

WABASHA PLANNING COMMISSION

November 14, 2023 6:00 PM

MEETING AGENDA

- 1) Call to Order
- 2) Approval of Minutes-
 - a) Minutes 10-10-23
- 3) Changes or Additions to Agenda
- 4) Public Comment
- 5) Public Hearings
- 6) Old Business
- 7) New Business
 - a) Miscellaneous Subdivision and Zoning Ordinance Updates
- 8) Board of Adjustment Business
- 9) Other Business
- 10) Next Regular Meeting Date - Dec 12, 2023
- 11) Adjourn

Planning Commission

2) a)

Meeting Date: 11/14/2023

SUBJECT: Minutes 10-10-23

DEPARTMENT: Administration

TITLE:

Minutes 10-10-23

PURPOSE:

Attachments

Minutes

DRAFT

WABASHA PLANNING COMMISSION

October 10, 2023 6:00 PM

MEETING MINUTES

Commission Members:	Tim Wallerich, Chair	Sara Carrels
	Scott Durand	Sharon Burke
	Ozzie Goodman	Jeff Sulla
	Richard Heffner	

Present: Scott Durand; Chair Tim Wallerich; Sharon Burke; Sara Carrels; Jeff Sulla; Richard Heffner; Ozzie Goodman

Also Present: Kristi Trisko, Contracted City Planner; Wendy Busch, City Clerk

- 1) Call to Order
The meeting was called to order by Chair Wallerich at 6:00 p.m.

- 2) Approval of Minutes-

- a) Minutes 9-12-2023

Motion made by Jeff Sulla, seconded by Scott Durand to approve the meeting minutes as drafted.

Vote: 7 - 0 Adopted - Unanimously

- 3) Changes or Additions to Agenda
There were no changes or additions to the agenda.

- 4) Public Comment
Chair Wallerich reviewed the public comment procedure. There was no public comment relating to items not listed on the agenda.

5) Public Hearings

a) IUP - 205 4th Grant Blvd West Temporary Fill Site

City Planner Trisko provided background information. She stated that the IUP pertains to property located within the athletic field area. She pointed out the area under discussion on a map. She stated that the area is zoned R-2 and reviewed the allowed land uses for this zone. She stated that the City would like to temporarily use this site to deposit roughly 8,000 cubic yards of millings and fill from the Downtown street project. She provided rationale for this request. She stated that this area is located in a Shoreland Overlay zone. She stated that both the R-2 zone and the Shoreland Overlay zone would require an Interim Use Permit for this type of land use. She reviewed comments provided by the DNR Area Hydrologist Lucas Youngsma relating to flooding precautions. She reviewed the proposed distances that the fill would be placed from surrounding properties. She discussed the public hearing notification process.

Chair Wallerich opened the public hearing at 6:06 p.m.

Public Works Director Tony Johnson provided additional background information relating to how the material would eventually be utilized. He provided a definition of millings and fill and discussed fencing. The need to move the material from the flood zone if necessary was discussed.

No one else spoke during the public hearing. Chair Wallerich closed the public hearing at 6:12 p.m.

Chair Wallerich suggested utilizing the material as soon as feasible. Director Johnson provided additional information in this regard. The estimated height of the pile was discussed. Commissioner Burke commented that this would be located near a primary entrance to the city. The duration of the project was clarified.

Motion made by Scott Durand, seconded by Sara Carrels to approve the IUP request as presented.

Vote: 7 - 0 Adopted - Unanimously

6) Old Business

There was no old business.

7) New Business

a) Eagles Basin Discussion with Bigelow Group

City Planner Trisko provided background information. She noted that twin homes were originally intended to be constructed on Outlot B. She stated that the subdivision ordinance does not allow private roads, noting that these could potentially be allowed in a PUD.

Tony Bigelow and Mike Paradise from Bigelow Homes introduced themselves. They provided additional information and referenced past discussions with City staff. They discussed lot sizes, reviewed plans for twin homes, and detailed a proposal for a private road. They reviewed examples of developments in other communities and discussed evolving housing styles. State statutes relating to CIC (Common Interest Communities) were referenced. The location of the private road was clarified. Utility services were discussed. City Planner Trisko expressed concerns about private streets not being constructed according to City ordinance standards. She noted that private streets could be managed under a PUD exception in terms of emergency vehicle access, snow removal, utility infrastructure, and other considerations. It was noted that private roads could be allowed on a case-by-case basis under a PUD. The applicants noted that, as required by State statute, the HOA would be required to maintain the road. The potential to eliminate a single standalone unit was

discussed. The future of Aire Avenue was discussed. Commissioners expressed agreement with gathering more information and moving the process forward.

The applicants were asked to provide additional information regarding the layout, construction materials, and anticipated cost of the twin homes, and additional information was provided. The need for affordable housing was discussed.

b) Public Street Frontage (Lot Standard)

City Planner Trisko provided background information. She reviewed a request to subdivide a home site into two lots. She referenced the lot standards and summarized discussions with Brian Wodele in terms of what can be considered frontage. Road access was discussed. It was noted that the property is located in an RC (Residential Conservancy) district. It was suggested to better define acceptable frontage in the City Code. It was noted that an access easement would need to be granted in perpetuity to the two lots.

Motion made by Sara Carrels, seconded by Ozzie Goodman to accept Highway 61 as the frontage for the property under discussion.

Vote: 7 - 0 Adopted - Unanimously

8) Board of Adjustment Business
There was no Board of Adjustment business.

9) Other Business
There was no other business.

10) Next Regular Meeting Date - November 14, 2023

11) Adjourn

Motion made by Scott Durand, seconded by Jeff Sulla to adjourn the meeting. The meeting adjourned at 6:52 p.m.

Vote: 7 - 0 Adopted - Unanimously

Respectfully submitted by: _____
Wendy Busch, City Clerk

Adopted Date

Planning Commission

7) a)

Meeting Date: 11/14/2023

SUBJECT: Miscellaneous Subdivision and Zoning Ordinance Updates

DEPARTMENT: Administration

TITLE:

Miscellaneous Subdivision and Zoning Ordinance Updates

PURPOSE:

Attachments

Staff Memo

Parkland Dedication Fee

Shoreland Campground memo

City Signage

PUD

Frontage

SVT

yard definition

Solar Garden

Off street Parking



Memorandum

Office of the City Planner

To: Wabasha Planning Commission
From: Kristi Trisko
Date: November 6, 2023
Subject: Miscellaneous Subdivision and Zoning Ordinance Updates

MEETING DATE: November 14, 2023

Attached are discussion points for the following ordinance revisions:

1. Parkland Dedication
2. Shoreland Overlay – DNR request to define land uses in with more specificity
3. City-owned Property Signage
4. PUD – acreage and financial condition recommendations
5. Frontage Definition
6. Sight Visibility Triangles
7. Front-Side yard definitions, getting graphics and text better aligned.

Completed – ready for final review:

8. Solar Garden text final review
9. Off-Street Parking – potentially adding language about setbacks from residential uses and dust free surfaces.

