

PLANNING & ZONING COMMISSION MEETING
TUESDAY SEPTEMBER 6, 2022
6:00 PM CITY HALL COUNCIL CHAMBERS
680 BYRON MAIN COURT NE, BYRON MN 55920

*To Provide Valued Public Service and Guide the City with Innovative
Thinking Toward Smart Growth.*

- 1) CALL TO ORDER
- 2) APPROVE AGENDA
- 3) APPROVE CONSENT AGENDA
 - 3.a [Approve P&Z Minutes - August 2, 2022](#)
- 4) COMMUNICATIONS, REPORTS AND PETITION
 - 4.a [Byron Community Newsletter - July & August; FYI](#)
 - 4.b [City Council Minutes - July 2022; FYI](#)
 - 4.c [Park Board Minutes - July 2022; FYI](#)
 - 4.d [BEDA Minutes - April 2022; FYI](#)
 - 4.e [P&Z Budget - August 2022; FYI](#)
- 5) PUBLIC HEARING - *None*
- 6) GENERAL BUSINESS - *None*
- 7) UNFINISHED BUSINESS
 - 7.a [Byron Comprehensive Plan](#)
- 8) NEW BUSINESS
 - 8.a [Resolution 22-10 P&Z - Variance request for 986 8th Avenue NW - Fence](#)
 - 8.b [Resolution 22-11 P&Z - Variance request for 986 8th Avenue NW - Pool Pump](#)
- 9) PUBLIC COMMENTS
- 10) ADJOURN



**CITY OF BYRON,
MINNESOTA**

DATE: September 6, 2022

Originating Dept: Administration

Introduction: Approve P&Z Minutes - August 2, 2022

Request for Action:

Background /Justification:

Fiscal Impact:

Staff Recommendation:

Preparer: Kelli Cheney

ATTACHMENTS:
[P&Z Minutes 8.2.22.pdf](#)

BYRON PLANNING BOARD MEETING
TUESDAY, AUGUST 2, 2022
6:00 PM CITY HALL COUNCIL CHAMBERS
680 BYRON MAIN COURT NE, BYRON MN 55920
*To Provide Valued Public Service and Guide the City with Innovative
Thinking Toward Smart Growth.*

- 1) **CALL TO ORDER** - Chair Frank called the meeting to order at 6:00pm on Tuesday, August 2, 2022.
Members Present: Brian Frank, Duane Quam, Tim Chesterman
Also Present: Interim City Administrator Janna Monosmith
- 2) **APPROVE AGENDA** - Motion made by Member Chesterman, seconded by Member Quam to approve the agenda. Motion carried unanimously.
- 3) **APPROVE CONSENT AGENDA**
 - 3.a. **Approve P&Z Minutes - May 3, 2022** - Motion made by Member Quam, seconded by Member Chesterman to approve the minutes as written. Motion carried unanimously.
- 4) **COMMUNICATIONS, REPORTS AND PETITION**
 - 4.a. Byron Community Newsletter - May & June
 - 4.b. Council Minutes - April, May & June 2022
 - 4.c. Park Board Minutes - March & May 2022
 - 4.d. P&Z Budget - May, June & July
- 5) **PUBLIC HEARING - None**
- 6) **GENERAL BUSINESS - None**
- 7) **UNFINISHED BUSINESS - None**
- 8) **NEW BUSINESS**
 - 8.a. **Resolution 22-09 P&Z - Easement Vacation for 1887 2nd Ave NW** - Monosmith explained that the school is looking to do an addition at the high school with the recent referendum that was passed. The addition will be going over existing utility easements. The only thing that is believed to be in the easement is city water. Staff has reached out to all the utility companies to verify Motion made by Member Quam, seconded by Member Chesterman to recommend to City Council for approval of the easement vacation contingent on no other utilities being located in the easement. Motion carried unanimously.
 - 8.b. **Comprehensive Plan Update** - Monosmith asked the board to review the comprehensive plan and make recommendations for any changes or comments they see by August 5th. Frank asked Monosmith to explain the greenways. Monosmith provided an explanation.
 - 8.c. **Interim Ordinance Update** - Monosmith provided an update on the discussion that was held at the Council workshop and discussed the priority list.
 - 8.d. **Member Resignation** - Motion made by Member Quam, second by Member Chesterman to recommend to City Council for approval of the member resignation . Motion carried unanimously.
- 9) **PUBLIC COMMENTS** - Chair Frank called for public comments three times.
- 10) **ADJOURN** - Motion made by Member Chesterman, seconded by Member Quam to adjourn the meeting at 6:32pm. Motion carried unanimously.



**CITY OF BYRON,
MINNESOTA**

DATE: September 6, 2022

Originating Dept: Administration

Introduction: Byron Community Newsletter - July & August; FYI

Request for Action:

Background /Justification:

Fiscal Impact:

Staff Recommendation:

Preparer: Kelli Cheney

ATTACHMENTS:
[July Community Newsletter 2022.pdf](#)
[August Community Newsletter 2022.pdf](#)

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BYRON COMMUNITY NEWS

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Volume 4 | Issue 7 | July 2022



Al Roder has accepted the position of city administrator for Byron. At their meeting July 12, Byron city council members voted unanimously to offer him the position. Al was the candidate unanimously chosen by a search committee that interviewed 13 candidates. Byron's former administrator, Mary Blair-Hoeft, left the city to become the Director of Property Records and Licensing for Olmsted County. She had served as the Byron city administrator since 2009. Al will begin his duties in a few weeks and a complete biography will be published then. *Submitted Photo*



O'Reilly Auto Parts and Road Machinery and Supplies Co. are two businesses building new facilities in Byron this summer. The O'Reilly building will be between Subway and Dollar General on Frontage Road. The Road Machinery and Supplies Co. building will be on the south side of Highway 14 east of County Road 5 on 10 acres the company is purchasing from the city. The land was part of the property that held the former Links of Byron mini golf course. More details about the businesses will be forthcoming.

Culligan Ultrapure facility opened

■ Story & Photo by Gretta Becay



The new 12,000 square-foot Culligan Ultrapure facility at 993 Frontage Road NW opened in July. The building accommodates 17 staff members from the Kasson and Rochester Culligan sites. Pure water is available 24/7/365 through a vending set up on the building. Customers will soon be able to purchase 'Lake and Loon' coffee - a special sustainable blend - from the company.

Two years ago, officials at the Culligan Ultrapure headquarters in Owatonna decided to combine the Kasson and Rochester offices into a new building in a more central location. After some research, the management team chose Byron as the ideal location for the new building and, as Director of Sales & Marketing Scott Schiesser explained, "The city of Byron was phenomenal in helping us get the project going."

The new state-of-the-art building will contain the operations and staff from both the former Kasson and Rochester Culligan Ultrapure sites. Scott said personnel from both locations are looking forward to the move.

Culligan Ultrapure is family owned and has 24 branches in 9 states. It is the third largest Culligan franchise in North America. The company provides water softeners, drinking water systems, ultraviolet water treatment and whole home filters all of which help solve water problems for homes and businesses. This Culligan franchise services many of the largest businesses in the region.

The company is branching out and will soon begin offering ground coffee for sale. "After all," said Scott, "What's better than a cup of coffee brewed with pure fresh water?" The brand is called Lake and Loon Coffee and is from an eco-friendly roaster in the Twin Cities. That company has committed funds to reforestation in South America for every pound of coffee they roast.

The company will also soon be offering

text notifications of route deliveries to its thousands of customers.

Scott explained that the franchise was started in 1962 in Waseca by Gene and Kate Driessen. Kate was the daughter of Emmet Culligan; the founder of Culligan, Inc. The General Manager of this franchise is Kevin Krippner, Gene and Kate's grandson.

The company's mission is, "To enhance the lives of everyone we serve," said Scott.



Olmsted County Sheriff's Deputy Adam Hennen and Byron Mayor Daryl Glassmaker stand near the Night to Unite banner (also known as National Night Out across the United States) at Byron City Hall July 20. The celebration is a statewide event that builds community bonds amongst citizens, businesses, and public safety organizations, including the Olmsted County Sheriff's Office. This annual celebration is on the first Tuesday in August and gathers neighborhoods and public safety personnel together for an evening to promote safe communities. Register your party online at RochOlmstedUnite.com. You can apply for neighborhood sponsorships with the Sheriff's Office's Night to Unite partner Custom Alarm at Custom-Alarm.com. For questions call 507-328-6777 *Submitted Photo*



The parade route for the 2022 Good Neighbor Days' parade was completely filled with spectators who cheered for the participants and children who scrambled excitedly for treats thrown from the entries. Members of the Byron American Legion, Sumner R. Hair Post 119 led the parade with the American flag and the Legion's flag. *Photo by Gretta Becay*

AUGUST 9 is both a special election day and a primary election day in Olmsted County.



The special election is to choose a replacement for District 1 Congressional Representative Jim Hagedorn, who died in February. The primary election is to choose which candidates will be on the November 8 general election ballot. The offices open for election on the primary ballot are: Governor, Lieutenant Governor, Attorney General, and Secretary of State.

Also on the primary ballot, Byron voters may choose between three nonpartisan candidates for Olmsted County Commissioner, District 5.

To view your ballot visit: www.mnvotes.org



Shiny chrome, rumbling engines, sunshine, and lots of spectators made a perfect mid-summer car show on July 17 during the Good Neighbor Days celebration. *Photo by Gretta Becay*



The weather was perfect for the Family Fun Day at the Byron Community Recreation Center on July 18 during Byron's annual summer festival, Good Neighbor Days. A band of dedicated volunteers have made this event more successful every year. *Photo by Gretta Becay*



Marker signs for each hole at the mini golf course across Highway 14 from the west Kwik Trip were made by Byron middle school students during this school year. Public Works Superintendent Tom Ricke and Lead Parks Jeremy Kaup picked up the posts and signs on the last day of school from the Industrial Technology classroom. The men explained that the signs will be installed when renovation of the mini golf course nears completion at the end of October.

