jeremy Gruenhagen, and Deputy Clerk Block were present. Others present were Ann Perry (City Consulting Planner).

Ann Perry (City Consulting Planner) reviewed with Council the Cities Zoning and Subdivision Ordinance Number 160.

Brief Overview of What Ann Perry Went Over in Presentation

Pages one through fifteen are definitions of the zoning and subdivision ordinances.

The PUD (Planned Unit Development District) was put at the back of the appendix because the city will not be using it for a while.

Provisions were added in all the districts to allow for solar collection and geothermal heating systems as an accessory to the primary heating system.

Councils requested changes from the last council meeting and Ann's changes;

- Notification - If there is no official newspaper in the near future.
 - Page 11 (104) wording changed to:
 - **Public Hearing Notice:** A notice published in the official newspaper of Hamburg or other qualified newspaper or communication method available to the general public as allowed by state law at least ten (10) days before the date of such hearing, which notice shall specify the general time, purpose, and place of the hearing.
- Outdoor wood burning furnaces, stoves and/or boilers to heat a building.
 - Council discussed and decided not to allow outdoor wood burning furnaces, stoves and/or boilers within the city limits.
- Hoop buildings
 - Page 14 (133)
 - **Structure, Temporary:** A structure composed of a frame supporting a tensioned material that acts as a weather barrier, does not require a building permit, is not intended for human occupancy, and is intended or used to provide storage for vehicles, boats, recreational vehicles, or other personal property, whether fully or partially covered. This definition includes structures commonly known as hoop buildings, canopy-covered carports and tent garages, but does not include structures that are in place for less than thirty (30) days and structures constructed in accordance with a building permit.
 - Council and Ms. Perry agreed that this description would also cover smoking shelters for bars.
 - Page A-29 (D)
 - Temporary structures over one hundred and twenty (120) sq. ft. on properties zoned A-1 restricted Agriculture District, R-1 single Family Residential District and the residential portions of a PUD – Planned Unit Development district shall comply with the following:
 1. Shall only be allowed on property that contains a principal use and shall not be utilized as a dwelling unit.

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2. All Temporary structures shall be located behind the front line of the principal structure as extended to the sides of the property and be located no closer than five (5) feet from the side and rear property lines.
 3. No more than one temporary structure is allowed per property.
 4. Shall not exceed fifteen (15) feet in height.
 5. Temporary structures shall not exceed 600 square feet and shall not be considered an accessory structure.
 6. The temporary structure must be sufficiently anchored to withstand overturning, uplifting, or sliding.
- Council discussed and decided on the following changes;
 - Allow temporary structures for six (6) months out of a calendar/continuous year. Allow in R-2 District.
 - Structures and Objects in Public Right-Of-Way
 - Page A-28 (Subdivision 3)
 - No structures shall be located in or on any public lands or rights-of-way without a permit issued in accordance with the City Code of Ordinances and any other applicable federal, state, or county regulations. All objects other than structures such as landscaping materials shall be set back a minimum of fifteen (15) feet from the back of curb. Any objects placed within the right of way shall be removed by the owner of the structures or objects.
 - Council discussed and decided to remove the words; other than structures.
 - Council also decided to change this ordinance for alleys. Ms. Perry will reword the ordinance concerning right-of-ways in alleys and present it to Council at a later date.
 - Sign, Changeable Copy
 - At the present time Hamburg does not require a permit for signs within the city. Changes are:
 - If a sign is 6 square feet or less or a governmental agency sign then no permit is needed.
 - A temporary sign less than 25 square feet no permit is needed.
 - Permits would be required for permanent signs over 6 square feet and for temporary signs over 25 square feet.
 - Sign language changed to: Eliminate any sign language that would be contrary to free speech. Keep the wording content neutral.
 - Business District and Industrial District
 - Maximum sign area is 60 square feet and height is 15 feet.
 - Change description on Page 13 (120) from;
 - A sign or a portion of a sign that contains characters, letters, or illustrations that can be 1) changed or rearranged without altering the face or the surface of the sign, or 2) incorporates a technology or an electronic method to allow the sign face to change the image more than once in a twenty-four hour period without having to physically or mechanically replace the sign face or its components.
 - Change wording to: Take out more than once in a twenty four (24) hour period. Add wording to allow scrolling signs.
 - Fencing
 - At this time Hamburg does not require a permit for fencing.
 - Council discussed and decided that any dispute about fencing between two property owners is a private matter. The city will not be the mediator in this type of situation.

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- Ms. Perry will put stronger language into the fencing ordinance stipulating that it is the responsibility of the homeowner to place the fencing on their property.
- Council decided that a permit would be required excluding temporary (garden) fencing.
- Invisible Fencing
 - Council and Ms. Perry discussed and decided that an invisible fence has to be 2 feet off the residents' property line.
 - No permit would be needed.
- Planting Trees on Property Line
 - Council discussed and decided this would be a private issue.

Summary

- New interim use section compared to the old ordinance.
- Two new districts – restricted agriculture and PUD.
- Telecommunications are covered.
- New conditional use permits in R1 and R2 – accessory structures.
- Bed and Breakfast covered.
- Home occupations that have an outside employee.
- Accessory uses covered.
- Outdoor wood burning fireplaces covered.

Kennels

- City ordinance, what constitutes a kennel?
- City Clerk Gruenhagen will check into what the current ordinance states and any changes to be made when the revised ordinances are adopted.

Ms. Perry asked council members if they would like time to go over and review before holding a Public Hearing. How would Council like to proceed?

- Council discussed and decided to allow two more weeks then at the next council meeting set the Public Hearing date.

City Clerk Gruenhagen asked if Council would want the City Attorney (Mac) to go over the ordinances.

- Council decided it was not necessary, Ann Perry is a professional and they trusted her expertise.

Councilmember Barnes moved to adjourn the Special Meeting on Zoning Ordinances, seconded by Councilmember Trebesch and motion carried.

Submitted by:

Sue Block
Deputy Clerk