Parkland Dedication Fees: In Lieu of land

November 2023 Summary Discussion:

1. **Calculating the fee:** Previous discussion in April – **5% flat** fair market value for all **residential lots**.
 - a. **Percentage of total land in a specific zone:** Plainview, Lake City and Zumbrota used a percentage based on residential zoning. R1= 6%, R2=8% etc.
 - b. **People per household:** Rochester used a complex equation using the number of people per household and parkland needed per user, or
 - c. **Flat Rate:** Utilize a flat rate per lot.
2. **How are parkland fees used** – State Statue must be followed, but can we use the fees for existing parks.

Jed Burkett – League of Minnesota Cities - Park dedication fees can be used for improvements to existing parks, and not just acquisition of new park land. The constraints are that it (1) must be based on an approved park plan and (2) can't be for ongoing operation or maintenance. The distinction between improvements versus maintenance can sometimes be a little confusing – for example presumably fees can be used to pay for installation of new park gazebo but couldn't be used for maintaining same gazebo over time.

3. **Allowing the City Council to make the final fee determination.** (All ordinances reviewed allow CC oversight) – **Yes add that flexibility into Code?**
4. **Should we include non-residential lots-** Zumbrota includes all platted lots. The other three ordinances did not. – **Discuss this issue.**
5. **Assessment on Cost – Discuss this issue.**
 - a. **FMV** – Fair Market Value will always provide inherent cost changes in rural vs city infill projects but will also tie actual land cost to fees.
 - b. **Cost per lot** – A simpler approach to level the fees for all but is not followed by any of the cities researched.

Previous Memo Summary (4/4/2023 Planning Commission Meeting)

In the last month, the City received two (2) final plats. Neither plat will develop roads or public utilities so they went directly to City Council for their review.

- The Dornink Subdivision is along Dylan Drive and rural in nature, platting two (2) 2.5 acre lots The property was purchased for roughly \$5,000 an acre. Their parkland dedication fee was \$500.00 per lot – per code.
- The Coulee Way Subdivision, is on Coulee Way, includes 1.57 acres, platting five (5) lots. The acreage was purchased for \$60,000. Their parkland dedication fee was \$3,800 per lot – per code.

Prior to the April 4th City Council meeting, I completed a quick review of four (4) other community's parkland dedication fees just to get a level set for the two final plats that were being reviewed. I found the following results:

1. Plainview \$962 per lot (8% total land FMV)
 2. Lake City \$722 per lot (6% total land FMV)
 3. Zumbrota \$722 per lot (6% total land FMV)
 4. Rochester \$962 per lot (3.5 people per lot x 5 = 15.25 people = .122 dedication of FMV)
 5. Wabasha \$3,800 per lot (.1 acre per residential lot of FMV)
- If we were 10% of total land FMV we would be at **\$764** per lot

City Council approved both Final Plats with the following Parkland Dedication Fees:

- Dornink Subd. \$500.00 per lot
- Coulee Way \$900.00 per lot

Following their approval, City Council asked that the Planning Commission work with the Park Board to review our current Parkland Dedication language and make a recommended change that puts our fees closer in line with surrounding cities and Wabasha's future parkland needs.

Attached are the five (5) Parkland Dedication Ordinances (parkland fees ONLY) that are listed above for your review.

Plainview

Equal Land / Fee based on Zoning and using fair market value of land prior to development:

R-1 **5%** of the total land area R-2 **8%** of the total land area

Lake City

Equal Land / Fee based on Zoning and using fair market value of land prior to development:

- | | |
|---|--|
| (a) R-1 5% of the total land area; | (c) R-3 8% of the total land area; |
| (b) R-2 6% of the total land area; | (d) R-4 10% of the total land area. |

Zumbrota

a. Residential Development (dwelling units per acre)

- | | |
|---|--|
| <ul style="list-style-type: none"> • 0-2.5 5% • 2.6-5.4 6% • 5.4-7.3 7% | <ul style="list-style-type: none"> • 7.4-12.45 8% • 12.45 or greater 10% |
|---|--|
- b. PUD's = **4%**
- c. Commercial & Industrial = **\$1,000** per acre

Rochester

Uses a table to determine how many people will be living in the future homes based on density of the residential units:

Housing Density	Estimated Number of Persons per Dwelling Unit
0 to 5.99	3.05
6 to 11.99	2.22
Over 12	1.98

Lucas Youngsma, Wabasha's DNR hydrologist, has requested that we provide more detailed land use descriptions in our Shoreland Overlay Zone text so that he can adequately review future development submittals for Wabasha. I completed a review of their statewide DRAFT Shoreland Ordinance and found it to be less flexible than Wabasha's in respect to uses and impervious surface areas but did find the table below as a starting point to provide the DNR with a more detailed view of land uses allowed in Wabasha's Shoreland Overlay Zones.

As I reviewed the chart below against our existing use definitions and densities found in 162.060 of the Zoning Ordinance, I discovered that only the *campground use* has an undefined density in both the Shoreland and the Use Chart, all other uses can be evaluated based on defined standards.

To correct this oversight in defining the standards for "campgrounds", I researched State Statute and Minnesota Health Department / Recreational Camping Areas and would recommend the following text changes to Section 162.060 (Use Chart) and Section 162.061 (Use Definitions) to expand our standards for campgrounds.

162.060 Use Chart. (changes in red)

Use	RC	RRLA	RRGT	R-1	R-2	TDC	GC	HC	I
Campground	I	C			C		C		
	C	C	C	C	C		C		

162.061 Use Definitions.

CAMPGROUND. An open-air recreation area where temporary shelters are allowed and intended to provide transient occupancy and associated buildings and accessory structures and offices used in the operation of the facility. **No campground shall be located in an area subject to flooding. The maximum campground density is 25 camping sites per acre and 15 recreational vehicles per acre.**

Research:

Minnesota Administrative Rules

4630.0200 LOCATION.

No mobile home park or recreational camping area shall be so located that drainage from the park or camp area will endanger any water supply. All such parks and camps shall be well drained **and no portion of the park or camp shall be located in an area subject to flooding.** No waste water from mobile homes or recreational camping vehicles shall be deposited on the surface of the ground.

4630.0400 MOBILE HOME AND RECREATIONAL CAMPING VEHICLE SPACING.

No mobile home shall be parked closer than three feet to the side lot lines of a mobile home park if the abutting property is improved property or closer than ten feet to a public street or alley. Each individual mobile home site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent mobile homes including their attachments, and at least three feet between mobile homes when parked end to end. The space between mobile homes may be used for parking of motor vehicles or other property provided such vehicle or other property be parked at least ten feet from the nearest adjacent mobile home position.

All new mobile home parks constructed after July 1, 1970, and additions to existing mobile home parks constructed after July 1, 1970, shall allot the following minimum site sizes for each mobile home: 4,000 square feet if sewage from the park is discharged into a soil absorption system; 2,800 square feet if any other acceptable method of sewage disposal is used.

In recreational camping areas, recreational camping vehicles shall be separated from each other and from other structures by at least ten feet. Any accessory structure such as attached awnings, car ports, or individual storage facilities, shall, for the purpose of this separation requirement, be considered to be part of the recreational camping vehicle. A minimum site size of 2,000 square feet shall be provided for each recreational camping vehicle in camping areas constructed after July 1, 1970. All recreational camping vehicles shall be located at least 25 feet from any camping area property boundary line abutting upon a public street or highway and at least ten feet from other park property boundary lines.