The partnership to work on the mini golf course between the school and the city was highly valued by both entities as the students gained hands-on experience and the city got help with the big job of renovating the course. Students in two other classes were also part of the project. Some students designed the signs, and some students prepared a documentary of the work. To view the video, visit www.facebook.com/watch/?v=496236365571992

COMMUNITY BLOOD DRIVE



City of Byron - Byron City Office

APPOINTMENT REQUIRED

August 24th from 8 AM - 3 PM
680 Byron Main Ct NE, Byron, MN

CALL 507-284-4475 TO SCHEDULE A DONATION APPOINTMENT

Want to run for city office?

The city of Byron will have two Council seats available for the November election. The two-week filing period opens at 8 a.m. Aug. 2 and ends at 5 p.m. Aug. 16. There is a \$2 fee per candidate. To get the form, visit Byron City Hall or click on our website at:

www.byronmn.com

Call the Byron City Hall at 775-3400 to have the latest edition of the Byron Community News sent to your inbox OR pick up a copy at City Hall.

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BYRON COMMUNITY NEWS

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Bears Den going strong

■ Story & Photo by Gretta Becay

The Bears Den Sports Bar and Eatery is the perfect example of a business that supports its local community. When you enter the building, you are surrounded by sports memorabilia and pictures from local teams and if a fundraiser is needed for a local cause, the Bear's Den is first in line to donate. The business opened 18 years ago and is a locals' favorite place for delicious food and drinks seven days a week. The clean, comfortable dining area has many TV screens to watch, or you can visit with family and friends until

your delicious food and drinks arrive. The establishment was opened in 2004 by Joe Cartney. In 2011 he and Isaac Raaen became partners in the enterprise. Isaac bought Joe out completely in 2021.

The menu has its standard favorites and new dishes are introduced on a rotating basis. The food is delicious, service is fast and friendly, and prices are very reasonable. The restaurant made it through Covid by offering takeout and its loyal customers kept it going.

Isaac said, "We cannot express how

supportive the community was during this time with to-go orders and how deeply we thank our customers." When mask mandates softened and the building reopened for business, the parking lot filled up with old and new friends who were very happy to be able to see each other there again. The spotless bar and dining area has nine TV screens showing different games and the building was designed so patrons can hear each other easily but the ambient noise is at just the right level for private conversations. Families come in after church to celebrate birthdays, friends meet for lunch, and fans meet to cheer on their favorite team. The dining area has the room and ambiance for everyone.

The Bears Den opens at 11 a.m. daily and serves food until 9 p.m. The bar remains open for a couple of hours after the kitchen closes, explained Isaac.

He is quick to thank his employees who have been with him for more than five years and "...they are the reason the Den is successful. A huge thank you to Bonnie, Kelsey, Kaitlin, Kourtnee, Drew, Joey, Brian, and Luke." Stop in and enjoy a cold drink and a delicious meal at the iconic Bears Den, with the big bear out front.



■ Story & Photo by Gretta Becay

Assistant Chief Bob Pries received the thanks of a grateful community at the Byron city council meeting Aug. 10 as he retired from the Byron Fire Department after 25 years. Fire Chief Matt Grant thanked Bob for his years of service and leadership. He said that Bob had grown up hanging around the department as his father, Jim, had served as chief and three of his uncles also served. Bob also spearheaded the construction of the building that houses the 'Old '38' - Byron's oldest firetruck - at no cost to the city.

Mayor Daryl Glassmaker thanked Bob and presented him with a gift card on behalf of the city. Daryl also thanked Bob's family for their support of his career in serving the community. As Bob returned to his seat, the audience broke into applause.

Later, Bob said, "It's a bittersweet feeling to leave the department but I know that it's in the hands of 30 amazing firefighters. And in a weird way, I miss putting on that pager every day." Bob took the pager off for the last time on July 20.



Members of the Byron School Board symbolically broke ground near the high school on Aug. 4 for numerous upgrades and additions to the district's buildings and grounds. Enhancements include a new auditorium and athletic fields at the high school, an extensive remodel of the DACS building, and improvements to other buildings. Close to 100 people attended the event. High School Principal Malia Schroeder, one of the speakers at the event said, "The future is bright for students in Byron Public Schools."

Much of the work is scheduled for completion by the fall of 2023. The final work should be completed by the fall of 2024. Photo by Gretta Becay



Hydrant Flushing

ATTENTION RESIDENTS!
Byron will be flushing hydrants **September 12 - 16.**
If you notice discoloration in your water, please run your COLD water until the discoloration is clear. Thank you!!

AL RODER IS BYRON'S NEW CITY ADMINISTRATOR



Al Roder is the new Byron city administrator. He and his wife, Robin have moved back to the region from Independence, Iowa where he had been the city manager since 2014.

■ Story & Photo by Gretta Becay

Al Roder began his job as Byron's new city administrator on Aug. 22. He was selected from a field of 13 candidates for the position which had been held by Mary Blair-Hoelt since 2009. Mary is now the Director of Property Records and Licensing for Olmsted County.

Al holds a Bachelor of Science Degree in Business Administration from Moorhead State University, and a Master of Public Administration from the University of Nebraska at Omaha. Al has experience as both a city administrator and a county administrator in Nebraska, Kansas, Iowa, and Minnesota.

He was born and raised in Langdon, North Dakota where his family farmed. Al and Robin have seven children in their blended family. The children are all grown and have blessed the couple with nine grandchildren, aged 1 to 17. One daughter lives in Rochester, a son and a daughter live in the Twin Cities and two daughters live in Moorhead. The other two sons live farther afield in Omaha and Wichita.

Al played football while in college and he now enjoys curling, golf, camping and hunting. In fact, Al competed in the first Olympic trials for curling back in 1992. "My team didn't make it, but I paid my \$100 and took a shot at it," he said. And he still enjoys curling.

Al's references describe him as a good communicator who is organized, dedicated, and who values transparency.




Are you interested in what Byron's future will look like? Volunteers are needed to serve on the Byron Planning Commission. This group discusses many phases of planning and zoning for the City of Byron and makes recommendations to the members of the city council. With the expansion of the city's population, members of this board help us follow our mission statement, "... guide the city with innovative thinking toward smart growth." The group meets once per month on the first Tuesday evening. If you are interested, please fill out the application on the city's website at <https://www.byronmn.com>

If you have any questions, please call Janna at 507-775-3419 or email her at jmonosmith@byronmn.com



Mia and Everett Richardson found the 2022 Good Neighbor Days Medallion during the city festival in July. The medallion was hidden under the bench at the park-and-ride lot. The two received a check from the city presented by Mayor Daryl Glassmaker at the Byron city council meeting Aug. 10. Photo by Gretta Becay



GRAFFITI IS A CRIME

Olmsted County Sheriff's deputies have increased the number of patrols at night and on weekends in Byron in response to the recent spike in graffiti appearing on public and private structures in town. The deputies are including foot patrols through local parks and other areas of concern as part of that increased presence. Information from residents could help catch the vandals, explained Deputy Adam Hennen.

"If you see someone out of place or acting in a suspicious manner - especially after hours - please call the main dispatch number at (507) 328-6800," asked Deputy Hennen. "We'd much rather stop illegal activity before it happens."

He said the local School Resource Officer, Deputy Nate Jacobson is actively involved in the investigation, also. Hennen said the graffiti doesn't appear to be anything sinister such as gang-tagging. "It's teen angst," he remarked.



Submitted photo

Byron graduate digitizes old Byron minutes

■ Story by Gretta Becay

Byron native and graduate student Christina Grev worked as an intern this summer with the city of Byron and the Byron Area Historical Society to digitize the oldest available minutes of city council meetings from the years between 1903 and 1968. When she approached the Byron Area Historical Society board members and asked if they and the city would be interested in her digitizing the city council's old minutes books, both groups gave her an enthusiastic 'Yes!'. Christina is scheduled to graduate this summer with two masters degrees; one in library science and one in public history from the University of Wisconsin - Milwaukee.

She had previously interned at the History Center of Olmsted County, so she was familiar with the digitizing equipment there. She took the old leather-bound books with their hand-written minutes - many in blue ink - and was able to get Byron's minutes saved page by page as JPEG files. The book scanner cradles the old minute books so the spines are protected and the books are minimally handled. Christina set each one in the cradle and then turned each page to get the photos. She will be finished editing the saved files by the end of the summer.

The Byron Area Historical Society Facebook page is: <https://www.facebook.com/ByronMNHistory/>



**CITY OF BYRON,
MINNESOTA**

DATE: September 6, 2022

Originating Dept: Administration

Introduction: City Council Minutes - July 2022; FYI

Request for Action:

Background /Justification:

Fiscal Impact:

Staff Recommendation:

Preparer: Kelli Cheney

ATTACHMENTS:
[7.12.22 Council Minutes.pdf](#)
[7.26.22 Council Workshop Minutes.pdf](#)

BYRON CITY COUNCIL MEETING
TUESDAY, JULY 12, 2022
6:00 PM CITY HALL COUNCIL CHAMBERS
680 BYRON MAIN COURT NE, BYRON MN 55920
*To Provide Valued Public Service and Guide the City with Innovative
Thinking Toward Smart Growth.*

1) **CALL TO ORDER**

Members Present: Daryl Glassmaker, Matt Brekke, Steven Cook, Justin Blom,

Members Absent: Dan Mesenburg

Also Present: Gretta Becay, Nick Stageberg, Harvey Bergh, John Hogan, Bryan Petzel, Tom O’Leary, Peter Schuller, Ed Ester, Bob Ester, City Engineer Bill Angerma, Deputy Clerk Kelli Cheney, Interim City Administrator Janna Monosmith

2) **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was recited by all.

