

**City of Hamburg Special Meeting
2030 Comprehensive Plan – City Zoning Ordinances
June 9, 2009**

Mayor Malz called the Special Meeting to order at 6:00 p.m. Councilmember Larry Mueller, 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), Diane Mackenthun (625 Park Avenue), and Chris Lund (612 Kim Avenue) arrived at 6:38 p.m.

Ann Perry (City Consulting Planner) reviewed with Council the Cities 2030 Comprehensive Plan for final approval and Draft Ordinance Number 160: City Zoning and Subdivision Ordinance. Ms. Perry noted that it is best to update the old ordinances than to create new ones.

Ann Perry also informed Council that the City Clerk/Treasurer is the City Zoning Administrator and the Planning Commissioner is the Council.

Brief Overview of What Ann Perry Went Over in Presentation

New - Interim Uses – Temporary

- Interim uses can be allowed by Council but has to have an end date.

Added - Variances

- Evidence of ownership or an interest in the property

Non-Conforming Uses and Structures

- Dwelling can not be expanded but can be updated.
- Any nonconforming use that is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

Single Family Detached Dwelling Unit Requirements

- All dwellings, including manufactured homes, shall have a depth of at least twenty (20) feet for at least fifty (50) percent of their width. All dwellings, including manufactured homes, shall have a width of at least twenty (20) feet for at least 50 percent of their depth.
- All dwellings shall have a permanent foundation in conformance with the Minnesota State Building Code.
- All dwellings shall be designed to fit the natural topographic contours of the property where it will be located.

Height Exceptions

- Height limitations established in the A-1 Agricultural and “R-1” Single Family Districts may be increased by fifty (50) percent when applied to the following:
 - Personal receive only satellite dish antennas, other personal antenna devices, and radio devices.
 - Belfries
 - Religious institution spires and steeples
 - Flag poles
 - Public water towers

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- Wind mills
- Telecommunications facilities, except as modified below.
 - The height of telecommunication facilities in any district are permitted up to 75' feet on existing structures. Telecommunication facilities that exceed 75' on an existing structure or are free-standing require a conditional use permit.
- Anything over would need a conditional use permit.

Zoning Districts

Added – A-1 Restricted Agriculture District

Added - The purpose of the A-1 district is to allow agricultural activities as a transitional use of the land until such time that municipal services are available to serve the property. This zoning district applies to properties that are annexed or planned to be annexed into the City limits in accordance with orderly annexation agreements or other municipal adjustment proceedings with Young America Township.

Property within this zoning category is planned for the eventual conversion to non-agricultural land uses. Because of the limited long term duration of the agricultural uses within this zoning district and the incompatibilities which often exist between agricultural and non-agricultural land uses, permitted uses in the A-1 district are oriented towards non-intensive agricultural uses.

Added - The Planned Unit Development – PUD District is designed to allow flexibility in the design and density/intensity of development within areas served by municipal sewer, water and services. The PUD district is designed be utilized in areas that are newly annexed to the City of Hamburg and where mixed uses require greater flexibility in the application of zoning standards to achieve the goals and policies of the Comprehensive Plan.

The City will apply the PUD district to new development areas or redevelopment to allow for a greater variety of uses, varying residential density within the development, and phasing of development and public improvements. Developments that utilize the PUD zoning district shall demonstrate high quality and sustainable development practices when compared to the use of the other applicable zoning districts.

R-1 Single Family Residence District

- Purpose
 - The purpose of the R-1 district is to provide area for single-family detached residential homes consistent with the low density residential land use designation in the Comprehensive Plan. Residential development within the R-1 zoning district shall occur at densities that are less than four dwelling units per net acre.
- Permitted Uses
 - Within any "R-1" District, no structure or land shall be used except for one or more of the following uses:
 - 1. Single family detached dwellings.
 - 2. A state licensed residential care facility or home serving six or fewer persons, except those as provided for under State Statute 462.357, subd. 7.
 - 3. A state licensed day care facility serving 12 or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.

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- 4. Telecommunication facilities that meet the height requirements of this district if freestanding or may be allowed up to seventy five (75) feet in height if located on an existing structure.
- Accessory Uses
 - Accessory structures other than garages and typically associated with single family uses, provided the aggregate area of all accessory structures requiring a building permit does not exceed 1,000 sq. ft and fifteen (15) feet in height.
- District Standards
 - Setbacks – Front yards abutting right of way of local streets was 35 feet, this was reduced to 30 feet.
- Cities can regulate group homes for sex offenders and felons.
- Religion has to be treated similar to any public use facility. The city would have to do a Conditional Use Permit.