4630.2300 CAMP SITE.

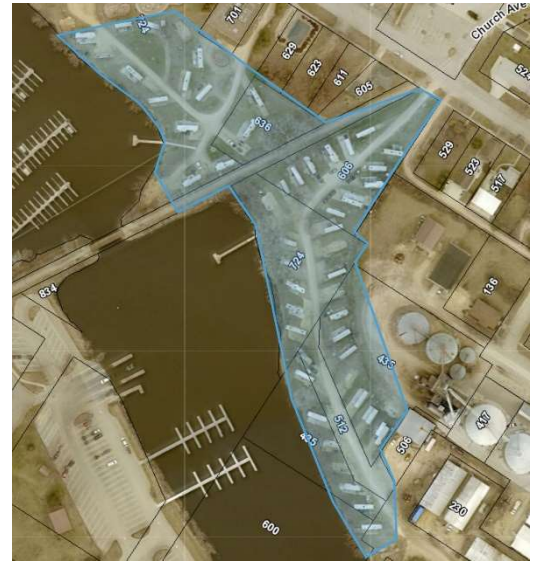
The camp site shall be reasonably distant from any environment detrimental to the health and safety of the children in attendance at the camp. Adequate area shall be available for the development of satisfactory water supply and waste disposal systems. In order to protect against all hazards which cannot be eliminated, suitable guards shall be installed and maintained.

National Average:

The national density average of a "tenting" campground is 20-25 sites per acre and 10-15 RV's per acre. As you can see from Minnesota's State Statue, there are many minimum standards that have to be met and would likely limit beyond the density suggested.

Researched Wabasha Sites:

- Dan Miller's site is roughly 6.25 acres and has approximately 10 RV's per acre.
- Wabasha Boatyard and Marina is roughly 2.64 acres and has approximately 11.5 units per acre.
- The City RV site is roughly 5.48 acres and has approximately 10-12 units per acre.



Shoreland Overlay Zone Land Use	S-1 25%	S-2 25%	S-3 40%	S-4 Less than 18K -0% Other = 25% Res >2 UPA = 50%	Brewery Creek 25%
Single-Family detached residential	P	P	P	All uses allowed by underlying zoning district	Residential uses allowed in underlying zoning district
Multi-family residential up to two dwelling units		P	P		
Accessory structures as allowed in underlying zone	P	P	P		
Duplex, triplex, quad residential		P	C		
Multi-family with three or more units when allows in underlying zoning district			C		
Campgrounds	C	C	C		C
Surface water-oriented commercial uses allowed in underlying zoning district			C		
Mixed uses (residential and commercial allowed in underlying zoning district)		C	C		
Commercial, medical office, and service- oriented business		C	C		
Essential governmental uses and storage facilities allowed in underlying zoning district			C		
PUD with uses allowed in underlying zoning district		P			
Parks & historic sites	C	C	C		C
Public, semipublic, public assembly		C	C		
Agricultural: cropland and pasture	P				P
Agricultural feedlots					C
Forest management / Sensitive Resource Management	P	P	P		P
Extractive use	C	C			C
Interim Uses (grading, filling, more than three cubic yards per 100 sq. ft.)	I	I	I		I

Sign Code: Athletic Field commercial signage

November 2023 Summary Discussion:

The City would like to allow commercial signage along the outfields of the softball and baseball fields at the Athletic Fields Park. To allow this, several sections of Section 153.29 will need to be updated. Below are my suggested text edits in red.

§ 153.29 SIGNS ON CITY PROPERTY.

(A) Locations.

(1) The following locations are traditional public forums on city property and, therefore, will be available for the placement of portable signage only, when the proposed signage meets the standards in division (B) below. **Public forum city properties include:** ~~and those of the districts which the property is located in:~~

(a) Veterans Park; and

(b) Heritage Park

(2) Any signage proposed for other city property must be approved by city administration.

(B) Signage allowed.

(1) Along with permanent city **park identification** signage (~~e.g., park signs~~), the city will allow portable temporary signage for civic, non-profit or charitable events, and non-commercial speech. **Limited commercial speech signage will be allowed only at the City Athletic Field. All signage will be only and for no other purposes** on a first come first serve basis.

(2) Location, type and design of signage allowed is dictated by the standards of the district for each property along with those requirements listed below in division (B)(4) below. ~~The maximum quantity of signage allowed (total number of signs allowed) is hereby exempt for these permitted signs.~~

a. All temporary commercial speech signage at the City Athletic Field will be designed and subcontracted by the City of Wabasha. Customized commercial logos and text can be incorporated into City approved temporary signs.

(3) A staff issued written approval is required for the placement of any sign on ~~these~~ city-owned properties. An application for approval including information on the size, type, anchoring method and location of the proposed sign is required.

(4) Signage requirements.

(a) The total number of signs on public property will not be limited to zoning district sign standards.

(b) Each sign must include a legible posting date.

(c) The sign and attaching material must be removed within 45 days of the posting date or if the sign is posted for an event no longer than ten days after the event. Commercial signage at the Athletic Field will not be required to be removed within 45 days.

(d) All signs shall be constructed or anchored to prevent movement of the sign by the wind; except that, an anchoring shall not be permanent and shall not damage the property on which the sign is placed.

(e) No sign shall be attached to, or leaned against, any street furniture, utility facility (including poles and boxes), street light, building, fence, tree, statuary, playground/park amenity or any other present sign.

(f) No sign shall be placed in such a manner as to reduce the unobstructed path of travel on any sidewalk or path to less than 36 inches, and if the existing unobstructed path of travel of a sidewalk is 36 inches or less, no sign shall be placed on that sidewalk.

(g) No sign shall be placed within a curb cut or ramp installed to provide improved access to a sidewalk to the disabled.

(C) Downtown lamp post banners. Additionally, signage will be allowed in the form of banners which fit city brackets on the city owned (Victorian style) lampposts in the downtown. These must meet historic design guidelines and approval must be received from the Heritage Preservation Commission. Approved banners will be placed by the city's Street Department.

PUD's: Potential amendments and additions in RED.

The City of Wabasha and the Wabasha Housing Group has asked that we review and discuss the PUD acreage standards to determine if a smaller residential acreage size should be established to allow smaller parcels to utilize the PUD flexibility process.

I have also reviewed this section of code and found that specific standards for the future care and maintenance of a largely PRIVATE development is lacking in guidance and oversight on issues like open space and parks, roads, utilities, sidewalks etc. which are not defined in the PUD review and approval process.

A development agreement will be in place for all public facility development, but the City needs to have some assurances that the maintenance of all private facilities will be managed as well. Some of the key issues that should be defined are:

- a homeowner association that holds either title in fee or a lease of prescribed length on the common area
 - lien supported assessment of the members to meet the association's budgeted operating costs
-

§ 162.071 PUD PLANNED UNIT DEVELOPMENT.