3) **APPROVE AGENDA** - Motion made by Member Cook, seconded by Member Blom to approve the agenda. Motion carried unanimously.

4) **APPROVE CONSENT AGENDA** - Motion made by Member Cook, seconded by Member Brekke to approve the consent agenda. Motion carried unanimously.

4.a. **Special City Council Minutes - June 28, 2022**

4.b. **Approval After Payment - \$83,761.88**

4.c. **Warrant List - \$187,825.47**

4.d. **WHKS Professional Services Agreement - 2nd Avenue Forcemain/Lift Station**

4.e. **Pay Request - Fergus Power Pump - Biosolids storage cleaning - \$83,610.00**

4.f. **2022 GND Parade**

4.g. **Byron Homecoming Parade**

4.h. **Resolution 2022-30 - Approving Election Judges**

4.i. **Resolution 2022-33 - Accepting a Donation**

4.j. **Resolution 2022-34 - Reimbursement Resolution**

4.k. **GND Beer Run Mile**

5) **COMMUNICATIONS, REPORTS AND PETITION**

5.a. **Byron Fire Relief Financial Statements: Scott Wilde - virtually** - Did not attend

5.b. **Byron Community Newsletter - June; FYI**

5.c. **Incidents and Calls for Byron; FYI** - Deputy Hennen mentioned how there were 2 fires in town and how the Fire Dept and First Responders did an excellent job assisting with rendering aid and helping deputies pass out resources to the families. The Sheriff’s Office wanted to send a thanks to them for their hard work.

5.d. **July 26 & August 10 Meetings; FYI** - Member Cook may be a little late to the July 26th meeting. Monosmith recommended moving the meeting to 5:30pm. All members were ok with the new time. Member Blom will not be able to make the August 10th meeting.

5.e. **Quarter 2 Financial Reports; FYI**

- 6) **PUBLIC HEARING - 6:00pm** - Motion made by Member Cook, seconded by Member Blom to open the public hearing at 6:06 pm. Motion carried unanimously.
 - 6.a. **Resolution 2022-31 - RMS Variance 101 Country Club Road SE** - Peter Schuller with AB Systems introduced himself. He was there on behalf of RMS and summarized why they needed the variance. Public comments called for three times. Motion made by Member Cook, seconded by Member Blom to approve the variance request for a building height of 36 feet 8 inches. Motion carried unanimously.
 - 6.b. **Resolution 2022-32 - Stone Haven Rezone** - Monosmith clarified that this does not change the density and just a formality for the parcel. Public comments called for three times. Motion made by Member Brekke, second by Member Blom to approve the rezone request from R2 and PRD-R2. Motion carried unanimously.

Motion made by Member Brekke, seconded by Member Blom to close the public hearing at 6:12pm. Motion carried unanimously.

- 7) **GENERAL BUSINESS**
 - 7.a. **Delinquent Utilities** - Motion made by Member Cook, seconded by Member Blom to approve the delinquent utilities. Motion carried unanimously.
 - 7.b. **Resolution 2022-35 - Accepting the Bids and Awarding the Contract for 20th Street Reconstruction** - Angerman explained this was approved at the last council meeting, but the State would like it in resolution format. Nothing has changed with the contract or bids. Motion made by Member Cook, seconded by Member Brekke to accept the bids and award the contract for 20th Street Reconstruction. Motion carried unanimously.
- 8) **UNFINISHED BUSINESS - None**
- 9) **NEW BUSINESS**
 - 9.a. **Public Works Projects Change Orders 1 & 2** - Angerman explained the change orders. Change Order 1 is adding one block east and one block west of 9th Street NW to replace the sanitary sewer and water and put a new road in. Change Order 2 is changing the type of pipe to be used for a portion of the project. Motion made by Member Brekke, seconded by Member Blom to approve change orders 1 and 2 as written for the lift station project. Motion carried unanimously.
 - 9.b. **Stone Haven III Replat** - Motion made by Member Cook, seconded by Member Blom to approve the Stone Haven III replat. Motion carried unanimously.
 - 9.c. **Firehall Purchase - FYI** - Monosmith gave an update on how the townships are allowed to exit any responsibilities if they gave notice. Both townships have given notice to end responsibilities effective October 31 and November 3.
 - 9.d. **City Administrator Contract** - Motion made by Member Brekke, seconded by Member Blom to approve the City Administrator Contract. Motion carried unanimously.
- 10) **PUBLIC COMMENTS** - Mayor Glassmaker called for public comments three times.
- 11) **COMMITTEE BOARD REPORTS/OPEN DISCUSSION** - Harvey Bergh stated how they started to dig at the high school. They have officially taken ownership of the ZED building on the Frontage Road and are working on minor updates for offices. Timeline for moving into the building is up in the air yet. They are thinking about waiting until after school starts so parents are not confused on where to go for paperwork questions.

Motion made by Member Brekke, seconded by Member Blom to close the public meeting at 6:33pm. Motion carried unanimously.

12) **CLOSED SESSION** - Motion made by Member Cook, seconded by Member Blom to open the closed session at 6:35pm. Motion carried unanimously.

12.a. **Billboard Update: Melanie Leth - virtually** - A discussion was held regarding the billboards and staff was given direction on how to proceed.

Motion made by Member Blom, seconded by Member Brekke to close the closed session at 6:39pm. Motion carried unanimously.

Motion made by Member Cook, seconded by Member Brekke to open the public meeting at 6:41pm. Motion carried unanimously.

13) **ADJOURN** - Motion made by Member Cook, seconded by Member Brekke to adjourn the meeting at 6:41pm. Motion carried unanimously.

Daryl Glassmaker, Mayor

Janna Monosmith, Interim City Administrator

BYRON CITY COUNCIL WORKSHOP
TUESDAY, JULY 26, 2022
5:30 PM CITY HALL LOWER LEVEL
680 BYRON MAIN COURT NE, BYRON MN 55920
*To Provide Valued Public Service and Guide the City with Innovative
Thinking Toward Smart Growth.*

- 1) **CALL TO ORDER** - Mayor Glassmaker called the meeting to order at 5:34pm on Tuesday, July 26, 2022

Members Present: Steven Cook, Dan Mesenburg, Daryl Glassmaker, Justin Blom, Matt Brekke

Also Present: Gretta Becay, Rita Trapp, Beth Richmond, Lance Bernard, Commissioner Brian Frank, Interim City Administrator Janna Monosmith, Public Works Superintendent Tom Ricke, City Engineer Bill Angerman.

- 2) **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was recited by all.
- 3) **APPROVE AGENDA** - Motion made by Member Mesenburg, seconded by Member Cook to approve the agenda. Motion carried unanimously.
- 4) **GENERAL BUSINESS**
- 4.a. **Comprehensive Plan Discussion** - An update was provided to the Council and a discussion was held
- 4.b. **Interim Ordinance Discussion** - An update was provided to the Council and a discussion was held.
- 5) **ADJOURN** - Motion made by Member Cook, seconded by Member Blom to adjourn the meeting at 7:22pm. Motion carried unanimously.

Daryl Glassmaker, Mayor

Janna Monosmith, Interim City Administrator



**CITY OF BYRON,
MINNESOTA**

DATE: September 6, 2022

Originating Dept: Administration

Introduction: Park Board Minutes - July 2022; FYI

Request for Action:

Background /Justification:

Fiscal Impact:

Staff Recommendation:

Preparer: Kelli Cheney

ATTACHMENTS:
[7.25.22 Park Minutes.pdf](#)

BYRON PARK BOARD MEETING
MONDAY, JULY 25, 2022
6:00 PM CITY HALL COUNCIL CHAMBERS
680 BYRON MAIN COURT NE, BYRON MN 55920
*To Provide Valued Public Service and Guide the City with Innovative
Thinking Toward Smart Growth.*

- 1) **CALL MEETING TO ORDER** - Chair Frechette called the meeting to order at 6:01 pm on Monday, July 25, 2022.

Members Present: Martin Koza, Melissa Frechette, Gary Mills

Members Absent: William Clark, Tracy Lermon

Also Present: Gretta Becay, Public Works Superintendent Tom Ricke, Council Advisor Justin Blom.
- 2) **APPROVE AGENDA** - Motion made by Member Mills, seconded by Member Koza to approve the agenda. Motion carried unanimously.
- 3) **CONSENT AGENDA**
 - 3.a. **Park Board Minutes - May 16, 2022** - Motion made by Member Mills, seconded by Member Koza to approve the minutes as written. Motion carried unanimously.
- 4) **COMMUNICATIONS, REPORTS AND PETITIONS**
 - 4.a. **Byron Community Newsletter - May & June; FYI**
 - 4.b. **Monthly Budget; FYI** - Member Mills asked about the tree budget, Member Koza inquired about the need for more dog stations.
 - 4.c. **Park Department Update - Verbal** - Ricke gave a brief update on all the park related items going on in the city. Member Koza inquired about fixing the drainage of the soccer fields. Ricke stated they will be fixing the drainage when they work on 20th Street.
- 5) **PUBLIC HEARING - None**
- 6) **GENERAL BUSINESS - None**
- 7) **UNFINISHED BUSINESS - None**
- 8) **NEW BUSINESS**
 - 8.a. **Pickleball Nets for Middle School** - Ricke explained how the school is reaching out to see if the City would be interested in purchasing the pickleball nets. They plan to have it available to the public outside school hours. Member Koza questioned who would maintain them. It is believed that they are only going to have two courts. Member Mills is concerned on why they are inquiring with the City to purchase these items. Ricke explained that he felt it was more for the city and school to collaborate. Member Koza made a motion, seconded by Member Mills to approve the purchase of the pickleball nets for use at the middle school tennis area. Member Koza and Member Frechette voted Aye, Member Mills voted Nay. Motion carried.
 - 8.b. **BCRC Drainage** - Member Mills stated he has been hearing issues about the drainage on the fields at BCRC at some time. He went to assess the situation himself after we have received a significant downfall of rain and was able to confirm the complaints. Member Mills is

suggesting that we have a professional assessing the drainage issue to propose a fix. Ricke explained that there is a clay table that the water cannot drain through and just sits on the rock. Ricke states that the option would be to tile the fields but would cost a significant amount. Member Mills stated he is more interested in getting a professional opinion at this time. Member Koza is requesting that we expand beyond the BCRC fields and take a look at all the fields.

