



# **LINWOOD TOWNSHIP**

ANOKA COUNTY

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## **Public Hearing Minutes**

### **Code of Ordinance**

**March 19, 2024**

**Commission members present:** Joe Dolphy, Jim Garrison, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Pilla, Tom Searing

**Commission members absent:** none

**Town Board members present:** Carol Searing

**Staff & Consultants present:** Emily Herold – MSA, Pam Matti – Deputy Clerk

**Residents present:** Tom Murphy, Ken Kohel, Brian Milne, Christine Wilson, Todd Wilson, Michelle Brown, Carrie & Andy Luedtke, Dan Lillemo, Andy Dahlstrom, John Genser, Rubin Brown, Dustin, Susan Bautch, Brian Langlois, Sandy Lathrop, Ben Garbacz, Jonn Olson

### **Public Hearing opened at 7:02 PM**

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday March 19, 2024 at 7:00 PM at Linwood Township Town Hall, regarding the following matter:

### **Code of Ordinance Amendments**

To consider amendments to Linwood Township's Code of Ordinances, including sections from Chapter 2 (Administration), Chapter 6 (Buildings and Building Regulations), Chapter 22 (Subdivisions and Other Land Divisions), and Chapter 30 (Zoning).

As such both written and oral comments will be heard at the Planning Commission meeting. A copy of the proposed amendments is available at the Town Hall during regular hours for the public's review.

Emily H. read the following proposed amendments to the code of ordinance. Any text **underlined and bolded** is to be replaced/added into the ordinance. Any text with ~~striketrough~~ is proposed to be removed.

1. Section 30-678 (Restrictions on bathrooms, kitchens, etc.)  
Accessory buildings are allowed to have a **bathroom and/or kitchen but no permanent living provisions such as beds and strong indicators of long-term inhabitation.**
2. Section 30-304 (Alterations to structures)  
Alterations may be made to a structure containing nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units **and conform to the following regulations.**
  - a) **The nonconformity is due solely to setbacks.**
  - b) **The addition is not within the shore impact zone.**
  - c) **The addition will not encroach further into any setback.**
  - d) **The size of the addition shall not exceed 50% of the size of the existing primary structure.**
  - e) **The height of the addition shall not exceed the height of the existing structure.**
  - f) **Beyond minor alterations needed to accommodate the addition, no structural modifications shall be made to the original structure.**
  - g) **No permits shall be granted under this provision for homes in which a previous variance has been approved.**
  - h) **The proposed addition must comply with all other provisions in this chapter.**
3. References to refunding unused escrow  
Section 2-279 (Deposit to escrow)  
When a land use application has been submitted, the applicant and/or property owner shall deposit funds in an escrow account with the town from time to time an amount determined by the zoning administrator to be necessary to cover such costs prior to commencement of the review stage of the application. The applicant shall reimburse the escrow account for any deficits caused if the amount actually expended or billed to the town by the consultants exceeds the fund balance. The town shall refund any amount deposited in the escrow account not expended **when all financial obligations to the town have been satisfied.** The town shall not pay interest on such escrow fund deposits.  
  
Section 22-60 (Filing fee)  
A cash filing fee as provided in section 2-249 for each lot shall be paid at the time the preliminary plat is submitted to cover town expenses incurred in processing, reviewing and approving or disapproving the proposed plat; the subdivider shall be responsible for

all town expenses in excess of those covered by the initial filing fee, and such excess expenses shall be estimated and placed in escrow with the town. Any balance after final plat approval shall be refunded to the subdivider **when all financial obligations to the town have been satisfied.**

Section 30-266 (When due and payable; deposits)

Fees shall be payable at the time applications are filed with the clerk and are not refundable unless application is withdrawn prior to referral to the planning and zoning commission. A deposit to cover potential extra staff or consulting time and materials may be established and required by the town board. Any portion of the deposit not spent for the uses mentioned in this section shall be refunded to the applicant **when all financial obligations to the town have been satisfied.**

4. Section 6-176 (Lots)

All lots or tracts of land upon which structures are hereafter erected for dwelling purposes shall:

(1) In the case of lots or tracts on roads designated by the county highway department as prospective county roads or highways, have a front yard setback of at least **40 feet** or such lesser distance as set by the town board after petition and public hearing as provided herein.

(2) Abut on a public road.

5. Sign Ordinances

Section 30-1296 (~~General~~ **Business district**)

a) ~~Within a limited or neighborhood business district,~~ The aggregate square footage of sign space per lot shall not exceed one square foot per front foot of the building but in no case shall exceed a maximum of 50 square feet and shall not be higher than 12 feet.

b) ~~Within a shopping center or other business district, the aggregate square footage of sign space per lot shall not exceed the sum of 100 square feet.~~

c) Advertising signs, defined as signs which direct attention to a business, service or entertainment not exclusively related to the premises where such sign is located, shall not exceed 300 square feet, shall not be higher than 45 feet and shall not exceed the sum of five square feet per front foot of the lot.

d) No sign and no sign support structure shall be closer than 20 feet from any side or rear property line and no closer than 15 feet from any public right-of-way, and no sign shall obstruct in any way a driver's vision of the road or hinder or obstruct any pedestrian path.

Section 30-1297 (**Industrial district**)

a) ~~Within any industrial district,~~ The aggregate square footage of sign space per lot shall not exceed four square feet per front foot of the building but in no case shall exceed a maximum of 32 square feet in size, except advertising signs, which, on industrial property, shall not exceed 32 square feet of sign surface and shall not exceed the sum of five square feet per front foot of the lot.

~~b) Within any industrial district,~~ No sign shall exceed a height of 30 feet above the highest outside wall of a principal building, if it is a roof sign or attached to the building; and no ground sign shall exceed a height of 40 feet above the average grade of lot; nor shall any sign or sign support structure be located closer than 20 feet from any lot line or closer than 15 feet from any public right-of-way, and no sign shall obstruct in any way a driver's vision of the road or hinder or obstruct any pedestrian path.

### **Public Comments**

Dan L. questioned outbuildings having kitchen and bathrooms, but no sleeping. The question was asked, what is the purpose of that specific change? Joe D. explained there were problems with people living in the backroom of a pole building. And there was a need for a better definition in the ordinance. The question was asked, what would be the problem with someone living in an outbuilding? Tom P. said from a fire department prospective, the fire department doesn't expect to be rescuing a person in an outbuilding fire situation. Brian L. asked, how do you define evidence of long-term habitation? Joe D. commented that it is going to be up to the enforcements staff to determine what looks like long-term habitation when they get on-site. Enforcement happens following the receipt of a complaint coming to the office. Carol S. commented, we do not allow people to live in accessory buildings, due to the way they are built. Brian L. thanked the commission for working on this.

**Motion** by Nancy Matson, seconded Tom Searing, to close the Public Hearing. All ayes, motion carried.

Meeting adjourned at 7:23 pm.

Respectfully submitted by Pam Matti, Deputy Clerk

Minutes Approved: April 16, 2024

Chairman: \_\_\_\_\_  
Joe Dolphy