(A) Purpose. The purpose of a planned unit development is to provide procedures and standards intended to allow flexibility in development in order to further the public interest by encouraging:

- (1) Variety in type, design and placement of structures, open spaces and amenities;
- (2) Conservation of resources and more efficient use of land;
- (3) Sensitivity to unique and valuable natural, cultural and scenic characteristics;
- (4) Efficiency of infrastructure with the consolidation of areas for recreation and reductions in street lengths and other utility-related expenses;
- (5) Transfers of density with clustering based on number of units per acre instead of specific lot dimensions;
- (6) Integration of compatible mixed land uses including single and multi-family residential, low intensity commercial and institutional uses;
- (7) Creation of cohesive high amenity neighborhoods or districts in order to establish or preserve local identity or to allow infill within areas of the city which are characterized by existing development; and

(8) The implementation of the goals identified in the adopted City Comprehensive Plan.

(B) Scope.

(1) PUDs will be considered within any of the underlying zoning districts where indicated as permitted or conditional.

(2) The PUD Overlay Zone shall only be considered when the proposed project property meets the following minimum size standards:

GC	No minimum
HC and I	10 acres
R-1, R-2 Districts	~~5 acres~~ 2 acres



R-1 allows up to 4 units per acre.
R-2 allows up to 7 units per acre

Lake City – PUD language

Lot area. A PUD must include a minimum of five (5) acres for undeveloped land or two (2) acres for developed land within the approved development. Tracts of less than two (2) acres may be approved only if the applicant can demonstrate that a project of superior design can be achieved to meet one or more of the identified objectives listed in Section 155.192 (purpose), or that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process. The Planning Commission shall authorize submittal of a PUD for a tract of less than two acres prior to submittal of a general concept plan application.

(C) Allowed uses. Uses allowed in PUD Overlay Districts are specified in the underlying district permitted or conditional uses. If a conditional use is proposed within a PUD, no additional conditional use permit is required to be obtained, but additional conditions may be placed on the PUD. Specific uses and performance standards for each PUD shall be delineated in the pre-application meeting, concept, preliminary and final PUD and development agreement and those uses shall become permitted uses with the acceptance of the PUD and agreement. Any change of uses proposed after the preliminary PUD acceptance will be considered an amendment to the PUD and will require an additional preliminary PUD approval.

(D) Procedure for processing a planned unit development application. There are four stages to the PUD process: pre-application meeting; concept plan; preliminary PUD plan; and final PUD plan, as described below.

(1) Pre-application meeting. Before filing an application for a concept PUD, the developer shall arrange for and attend a pre-application meeting with the Planning Administrator or designee, City Engineer and other appropriate regulatory agencies to review applicable ordinances, regulations and plans in the area to be developed. At this time, the developer shall submit a concept plan of the proposed development showing the proposed density, lots, building layouts, uses, roadway and pedestrian layout, public and common open space and, if

available, the proposed connections to community facilities, surrounding neighborhood information, existing natural resources and topography of the site. The concept plan will be reviewed by city staff to provide an advisory review for conformity to the provision of Ch. 151 of this code of ordinances and this chapter without incurring major costs prior to the submission of a preliminary plan and/or plat.

(2) Concept plan. Following the pre-application meeting, the applicant will submit the concept plan to the Planning Administrator or designee to be placed on the next available Planning Commission meeting. The Commission will review the concept plan and make recommendations to the applicant.

(3) Preliminary PUD plan. Following the concept plan review by the Planning Commission, the applicant may submit an application for a preliminary PUD and plat approval concurrently (if applicable), with all supporting data and documentation as referenced in the application.

(a) The PUD application shall be filed with the Planning Administrator or designee on forms provided with any necessary exhibits, narrative and documents attached and in the quantity specified. A PUD application with all the required documentation for a complete submittal will be provided at or before the pre-application meeting to the owner and/or developer.

(b) The city may excuse an applicant from submitting any specific item of information or document required if they find it to be unnecessary.

(c) The city may require the submission of any additional information or documentation which they determine is necessary for the proposed PUD plan.

(4) PUD plan and preliminary plat consideration.

(a) After verification by the city's Planning Administrator or designee that the preliminary PUD plan and plat, and rezone, if applicable, and supporting data is complete, the Planning Commission shall hold a public hearing.

(b) After the public hearing, the Planning Commission shall report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description, description of the proposed project and rezone if applicable and be published in the official newspaper at least ten days prior to the hearing. Written notification of the hearing shall also be mailed at least ten days prior to owners of land within 350 feet of the boundaries of the property proposed for development.

(c) The city may request additional information from the applicant concerning any matters it deems appropriate or retain expert testimony at the expense of the applicant concerning such other matters.

(d) The City Council shall consider the requested PUD after the receipt of the report and recommendations from the Planning Commission within the time allotted by state statute. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The City Council may approve the

preliminary PUD plan and preliminary plat, and rezone, if applicable, and attach such conditions, as it deems reasonable or deny the application.

(e) City Council may return the PUD to the Planning Commission for further review.

(5) **Final PUD plan**. Following approval of the preliminary plan and/or plan, the applicant may submit an application for final PUD and plat approval concurrently (if applicable), with all supporting data and documentation as referenced in the application.

(a) The PUD application shall be filed in writing with the Planning Administrator or designee on forms provided with any necessary exhibits, narrative and documents attached and in the quantity specified. A final PUD application with all the required documentation for a complete submittal will be provided to the owner and/or developer.

(b) Following the preliminary PUD approval, the applicant shall within six months, submit the final PUD Plan for City Council approval. If the platting is occurring simultaneously, the applications can be reviewed at the same time.

(c) The final PUD will be approved if City Council finds that it is compliant with the approval of the preliminary plan.

(d) Rezoning: approval of the final plan shall be considered a formal approval attaching the 'floating' PUD Overlay District to the parcel/s proposed for the PUD. The city shall follow public notice procedures in the same manner as a rezoning.

(e) A draft development agreement for all public improvements

(f) A legal document assuring the creation of a homeowner association or other legally binding document that holds either title in fee or a lease of prescribed length on the common areas and proof of a lien supported assessment of the members to meet the association's budgeted operating costs and maintenance of all private utilities, common areas, and all other private infrastructure.

(E) PUD order certificate of compliance.

(1) Upon completion of all conditions and requirements of the PUD imposed by Planning Commission and City Council, and consistent with state and federal law and city code and with the other standards and requirements herein contained, an order authorizing development and use in accordance with the final approved PUD shall be issued by the Planning Administrator or designee. The PUD order shall incorporate the final PUD plan and shall specify in writing the final conditions of approval.

(2) All of the provisions of this chapter applicable to the zone district or overlay districts within which the PUD is located shall apply, except as otherwise provided in the PUD order.

(3) Upon approval by City Council, the applicant will record the final PUD plan, plat and district regulations, if applicable, with the County Recorder and provide a certified copy to the city.

(F) PUD performance standard guidelines.

(1) Height. The maximum height of buildings in PUDs shall not exceed 35 feet in height unless the City Council determines that a taller structure will not create an adverse impact on the surrounding area. Under no circumstances may a structure permitted as part of a PUD exceed 50 feet in height. In order to assist in this decision, the city will require the following from the project applicant:

- (a) A detailed explanation as to the reason for the desired increase in height;
- (b) A detailed explanation of how the increased height will not create an adverse visual impact; and
- (c) Drawings or other visual renderings that show what the proposed development will look like may be requested by the city.

(2) Open space requirements.

(a) At least 50% of the total project area must be preserved as open space, with at least 25% as common open space.