8.c. **Byron Mini Golf Course** - Ricke explained how the County is going to add in a right turn lane when they redo County Road 5 and are needing to purchase more right-of-way which extends into the mini golf course. Removing the holes in the area would leave 13 holes. The contractor requested the original bid amount plus a cost per hole to finish the remaining holes. Motion made by Member Mills, seconded by Member Koza to approve the request from the contractor to pay at \$35,000 for the work completed to date and base any additional cost on a per hold basis. Motion carried unanimously.

9) **PUBLIC COMMENTS** - Chair Frechette called for public comments three times.

10) **ADJOURN** - Motion made by Martin Koza second by Gary Mills to adjourn the meeting at 7:05pm. Motion carried unanimously.



**CITY OF BYRON,
MINNESOTA**

DATE: September 6, 2022

Originating Dept: Administration

Introduction: BEDA Minutes - April 2022; FYI

Request for Action:

Background /Justification:

Fiscal Impact:

Staff Recommendation:

Preparer: Kelli Cheney

ATTACHMENTS:
[EDA Minutes 4.19.22.pdf](#)

ECONOMIC DEVELOPMENT AUTHORITY
TUESDAY, APRIL 19, 2022
6:00 AM CITY HALL COUNCIL CHAMBERS
680 BYRON MAIN COURT NE, BYRON MN 55920
*To Provide Valued Public Service and Guide the City with Innovative
Thinking Toward Smart Growth.*

- 1) CALL TO ORDER - Chair Domaille called the meeting to order at 6:30am on April 19, 2022.

Members Present: Chris Ryan, Kelly Domaille, Staci Kaltenbach, Mickey Elias, Daryl Glassmaker, Dan Mesenburg

Member Absent: Brian Jordahl

Also Present: Chad Behnken, Ari Koles, Gretta Becay, Interim City Administrator Janna Monosmith
- 2) APPROVE AGENDA - Motion made by Member Ryan, seconded by Member Kaltenbach to approve the agenda. Motion carried unanimously.
- 3) CONSENT AGENDA
 - 3.a. BEDA Minutes - March 8, 2022 - Motion made by Member Ryan, seconded by Member Domaille to approve the minutes as written. Motion carried unanimously.
- 4) COMMUNICATIONS, REPORTS & PETITIONS
 - 4.a. BEDA March Updates
 - 4.b. Byron Community Newsletter - March; FYI
 - 4.c. City Council Minutes - March 8, 2022
 - 4.d. Park Board Minutes - February 28, 2022
 - 4.e. P&Z Minutes - February 1, 2022
 - 4.f. Monthly Budget
- 5) PUBLIC HEARING - *None*
- 6) GENERAL BUSINESS - *None*
- 7) UNFINISHED BUSINESS
 - 7.a. Hamilton Real Estate Update - Chad Behnken, Hamilton Real Estate representative, explained their proposal. Behnken stated that in 2020 Bear Path Apartments bids came in at 6.9 million dollars and the bids coming in for the same exact construction are coming in at 8.5 million dollars. At the meeting with city staff, they propose for another land subsidy but it would be difficult to have the rent control for the 60% of units at the income limit set by the MN housing standards with today's costs. Would like to know what support EDA would be willing to do.
Member Kaltenbach stated that the EDA is more interested in getting businesses and employees in our town and asked what the demand is for rental housing and how they measure the demand. Behnken stated there is no good strategy on how to tell what the demand is as they are relying on the management side of the business and what they are telling them.

Member Domaille asked if there are other avenues other than abatements. TIF is an option but Hamilton is not interested due to finding qualified renters and the potential for empty units.

Member Ryan asked what kind of abatement they would be looking for. Behnken stated they would look for the same abatement as they did with Bear Path Apartments. Member Ryan stated that he would expect a decrease in subsidies for subsequent projects.

Glassmaker brought up his concern about subsidizing the project due to costs increasing as all developers have the same hardship.

Mesenburg asked if it would be possible to get more than fifty percent subsidy on the land. Monosmith clarified that the city paid about a dollar per foot and their offer was 250k for the land and 125k back as a grant which makes it about \$1.14 per square. Past practices for the city have been to at least break even and the land will also still have to be rezoned. However, since the EDA does own the property in question, they can charge as they see fit for the land.

Mesenburg feels we need to be cautious on the residential side of things due to all the growth with the City. The EDA focus in the past has been jobs. Stonehaven offered a quick construction time frame as well as the completion of 12th Avenue. Byron 47 filled a lot that was a difficult sell due to the three street sides. Hamilton should be able to tell the EDA what they offer the city in addition to additional housing stock.

It was the consensus of the EDA that the project was not the right fit at this time, but the EDA could consider a similar project in the future.

- 8) NEW BUSINESS - *None*
- 9) PUBLIC COMMENTS - Chair Domaille called for public comments three times.
- 10) ADJOURN - Motion made by Member Kaltenbach, second by Member Elias to adjourn the meeting at 7:06am. Motion carried unanimously.



**CITY OF BYRON,
MINNESOTA**

DATE: September 6, 2022

Originating Dept: Administration

Introduction: P&Z Budget - August 2022; FYI

Request for Action:

Background /Justification:

Fiscal Impact:

Staff Recommendation:

Preparer: Kelli Cheney

ATTACHMENTS:
[P&Z Budget - August.pdf](#)

PERIOD ENDING 08/31/2022

GL NUMBER	DESCRIPTION	2022 ORIGINAL BUDGET	YTD BALANCE 08/31/2022	AVAILABLE BALANCE
Fund 101 - GENERAL FUND				
Expenditures				
Dept 41910 - Planning and Zoning				
101-41910-40207	EDUCATEEXP/MEMBERSHIP/PERMITS	2,000.00	0.00	2,000.00
101-41910-40211	OPERATING SUPPLIES	500.00	468.61	31.39
101-41910-40300	PROFESSIONAL SERVICES	5,000.00	12,938.17	(7,938.17)
101-41910-40311	TRAVEL-ROOM/MEAL/MILES/PARKING	500.00	147.31	352.69
101-41910-40320	COMMUNICATIONS	750.00	489.09	260.91
101-41910-40340	ADVERTISING	1,000.00	294.63	705.37
101-41910-40361	INSURANCE	11,000.00	9,475.00	1,525.00
101-41910-40405	SPECIAL PROJECTS	0.00	0.00	0.00
Total Dept 41910 - Planning and Zoning		20,750.00	23,812.81	(3,062.81)
TOTAL EXPENDITURES		20,750.00	23,812.81	(3,062.81)
Fund 101 - GENERAL FUND:				
TOTAL REVENUES		0.00	0.00	0.00
TOTAL EXPENDITURES		20,750.00	23,812.81	(3,062.81)
NET OF REVENUES & EXPENDITURES		(20,750.00)	(23,812.81)	3,062.81
TOTAL REVENUES - ALL FUNDS		0.00	0.00	0.00
TOTAL EXPENDITURES - ALL FUNDS		20,750.00	23,812.81	(3,062.81)
NET OF REVENUES & EXPENDITURES		(20,750.00)	(23,812.81)	3,062.81



**CITY OF BYRON,
MINNESOTA**

DATE: September 6, 2022

Originating Dept: Administration

Introduction: Byron Comprehensive Plan

Request for Action:

Background /Justification: Attached is an updated draft of the Comprehensive Plan. We are still tweaking some maps and some minor wording and will be completing it shortly. Staff would appreciate it if you could take another look at the document while changes are still possible.

Fiscal Impact:

Staff Recommendation:

Preparer: Janna Monosmith

ATTACHMENTS:
[Byron 2040 DRAFT August 2022 \(1\).pdf](#)

Byron Comprehensive Plan

August 2022

DRAFT

Prepared for:

BYRON *Minnesota*
Where Neighbors Become Family. Welcome Home.

2040



Acknowledgments

City Staff

Janna Monosmith, Interim City Administrator
Bill Angerman, City Engineer (WHKS)
Tom Ricke, Public Works Superintendent

Mayor & City Council

Daryl Glassmaker, Mayor
Matt Brekke, Council Member/Acting Mayor
Dan Mesenburg, Council Member
Steven Cook, Council Member
Justin Blom, Council Member

Planning & Zoning Commission

Brian Frank, Chairperson
Tim Chesterman, Vice Chair
Duane Quam, Commissioner
Steven Cook, Council Adviser

Consultant



Hoisington Koegler
Group Inc.