Downtown Business Mixed Use District

- Permitted Principle Uses
 - Residential dwelling units within the same building as a retail, office or business service use noted:
 - Retail, office or business service uses that are conducted within an enclosed building.
- Conditional Uses
 - Outdoor dining areas associated with restaurants, cafes and lounges with on-sale liquor licenses
 - Service stations and other automobile uses having service bays and/or gas pump islands.
 - Uses having a drive-up window.
- District Standards
 - Setbacks: All principal structures shall maintain the following minimum setbacks
 - Front Yard – 0 feet behind a sidewalk, or 20 feet if no sidewalk exists.
 - Interior Side Yard – 5 feet, except a 20 feet setback shall be maintained when abutting a residential, public or semi-public use.
 - Corner Side Yard – 20 Feet
 - Rear Yard – 5 feet, except a 20 feet setback shall be maintained when abutting a residential, public or semi-public use.

Mayor Malz asked about wood or corn burning stoves and where the wood can be stored.

- Councilmember Mueller responded that Insurance companies control this by how far stove can be from other buildings.

Ann Perry noted to Council that the Business set back is 20 feet, with sidewalk 0 feet, no sidewalk 20 feet, and corner 30 feet. Should this be changed?

- Council agreed to have corner setback changed to 20 feet.

The question came up about Industrial storage. Ann replied that anything indoors is ok however anything stored outside would need a conditional use permit.

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There was a question on Bed & Breakfasts in town. Ms. Perry replied that she had added standards based on other surrounding cities standards.

Conditional Use Permit Standards

- Telecommunication facilities
 - Co-location on Existing Structures. New towers or antennae must be co-located on existing structures in the City, unless it can be documented that it is impractical to co-locate on an existing structure because of:
 - Technical performance
 - System coverage or system capacity
 - An existing structure cannot support co-location from a structural engineering standpoint
 - Or the lease rate of an existing structure is not “rate reasonable”. Rate reasonable shall mean that the co-location lease rate is not more than one hundred fifty (150) percent of the co-location lease rate for towers within ten miles for which such lease rate information can be obtained.
 - The determination that co-location on an existing structure is not practical because of technical performance. System coverage or system capacity shall be supported by findings from a qualified engineer.
- New Telecommunication Structures. New towers shall be designed and constructed to permit the future co-location of other commercial wireless telecommunication services.
- Height Requirements. The height of a new telecommunication tower shall not be greater than one hundred fifty (150) feet in height, unless the applicant demonstrates to the City Council the need for the increased height. The reason for the increase in height must be supported by findings from a qualified engineer.
- Telecommunications Tower and Antenna Design.
 - Towers and antennae shall be located and designed to blend into the surrounding environment to the maximum extent possible.
 - Towers shall be of a monopole design unless it is determined that an alternative design would be appropriate for the particular site or circumstances.
 - All towers shall be painted in a color best determined by the City to blend into the particular environment.

Conditional Uses in the R-1 District – Added

- Telecommunication Facilities. Shall meet the provisions listed in Subdivision 3, subpart __.
- Bed and Breakfasts
 - The owner of the property shall reside on the property and be responsible for overall management and day to day operation of the bed and breakfast facility.
 - The property shall contain no more than four (4) guest rooms available for lease or rent, and all guest rooms shall be located within the principal structure of the property,
 - The exterior façade of the building shall maintain a single family character and any enlargement of the existing buildings on the property shall require review and approval by the City Council.
 - The serving of meals to non-guests of the bed and breakfast facility is prohibited, unless approved by the City Council upon demonstration that the bed and breakfast has:
 - Adequate facilities to provide food services
 - Obtains all required food service applicable permits from the city, county and/or state regulations

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- Adequate parking exists or will be provided during the period when meals are served.
- The bed and breakfast facility shall comply with all City building and fire codes, and any applicable County and State regulations.
- Signage shall comply with the R-1 signage requirements as established in Section __ of this ordinance.
- Submission of a parking plan indicating that a minimum of one off-street parking stall for each guest room and two off-street parking stalls for the permanent residents of the primary structure shall be provided.
- All on-site dumpsters or other waste containers shall be screened from public view and those of adjacent properties.

Required Off-Street Parking – Added

- Senior Citizen Housing Developments: One (1) parking space for each unit shall be required. The city may require proof of parking of two (2) spaces per unit if conversion to general housing appears possible. The visitor parking requirements for multiple dwellings shall apply.
- Licensed Day Care Facility: One (1) parking space for each six (6) children based on the licensed capacity of the facility.

Adult Uses

- The United States 1st amendment protects adult uses. Cities have to allow adult uses such as book stores, video stores somewhere in the cities zoning.

City Clerk Gruenhagen suggested Council to review the zoning ordinances and in a month or two invite Ann Perry back.

- Ann Perry noted that she will make the zoning change at 411 Maria Avenue from A-1 residential to Mixed Use.

Councilmember Cummiskey moved to adjourn the Special Meeting, Councilmember Mueller seconded and motion unanimously carried. All members were present.

Submitted by:

Sue Block

Deputy Clerk