(b) Road rights-of-way, land covered by road surfaces, parking areas and all structures are considered developed areas and shall not be included in the computation of minimum open space.

(c) Open space may include improved outdoor recreational facilities for use by owners, guests of the dwelling units, occupants of transient units or the public.

(d) PUDs in a Shoreland Zone must contain open space meeting all of the following criteria.

1. Dwelling units or sites, road rights-of-way or land covered by road surfaces, parking areas or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.

2. Areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries must be preserved in the open space.

3. Open space may contain water-oriented accessory structures or facilities if they meet or exceed design standards of shoreland standards in § 162.072 of this chapter and are centralized.

4. The shore impact zone, based on normal structure setbacks, must be preserved as open space. For residential PUDs, at least 50% of the shore impact zone area of existing developments or at least 70% of the area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least 50% of the shore impact zone must be preserved in its natural state.

(3) Erosion control and storm water management plans.

(a) Plans must be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips or other appropriate techniques must be used to minimize erosion impacts on surface water features or storm water systems. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

(b) PUDs must be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff.

(4) PUDs within shoreland.

(a) Impervious surface coverage within any tier must not exceed 25% of the tier area; except that, for commercial PUDs, 35% impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan and consistency herewith.

(b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the dimensional standards for the relevant shoreland classification including: setback from the ordinary high water level, elevation above the surface water features and maximum height.

(c) Shore recreation facilities, including, but not limited to, swimming areas, docks and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to ground water and bedrock or other relevant factors. The number of spaces provided for continuous beaching, mooring or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

(d) Structures, parking areas and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means, assuming summer, leaf on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

(e) Accessory structures and facilities, except water-oriented accessory structures, must meet the required principal structure setback and must be centralized.

(f) PUDs must be connected to publicly-owned water supply and sewer systems.

(G) City costs. Any costs directly related to a PUD including, but not limited to, professional fees and expenses incurred by the city for consultants, including, but not limited to, planners, engineers, architects and attorneys, who the city determines in its sole judgment are necessary

to assist the city in reviewing, implementing or enforcing the provisions of this chapter, shall be reimbursed to the city by the applicant from a deposit made by the applicant with the city. The amount of the deposit, or any addition thereto required by the city, shall be established by the City Council, which shall thereafter, from time to time, make an accounting thereof to the applicant. The city and the applicant may agree to share the costs of consultants based upon a specific written agreement.

(H) Revisions or changes.

(1) Changes to a final PUD (map or text) will follow the same process as a new PUD application. New conditions may be imposed based on criteria and conditions in place at the time of the application.

(2) Applications for a minor change shall be submitted to the Planning Administrator or designee and will be reviewed by staff and placed on the next available Planning Commission for their review. If determined that the requested change is “minor”, the changes can be approved administratively. The applicant will record all documents with the County Recorder and provide a copy to the city.

(3) If a plan or section is given final approval and, thereafter, the land owner shall abandon the plan that has been approved or if the land owners shall fail to commence the PUD within 18 months after final approval has been granted, the approval shall terminate unless a time period is extended by the Planning Commission upon written application from the land owner. The PUD Zoning District created shall revert back to the zoning classification that applied prior to approval of the PUD District.

(I) Phasing and guarantee of performance.

(1) The Planning Commission shall compare the actual development accomplished with a PUD order on a periodic basis.

(2) Upon recommendation of the Planning Commission and for good cause shown by the developer, the City Council may change the development schedule as required by the PUD order.

(3) The construction and provision of all of the common open space and public and recreational facilities which are shown on the final PUD plan must proceed at least at the same (but not slower than) rate as the construction of dwelling units, transient units or other useable buildings in the PUD, if any. The Planning Department shall review all of the building permits issued for the PUD and examine the construction that has taken place on the site. If the City Planner finds that the rate of construction of dwelling units, transient units or other useable buildings in the PUD is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he or she may forward this information to the City Council with a recommendation for action.

(4) A development agreement shall be entered into by the developer to ensure completion of the PUD in a timely manner and that provides for security for the performance

of the developer's obligation under the final PUD plan and PUD order including a performance bond or letter of credit.

(J) Control of planned unit development following completion.

(1) After a PUD order has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the PUD shall be governed by the PUD order, the development agreement and applicable building and fire codes. After a PUD order has been issued, no changes shall be made in the approved final PUD plan, except as provided in this chapter or as provided below.

(a) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final PUD plan and PUD order. No change authorized by this chapter may increase the square cubic volume of any building or structure by more than 10%.

(b) Any building or structure that is totally or substantially destroyed by fire or other casualty may be reconstructed only in compliance with final PUD plan unless an amendment to the final PUD plan and PUD order is approved under the provisions of this chapter.

(c) Changes in the use of the common open space may be authorized only by an amendment to the final PUD plan and PUD order under this chapter.

(d) Any other changes in the final PUD plan and PUD order must be authorized by an amendment pursuant to this chapter.

(2) Deed restrictions, covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

(a) Commercial uses not approved during the PUD process are prohibited in the designated open spaces;

(b) Vegetation and topographic alterations other than routine maintenance is prohibited;

(c) Construction of additional buildings or storage of vehicles and other materials prohibited; and

(d) Uncontrolled beaching of watercraft prohibited.

(Prior Code, § 305.06) (Ord. passed 12-18-2007; Ord. passed 7-2-2018)

Frontage Definition: Potential Amended Definition New text in RED.

FRONTAGE. The smallest dimension of a lot, parcel or plot of land abutting an accessible public street measured along the street line.

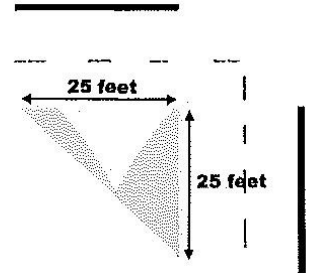
Wabasha Sign Code:

§ 153.24 Measurements and Locations.

(C) **Sight visibility triangle.**

(1) No sign taller than 42 inches or with less clearance than eight feet tall may be placed in the sight triangle of any street or driveway intersection.

(2) The site triangle is measured from the corner of pavement where two streets meet, back 25 feet to from the triangle.



Defined in Sign Section:

SIGHT VISIBILITY TRIANGLE. The area of visibility required on a corner to allow for the safe operation of vehicles, trains, pedestrians and cyclists in the proximity of intersecting streets, rail lines, sidewalks and bicycle paths.

§ 162.092 Minor Structures, Fences and Walls.

Any small (under 200- 120 square feet), movable accessory construction such as birdhouses, tool houses, play equipment, arbors, as well as walls and fences shall meet the following standards or as amended by the state's Building Code:

- (A) Be contained wholly within the property to which it belongs and set back from property lines sufficiently to allow for accessibility and maintenance;
- (B) No fence shall be allowed to be constructed or maintained which will obstruct road intersection sight lines or which will create a hazardous situation for the public;
- (C) All fences located within the required front or corner lot street side yard (or setback) shall be:
 - (1) No more than four feet in height; or
 - (2) Meet the definition of an "open fence".
- (D) All fences over seven feet in height shall require a building permit (or as amended in the state's Building Code); and
- (E) All retaining walls over four feet in height shall require a building permit (or as amended in the state's Building Code).