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Introduction & Community Context

Welcome to Byron

Our community was founded in the 1860s as an agricultural community located along a major rail corridor. Since that time, we have grown to 6,312 residents. Our growth has been influenced by our proximity to Rochester and location along Highway 14. Today, most of our residents work and shop in nearby Rochester. We pride ourselves in our high-quality services and partnerships, community participation, and our award-winning Byron School District.

1





Bear in front of Byron High school



Byron water tower in winter

Location

The unique character of Byron is strongly influenced by its location, the landscape that it occupies, and surrounding development patterns:

- Byron is located approximately 70 miles southeast of the Twin Cities metro area and approximately 6 miles west of Rochester along Highway 14.
- Highway 14 runs through the southern part of our city as a major thoroughfare connecting Mankato, I-35, Owatonna, and Rochester (Highway 52).
- Planned improvements (e.g., an interchange) to Highway 14 in Byron will change our landscape, while supporting development initiatives and improving the corridors safety and mobility. The highway's development has, and will continue to affect future planning for Byron.
- Byron is surrounded by an agricultural landscape, which has been developed over the years to add housing to Byron and Rochester.
- The addition of the nationally-recognized Somerby Golf Club and Community in 2004, and the Rochester Mayo Clinic expansion, have attracted a more diverse population of families and retirees.
- To the north of Byron, the south fork of the Zumbro River flows through rolling hills and deep ravines. Byron shares some of these topographic features and through our plan for the future, we hope to better connect to these features that distinguish our community from other communities across the country.

What is a Comprehensive Plan?

The Comprehensive Plan is a statement of what our community wants to become. The plan is based on a composition of concepts, patterns and relationships that deal with integrating the social aspects and physical environment of a community with its development, both public and private. The plan is futuristic and is intended to guide decisions that have yet to be made. The word "comprehensive" in itself provides meaning to the plan: it deals with the community as a whole, not just with the component parts.

Regional Context Map

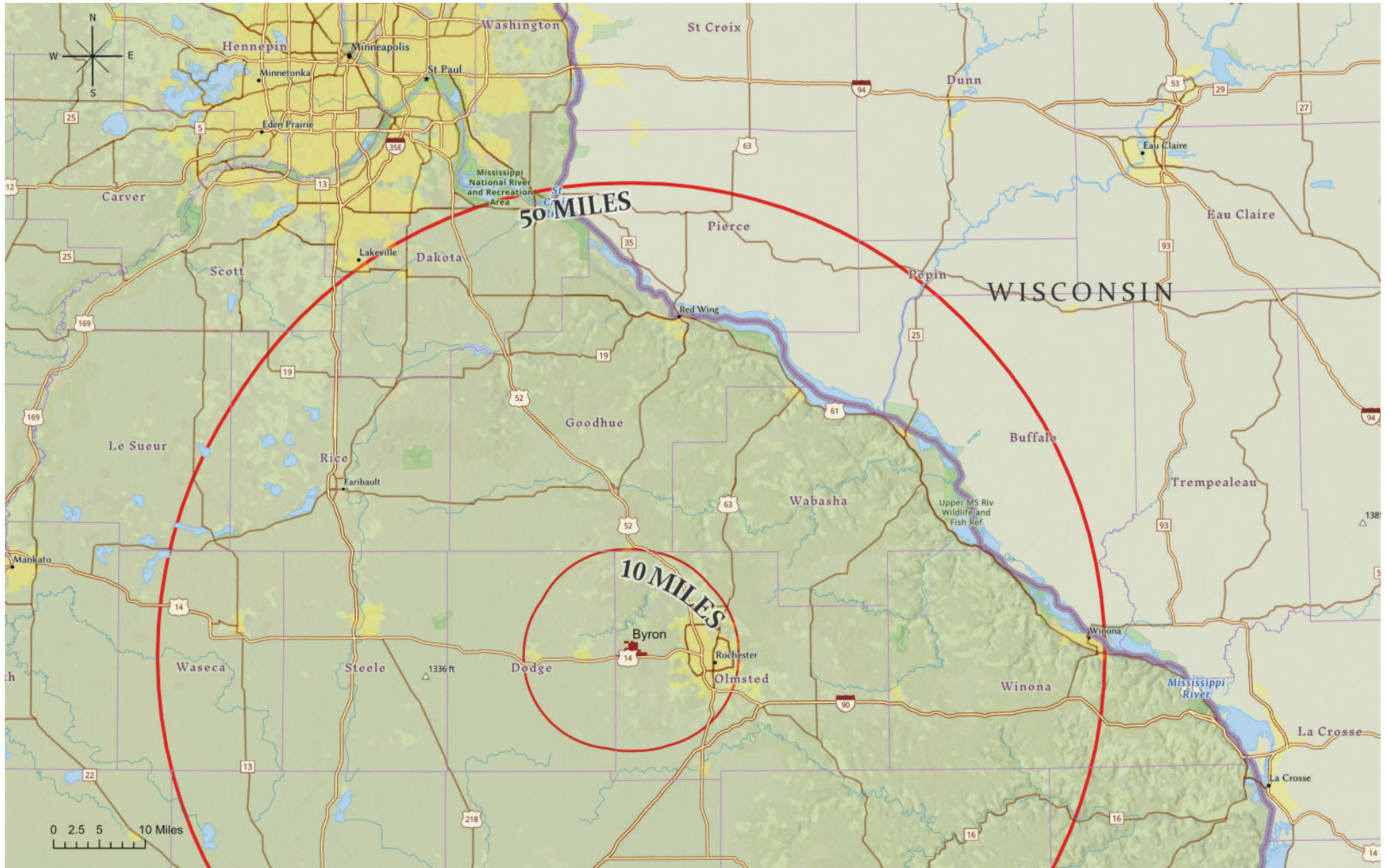


Figure 1.1 Regional Context Map



Comprehensive Plan versus Zoning Ordinance

Characteristics of a Comprehensive Plan:

- Broad in scope
- Visionary
- Principles and Policy oriented
- It's a guiding document
- Conceptual and idealistic
- Focus is on neighborhood, community or regional scale
- Flexible in its interpretation

Characteristics of a Zoning Ordinance:

- Narrow in scope
- More rigid standards
- It's the law
- Detail oriented, specific
- Focus on the district and site level

In many instances, State Statutes make direct references linking a zoning ordinance provision to a community's master plan. Case law over the years has proven that a zoning ordinance that corresponds to elements in a comprehensive plan is a more defensible ordinance than one that is not based on an approved comprehensive plan.

A review of zoning and subdivision ordinances should always follow the updated comprehensive plan, resulting in minor or major modifications, depending on the directions of the comprehensive plan.

Planning Horizon 2040

This update of this Comprehensive Plan looks out to the year 2040. Considering a future up to 20 years away forces the community to broadly consider issues and opportunities facing Byron. Issues are easier to face before they become a problem. Opportunities can be capitalized upon early.

A comprehensive plan is about encouraging certain actions that will further the goals of the community, and preventing others that might hinder it. Looking into the future helps to prevent unintended consequences.

Services & Infrastructure

Land use is the foundation of the Comprehensive Plan. Land use creates implications for city's investments in infrastructure, facilities, and services.

Schools

As population continues to grow, new space will be needed for schools. A challenging part of community planning is to maintain school facilities and to grow a system to meet projected demands generated by new housing growth. Our Comprehensive Plan provides assumptions to help in future school facility planning. The school system has limited capacity to accommodate future demand, future facilities will need to be added to accommodate growth towards the end of the planning horizon.

Streets

Streets provide the capacity for land development and, in conjunction with sidewalks, trails and bike paths, for movement within Byron. Planning seeks to ensure that Byron has a street system with the design and capacity to support future development. The character of streets and the volume of traffic also affect adjacent land uses and the ability to move people. The Comprehensive Plan must balance the transportation and land use aspects of the street system. The concept of "complete streets" can maximize the value and impact of streets on the community by encouraging streetscapes that are safe, convenient and comfortable for a wider variety of users.

Sewer and Water

Development requires service by municipal sanitary sewer and water systems. Development can only occur within the capacity of Byron's sewer and water system. Recent studies (see page 76 for more information) have determined Byron has the sanitary sewer capacity to accommodate new development. Furthermore, Byron seeks to provide a water supply that is safe and at adequate pressures needed to provide fire protection.

Parks

Parks are an important component to the quality of life in Byron. We must consider the type and location of parks needed to meet the future needs of the community. A system of trails and sidewalks should encourage people to move throughout the community on foot and bicycle, promoting an active and healthy lifestyle.

The pattern of development and the characteristics of the population influence the nature of public services. All of these factors create financial implications. Land use creates the value used for property taxation - the primary source of revenue for our City. Many revenues used to build public improvements come directly from new development.



Playground at a park in Byron

A Dynamic Guide and Tool

The plan for Byron will be used as a guide for making land use decisions, preparing and implementing ordinances, preparing capital improvement programs and influencing the rate, timing and location of future growth. This plan will become the Planning and Zoning Commission's plan, who, with the help of City Staff, will be charged with interpreting it and keeping it current. All land use decisions faced by Byron will be determined using the goals and policies in this plan. The Planning and Zoning Commission has the authority and responsibility to evaluate all proposals for their consistency with the intent of the plan and the needs and desires of the people of Byron. The City Council will ultimately determine the fate of any proposal.

While intended to guide change, this plan must also remain flexible to respond to changing needs, conditions and emerging trends. We must understand that we are responsible for the future of our community, and we must consider carefully the merits of adjustments to the plan. This is a critical step in the community development process; proposals need to be evaluated against the goals and vision laid out in this plan. Some proposals will fit well. Others may not. And still others may not fit well, but may contain ideas that are good and worthy of further consideration and quite possibly lead to changes to the vision or the plan. That is the trigger for a community planning process.