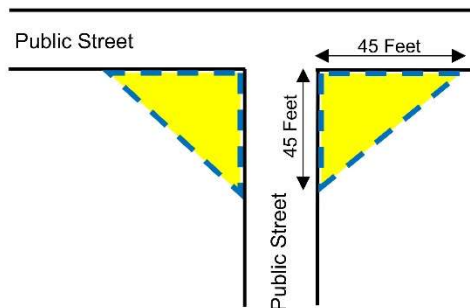
§ 162.013 DEFINITIONS. (Recommended Addition to Zoning Ordinance)

SIGHT VISIBILITY TRIANGLE. A triangular shaped area of land abutting public or private streets that are required to be kept free of obstructions that could impede the vision of a pedestrian or the driver of a motor vehicle exiting or entering onto a public or private road.

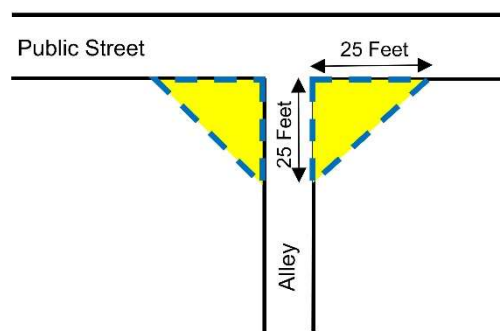
§ 162.015 BUILDING SIGHT VISIBILITY.

- (1) On all corner lots at street and alley intersections there shall be no fence, landscape wall, hedge, or building constructed higher than three feet, nor any obstruction to vision other than a post or column, approved sign, or tree not exceeding one (1) foot in diameter between a height of three (3) feet and eight (8) feet inside the sight visibility triangle area.
- (2) The sight visibility triangle is measured from the corner of pavement where two public or private streets meet.
- (3) A 45-foot sight visibility triangle is required at the intersection of all public streets.
- (4) A 25-foot sight visibility triangle is required between all alleys and public streets.
- (5) Sight visibility triangles are required in all zoning districts except TDC.

Public Street SVT Graphic



Public Street/ALLEY SVT Graphic

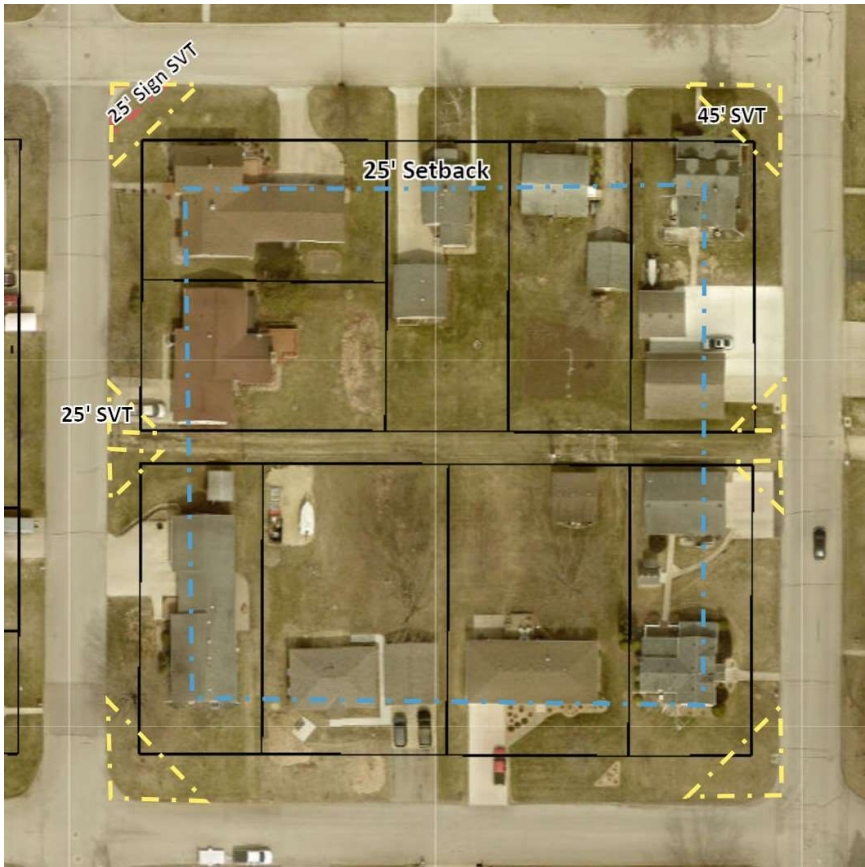


Examples below:

Setback and Sight Visibility Triangle (SVT) Examples



25-foot front and side yard (north downtown area)



25-foot front and side yard setbacks with 45-foot and 25-foot SVT's (north downtown area)



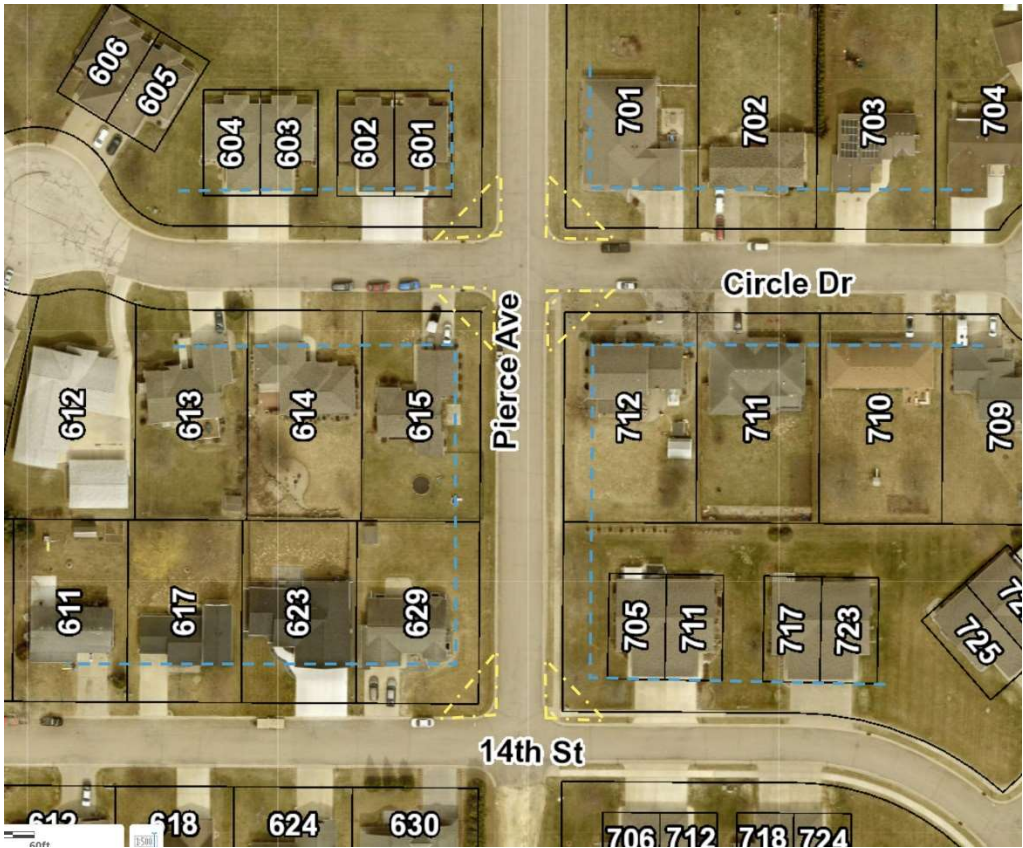
25-foot front and side yard non-conforming structures highlighted



25-foot front yard and 15' side yards with 45-foot SVT and 25-foot SVT

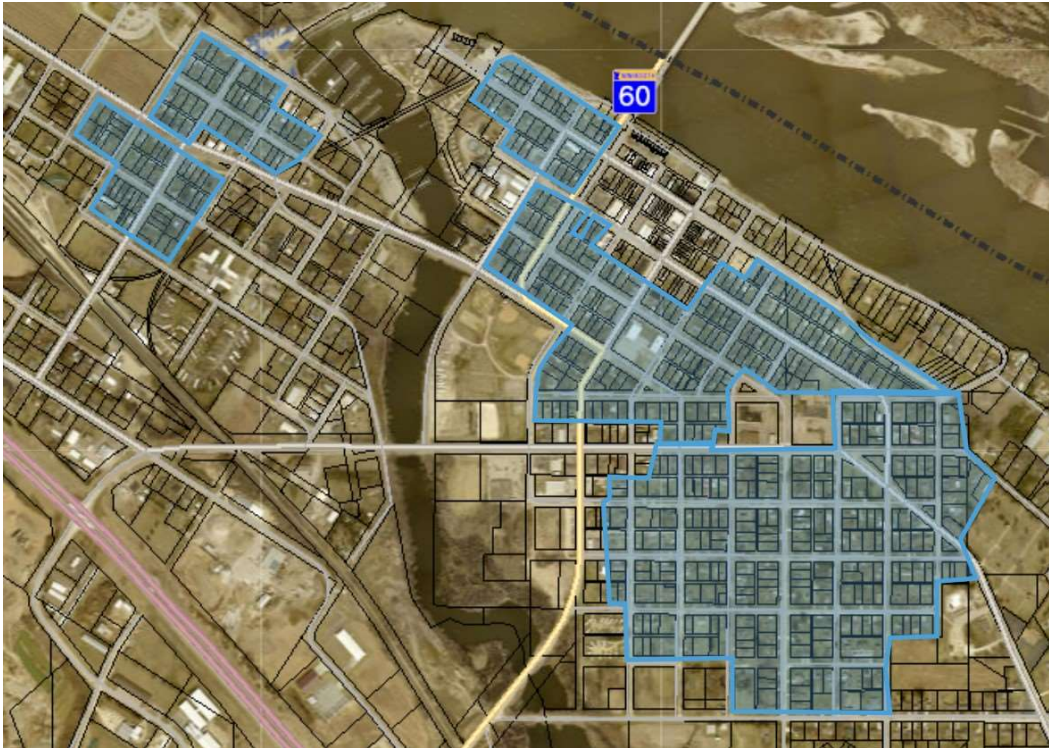


25-foot front yard and 15-foot side yards with non-conforming structures highlighted

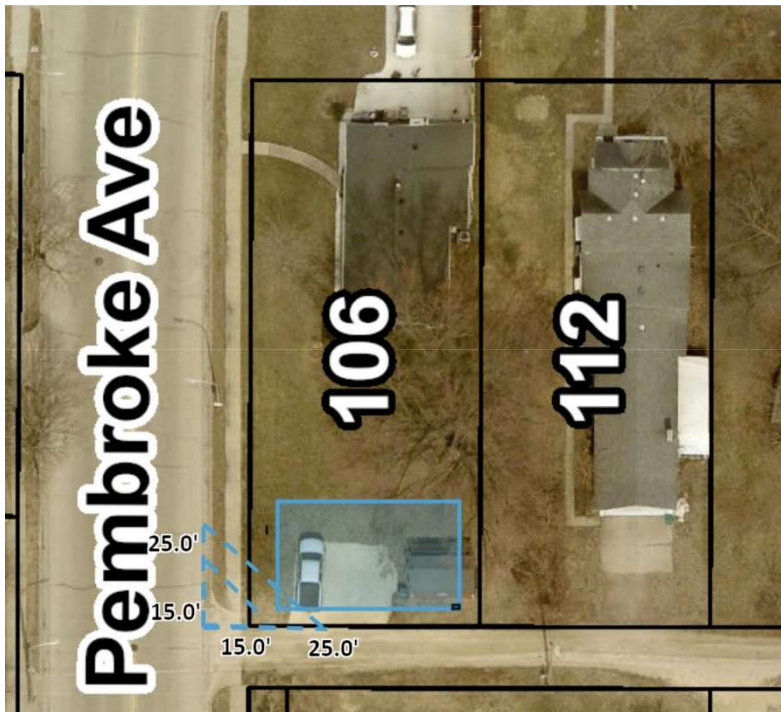


25-foot front yard setbacks with 15-foot side yard setbacks and 45' SVT in the newer subdivision

All structures are in conformance.



R-2 Zoning District that would leave many non-conforming structures if additional setbacks were approved.

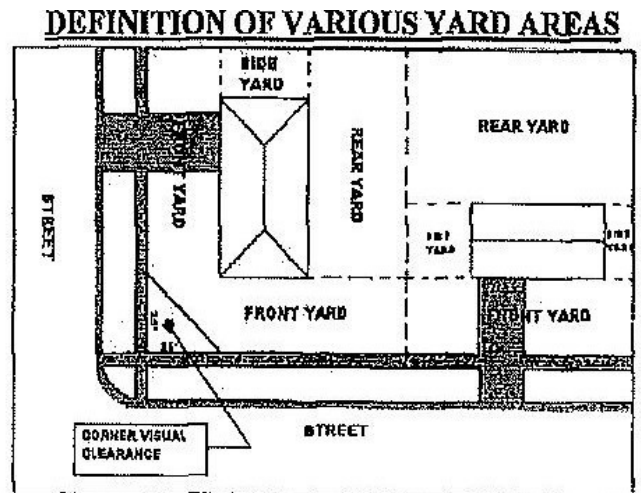


Current approved project with a 25-foot SVT in City Code (alley to street setback)

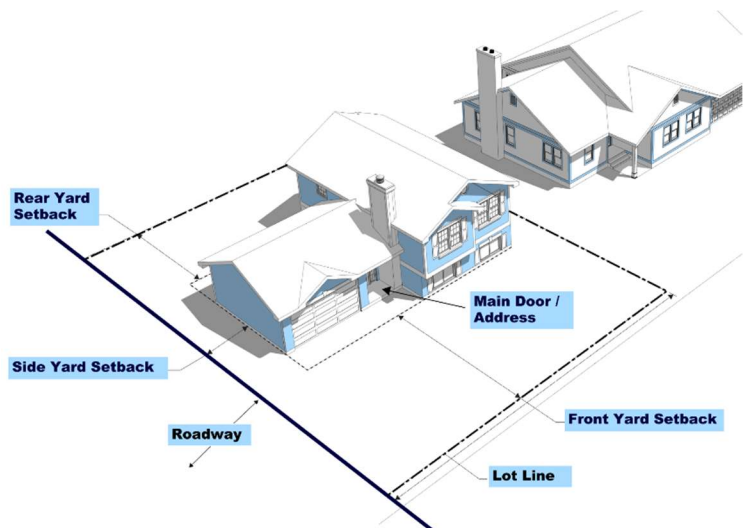
Existing /Proposed Yard definitions and graphics: New text in **RED**.