Planning Process

This plan is an update to the 2011 comprehensive plan and is a refresh with information available from the 2020 census. It is meant to integrate more recent planning efforts including the future Highway 14 interchange; and input from city staff. This update reaffirmed the vision for Byron through a workshop with local leaders from the City Council, Planning Commission, Park Board, Economic Development Authority, School Board, and city staff. A project website was created and promoted through the use of social media and promotional materials (e.g. fliers and business cards) to allow for community input.



Train and grain bins in downtown Byron



Byron Towne Square Shops

Contents of the Plan

Woven throughout this plan are principles that promote community, active living, complete streets, sustainability, and energy conservation among others. Active living here means to create opportunities, through improvements to the physical environment and for people to increase the amount of activity in their daily routines, such as walking or biking. Complete streets is a different, but parallel principle of designing and operating streets to enable safe access for users of all ages and abilities: Pedestrians, bicyclists, motorists, and transit riders.

Key elements that can be found in the plan include:

- Community background and history
- Vision and guiding principles
- Natural resource management
- Neighborhoods with a focus on land use, housing, economic development and infrastructure systems
- Parks, trails and open space
- A street network that emphasizes complete streets and community identity
- Infrastructure systems
- Implementation strategies and action steps

History

Byron is located in the traditional homeland of the Sisseton–Wahpeton Oyate, two combined bands and two sub-divisions of the Isanti or Santee Dakota (Sioux) people. On July 23rd, 1851 the Treaty of the Traverse de Sioux was formed between the United States government, and the (Dakota) Sioux of the Minnesota Territory. The treaty was instigated and propagated by the territorial governor, Alexander Ramsey and Commission of Indian Affairs, Luke Lea, in order to obtain the rich agricultural lands that were in Minnesota. (Source: <https://native-land.ca/> and <https://www.swo-nsn.gov/tribal-history/>)

In 1854 the first settlers of European descent arrived in Byron, Minnesota. Between 1856-1865, when the Winona St. Peter Railroad, now known as the Canadian Pacific Railroad, was being built, it was decided that a station should be established ten miles outside of Rochester close to this community, then known as Bear Grove. G.W. Van Dusen, a New York millionaire, purchased land near this station and platted a village. Mr. Van Dusen named the village “Byron” after his home town, “Byron, New York,” which is approximately twenty-five miles southwest of Rochester, New York. The first passenger train arrived to the city in 1865. The railroad became the lifeline of the village and at one time there were at least eight passenger trains stopping daily in Byron. The opening of the railroad station in Byron was followed by the construction of a wheat elevator, coal station and the first church in 1866. Not long after Byron began to set itself apart with the establishment of the first town newspaper in 1876 and an independent school district in 1890.

Byron grew slowly over the years. In 1958, IBM opened a large factory in Rochester employing thousands of people. The continued expansion of the Mayo Clinic and other businesses in Rochester in the 1950’s and 60’s added many new residents creating a boom in Byron’s population. Since 1967 there have been additions and renovations in Byron. In 2006 a new high school was built, and most recently in 2016 the Byron Primary Building was constructed, in addition to many homes and small businesses. Byron has grown from a population of 660 residents in 1960 to 6,312 in 2020.

Making history more recently, in 2022 the Minnesota Elementary School Principals’ Association awarded Byron Primary School with a Minnesota School of Excellence award. This honor goes to schools that are committed to modern teaching and learning.



People from the Sisseton–Wahpeton Oyate bands



Main Street, 1900s



Existing Land Uses

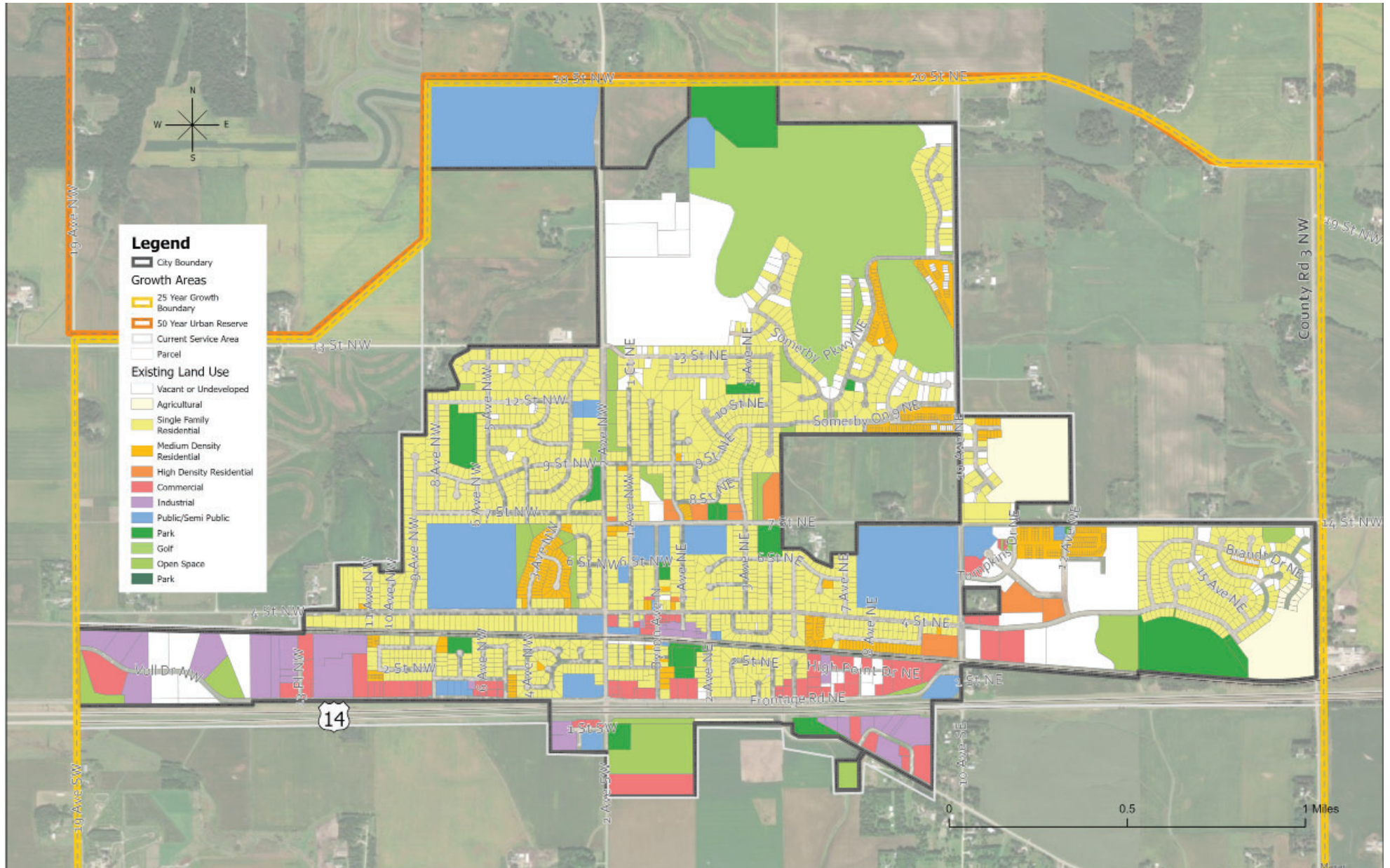


Figure 1.2 Existing Land Use and Growth Boundaries Map (source: County Tax Accessors 2022)



Existing Land Use & Growth Area Planning

The existing land use map (Figure 1.2) is a snapshot of how the community looks today (2022). It shows how each parcel of land in Byron is used (based on its primary use). This helps us understand how our current distribution of jobs, housing, retail services, public institutions and park lands, correspond to our population and demographic composition. It also helps us derive an understanding of the demand on infrastructure services and the need for land area to accommodate future growth. We have anticipated future growth in our community and previously established urban growth boundaries (Figure 1.3). These boundaries have been respected over the years and are embraced by the Olmsted County Land Use Plan, as well as our 2040 Comprehensive Plan. Our infrastructure system has been planned according to future urban growth following these general boundary distinctions.

Growth Patterns

Byron’s growth is tied closely to the growth of Rochester. Byron depends to a great degree on Rochester for jobs, shopping and entertainment. Byron is surrounded on all sides by Kalmar Township. Growth has historically occurred in a northerly fashion due to the ability to efficiently provide sewer and water services without having to cross Highway 14. Byron expects to see this growth to the North continue, but also anticipates that given the future construction of the Highway 14 interchange development interest will eventually drive a southern expansion of city services. For example, a lift station south of Highway 14 will be completed in 2022. This investment will help support new development in the area. There is also a natural pull of growth to the east due to the proximity to Rochester. Commercial growth is driven by proximity to Highway 14.

<i>Existing Land Use</i>	<i>Acres</i>	<i>Percent of Land Use</i>
Agricultural	128.1	7.59%
Commercial	71.7	4.25%
Golf	227.1	13.45%
High Density Residential	19.7	1.17%
Industrial	66.7	3.95%
Institutional	201.1	11.91%
Medium Density Residential	39.4	2.33%
Open Space	70.9	4.2%
Park	73.6	4.4%
Public Utilities and ROW	89.2	5.3%
Single Family Residential	524.3	31.1%
Vacant or Undeveloped	176.3	10.4%

Table 1.1 Existing Land Use

Historical planning for Byron has identified urban growth boundaries reaching beyond Byron. Of significance are the 25-year and 50-year growth boundaries. Our planning for this process has focused on the land areas within the 25-year boundary. Under current and projected economic conditions, future growth can be accommodated within this boundary.