YARD or **YARDS**. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Existing Graphic



Proposed Graphic

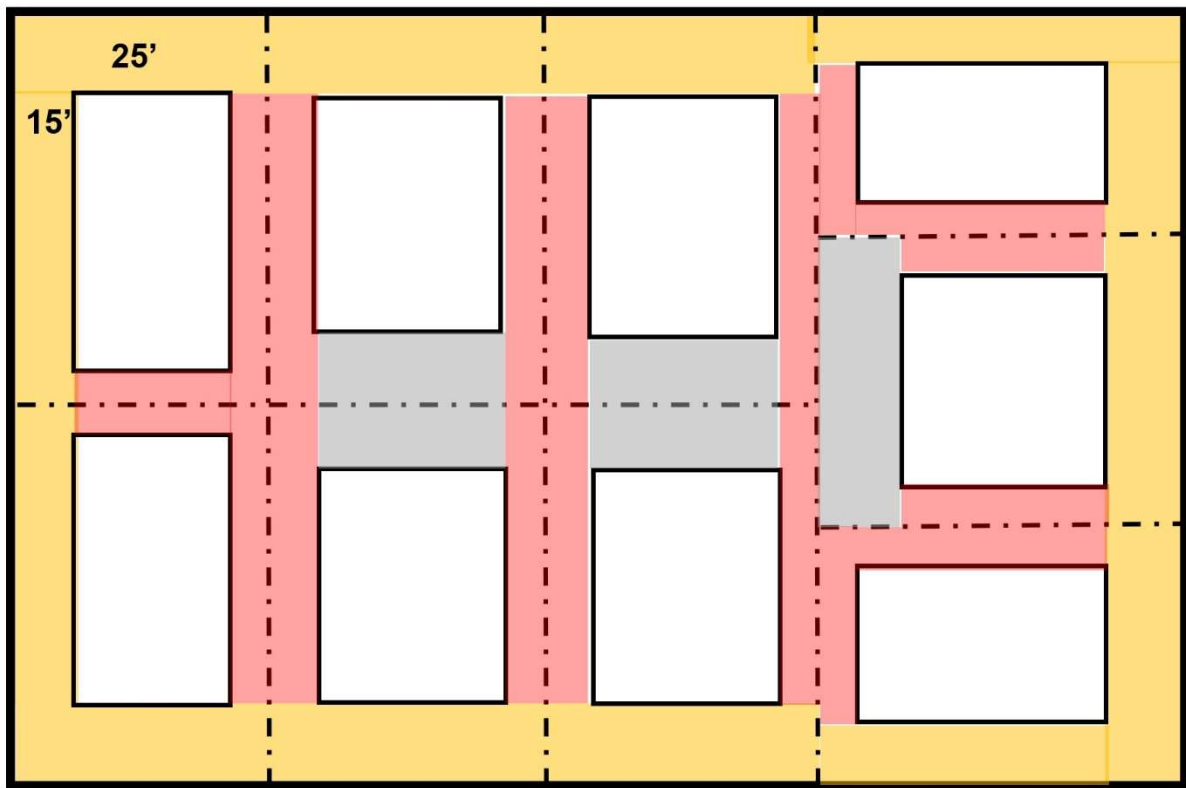


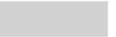
YARD, CORNER LOT: A front yard of the required depth shall be provided in accordance with the prevailing yard pattern and the second front yard cannot build closer than existing structures within the block or 15 feet whichever is less.

YARD, FRONT. A yard extending the full width of the lot between the front lot line and the nearest part of the main building **which abuts a public street or private driveway**.

YARD, REAR. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the main building.

YARD, SIDE. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and side lot line. **In corner yard lots, yards remaining after two front yards shall be considered side yards.**



-  Front Yard
-  Side Yard
-  Rear Yard

Proposed Changes to Solar Garden/Farms – Section 162.106: (New text in Red)

§ 162.106 SOLAR STRUCTURES AND SOLAR GARDENS/FARMS.

(A) Solar structures.

1. Solar structures must be placed at a same elevation to each other in the same row. A topographic exhibit showing the proposed solar array heights must be submitted for review. Additional section exhibits may be required to determine appropriate solar array heights adjacent to existing structures or properties.

Existing /Proposed Off-Street Parking: New text in RED

§ 162.108 OFF-STREET PARKING REQUIREMENTS.

- (A) Adequate ingress to the parking lot shall be provided and all parking spaces shall be provided adequate access by means of maneuvering lanes. Provision of adequate ingress and egress shall receive review and the approval of the City Engineer or other officials as may be desired by the City Council.
- (B) Parking spaces shall be a minimum of nine (9) by seventeen (17) feet in size for spaces arranged in a perpendicular lot layout or approved by the City Engineer for other layouts.
- (C) The following table of parking requirements for various uses shall be applied to all new and expanded developments with the exception of those located in the TDC Zone. (See § 162.067 of this chapter for TDC parking requirements). Allocation of the parking areas should be indicated on the plans required for obtaining required permits. Off-street parking shall be either on the same lot or within 300 feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot.
 - **Parking Table Required by Use NOT INCLUDED.**
- (D) The following standards shall apply in the calculation of spaces required for off-street parking (in all districts).
 - (1) When calculation of the number of required off-street parking spaces results in a fraction, the fraction shall be rounded up to the next highest number.
 - (2) When the number of off-street parking spaces is based on the maximum number of persons or patrons, this shall be defined by Building or Fire Code requirements.
 - (3) When the number of off-street parking spaces is based on the number of employees, this shall be defined by the number of employees at the facility during the largest shift regardless of full-time status.
 - (4) In cases where future potential uses of a building or development site will generate additional parking demand, the city may require a proof of parking plan for the difference between minimum parking requirements and the anticipated future demand.
 - (5) The Planning Commission may consider reducing the number of spaces required for passenger vehicles owned by the business if evidence is provided that adequate storage is being provided off-site.
- (E) The parking requirement for uses not listed in this section may be established by the city based on the characteristics of the use and available information on parking demand for such use.

- (F) The Planning Commission shall consider varying the amount, location and design requirements for parking in PUDs if a finding is made that changing standards provides adequate parking for the proposed development and better meets the goals of § 162.071 of this chapter.
- (G) Parking lots with more than **5 parking stalls** shall be graded, drained, and have a dust free surface.
- (H) There shall be no off-street parking space within **five feet of any street right-of-way** or residentially zoned lot.
- (I) Required off-street parking space in any district shall not be utilized for the open storage of goods or for the storage of vehicles which are inoperable or for sale or rent.
- (J) When a required off-street parking space for five cars or more is located adjacent to a residentially zoned lot, a screened solid fence or 10-foot landscape buffer approved by the zoning administrator shall be erected along the residential district property line.