Demographics

Byron is a changing community in many ways both small and larger. Understanding who makes up our communities give us tools to understand how it can continue to serve residents better. For starters, our population has grown on average by more than 55% per decade since 1950 (Table 1.2). As we have grown, our demographics have also changed. Some of these changes are noted below.

Age and Household Characteristics

Byron’s population is getting older. Most communities are dealing with an aging population as a result of the “baby boom” generation. One result of this has been a significant shift in Byron’s age distribution between 2010 and 2020 (Figure 1.4).

The range of age diversity in Byron is reflective of our proximity to Rochester with many younger families with children, as well as a substantial population of retirees. The average household size is 2.7, which has decreased from 2.8 since 2010. The high proportion of children and older adults both point to special consideration Byron should be taking to ensure that there are adequate school and elder care facilities in the community to serve these groups over time.

Race Characteristics

Diversification is also occurring more along racial lines with the population of residents who are white dropping by 4 percentage points and those identifying as mixed race increasing over the last ten years (Table 1.3).

RACE	2010	2020
Population of one race:	99%	96%
White alone	96%	92%
Black or African American alone	1%	1%
American Indian and Alaska Native alone	0%	0%
Asian alone	1%	2%
Native Hawaiian and Other Pacific Islander alone	0%	0%
Some Other Race alone	1%	1%
Two of More Races	1%	4%

Table 1.3 Population percentages by race

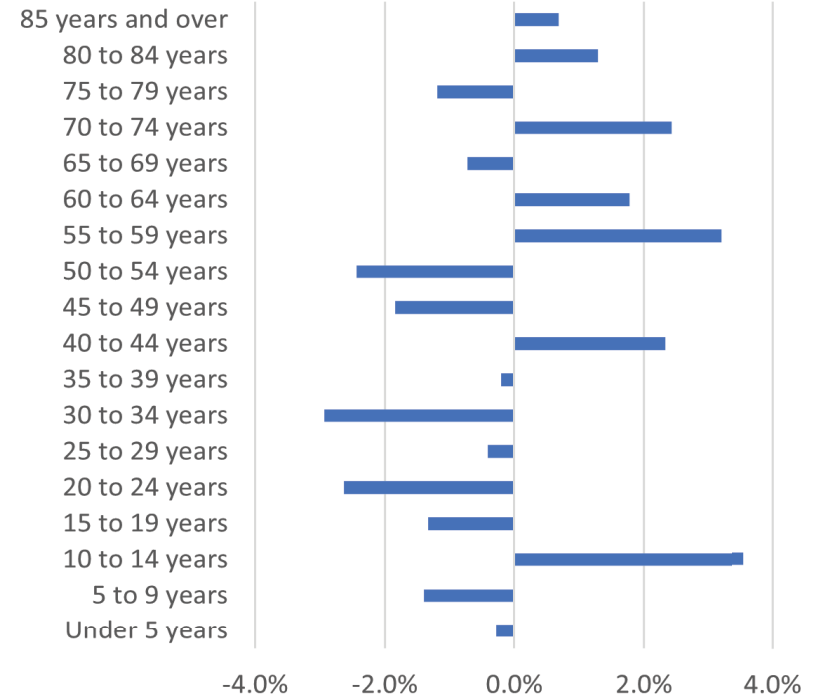


Figure 1.4 Population Percent Change in age 2010-2020

DECADE	POPULATION	% INCREASE
1950	385	NA
1960	660	71%
1970	1,419	115%
1980	1,715	21%
1990	2,441	42%
2000	3,500	43%
2010	4,914	40%
2020	6,321	29%
2021 (est.)	6,546	4%

Table 1.2 Population change over time



Education and Job Characteristics

Byron has remained an important bedroom community for the Rochester area evidenced by the inflow and outflow analysis (Sidebar, Figure 1.6). The majority of people living in Byron work outside the community, and very few (199 people) report both living and working in Byron. Byron is also a very educated city, 97% of the population are High School graduates and 46% of the population has a bachelor's degree or higher (Figure 1.5).

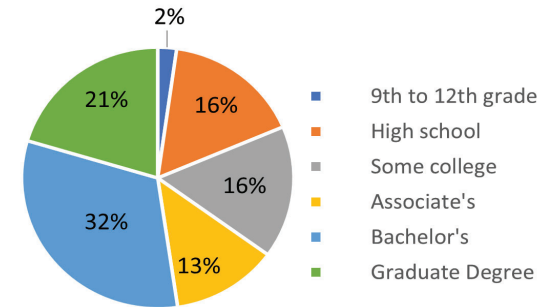


Figure 1.5 Educational attainment

Projections

Why do we project population and household growth?

- We need to understand how much demand for urban services future growth is going to place on our community.
- We need to be able to plan our neighborhoods to accommodate future growth and make sure that enough land area is guided for growth to ensure stability in the market place (i.e. demand and supply are balanced).
- We need to make sure our economic development strategies are in place to provide balance with commercial services, job opportunities and a balanced property tax structure.
- We need to understand how population growth requires reconfiguration or expansion of our strong public school system.
- Growth generates traffic and we need to be able to plan for road improvements ahead of time rather than reacting to traffic problems.
- Law enforcement, fire, government services, public works, libraries and recreation programs are all driven by demand for services. Understanding population projections helps in budgeting and planning future services.
- Population is a measurement for various state funding aids. Population projections help us in understanding how and when available financial resources can be applied to our community development needs.

Byron

Population can be projected following many methods and a variety of assumptions. For our plan, we will assume that we will see population growth at an approximate rate of 3% to 5% per year (Table 1.4). Based on these assumptions, the City has the potential to add 4,756 to 9,638 new residents and 1,762 to 3,570 new households by the year 2040. This assumption is based on historical and recent growth patterns.

YEAR	3% GROWTH RATE		5% GROWTH RATE	
	POPULATION	HOUSING UNITS	POPULATION	HOUSING UNITS
2020	6,312	2,200	6,312	2,200
2030	8,236	2,912	9,792	3,489
2040	11,068	3,962	15,950	5,770

Table 1.4 Population projections

Inflow/Outflow

The relative sizes of the two Venn diagram circles represent the amount of workers living and working in Byron. The size of the intersection area represents the count of workers that are employed and live in Byron. These numbers represent the data collected in 2019 and do not necessarily represent changes in work from home status that were prompted by the COVID-19 pandemic.

In the map below, worker flow dynamics are symbolized by the green arrows. Workers employed in Byron but living outside the city are represented by the arrow entering the city. Workers employed outside the city, but living in Byron are represented by the arrow leaving the city. Workers that live and work in Byron are represented by the circular arrow surrounding the selection marker. The arrows are labeled with the count of workers involved in each type of flow. The flow arrows do not indicate geographic directionality of worker flows.

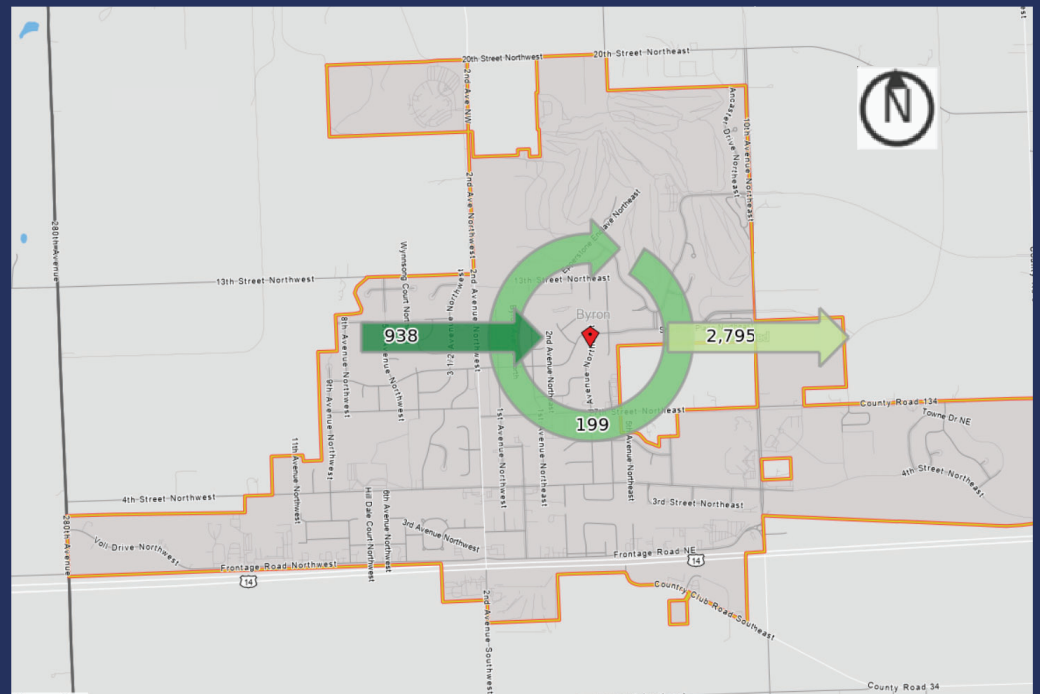


Figure 1.6 Worker Flow Dynamics Map



Another indicator of growth is to assess the number of building permits pulled over the years. For example, Byron has historically experienced about 50 building permits a year. We reached a historical high in 2021 with 92 building permits (Figure 1.7). In the last decade, the predominate type of development has been the construction of single-family homes. The population growth we are anticipating will require alternative housing types to keep up with demand and changing demographics, promoting growth patterns that are smart and sustainable.

Olmsted County

Olmsted County where Byron is located is also expected to grow significantly compared to other counties in the region. This is an important consideration because what happens at a larger scale will directly correlate to what happens in Byron.

Olmsted County's population has consistently grown over the last 40 years, seeing about 15,000 to 20,000 new residents added each decade (Table 1.5). Olmsted County's 2020 population of 162,847 ranks as the eighth largest in the state and has grown by 12.9% since 2010, accounting for 18,599 new residents. This level of growth puts Olmsted County at fourth in the state in terms of largest percent population gains, behind Carver, Scott, and Wright counties.

Looking to the future, the County is expected to add approximately 55,000 people through 2045. This growth will primarily be driven by the Destination Medical Center (DMC) initiative and its effect on adding demand for jobs in sectors such as retail services, leisure activities, construction, and public services.

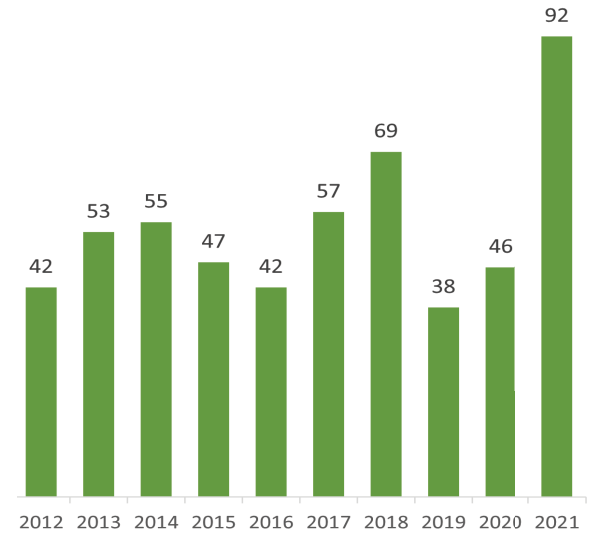


Figure 1.7 Building permits by year

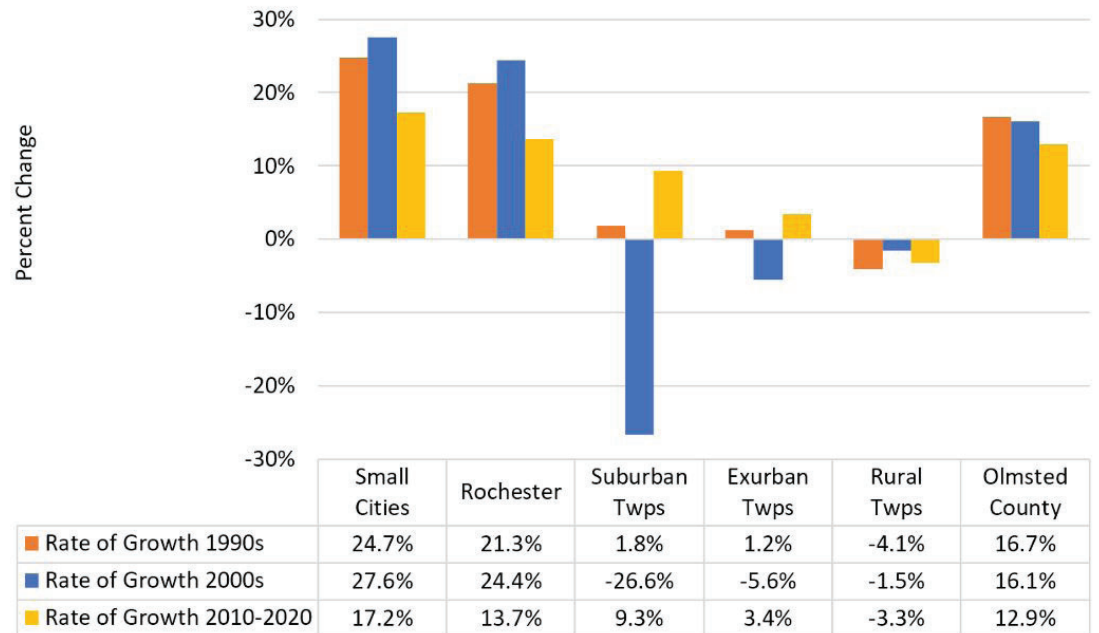


Table 1.5 Rate of Population Growth 1990-2020 (U.S. Census Bureau)



Smaller scale development option



A warehouse space

Trends

It is valuable for our community to understand the way things look currently, as well as what future outcomes are likely. We can learn from key trends in community development to help us plan proactively for our future.

COVID-19 Effects

The COVID-19 Pandemic brought with it a slew of changes. Some of those changes were short-lived while for others we can expect to see for years to come. Contactless choices for services and retail, work from home, supply chain issues and an economic down turn all came about due to, or were amplified by, the pandemic. We can expect many of the effects to remain and to continue evolving in some way even after the pandemic has passed.

Retail

While many larger developers focus on large projects that allow them to achieve scale, there is a movement of small-scale developers that are taking on small projects. These types of development require less capital, risk, and offer smaller businesses/entrepreneurs startup space. Retailers are also starting to re-imagine their stores to accommodate smaller formats (curated inventory), experience-based shopping, and to address fulfillment needs. Building needs range between 20,000 to 25,000 sq.ft., which is significantly smaller compared to traditional big-box footprints (50,000 sq.ft.).

Mixed Use

Communities in and near urban spaces around the country area looking to build mixed-use centers where people can live, work, and play. Mixed land uses bring more people to a neighborhood at a variety of times of day, which can support businesses, improve safety, and enhance the vitality of an area. Mixing land uses also makes it possible for people to live closer to where they work or run errands, and means they don't need to drive a car to get there.

Warehousing

Warehousing is one area that thrived during the pandemic and is likely to remain strong as the shift to e-commerce continues. Smaller distribution centers are on the rise for pick-up orders and to meet last-mile distribution/transfer needs. The re-purposing of vacant retail space (big box stores) has helped address these needs.



Work From Home

As work from home remains a more viable option, companies that can are making decisions based on a new reality. As more workers work from home, the demand for office space square footage is decreasing. Stronger demand for hotel lodging and co-working space is on the rise. Although this is having the effect of creating a surplus of office space for the metro area, it may create more opportunities in Byron as residents look to work closer to home. Furthermore, the idea of live/work is not new, but the last two years have reminded us of the potential and flexibility needed in building design (e.g., accessory commercial uses).

Missing Middle

The new “missing middle” housing is a growing need for many communities. In 2002, 40% of new housing nationally was affordable to 50% of the population. Today, only 20% is affordable to half the nation’s population. The demand for more affordable and smaller housing products (e.g., small single-family lots, townhomes, and apartments) has been a national trend for many years. Building material costs and a shortage of workers has also contributed to recent housing shortages, which is causing an increase in home prices and rentals that are not considered affordable for many people.

In an effort to control costs, apartments, modular buildings, and smaller lots are all gaining popularity. These types of options can decrease the long-term cost to communities, both financial and environmental, associated with extending infrastructure (roads and utilities). There is a stronger demand and market for smaller lots compared to traditional large lot developments. By increasing the variety and creativity of housing stock options communities open themselves up for increased diversity, provide flexibility for residents with changing living situations, and decreasing the environmental and financial costs of a rising population.

Active Living

As our country and state become aware of the social influences that affect our health, more money and initiatives are being directed toward improving life- long health by providing opportunities and incentives for movement in residents daily lives, including designing walkable and bikeable neighborhoods.



Townhome housing products



A group of people riding bicycles

Local Foods

Byron, along with many other communities in Minnesota, has added community gardens and a farmers market to the food supply options in the city. In recent years, more and more people have started to be interested in where their food comes from and who grows it. Community supported agriculture (CSA) farms are increasing in number every year in Minnesota.

Pets

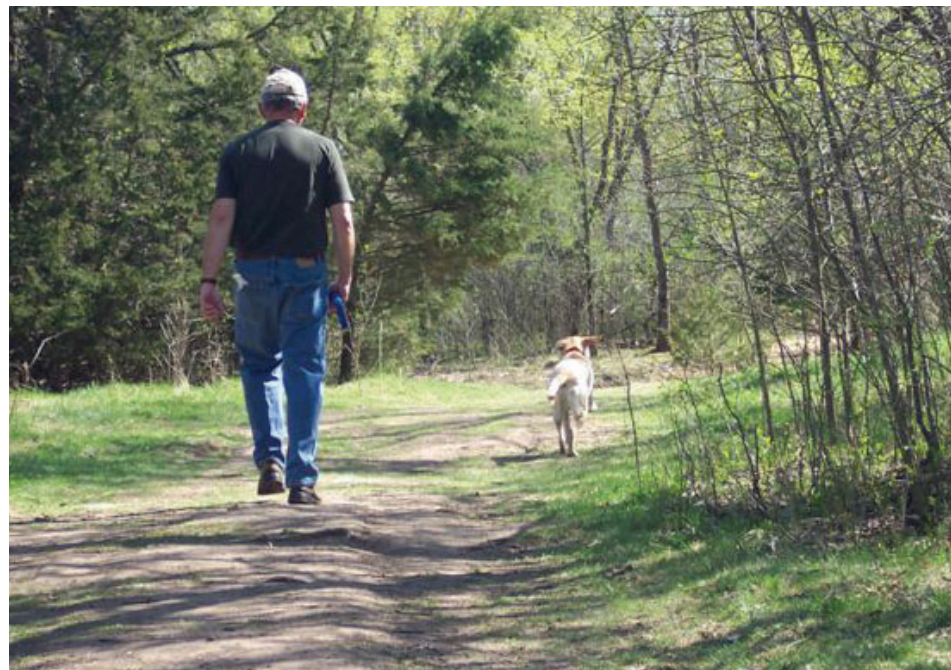
Owning a pet, especially a dog, is more popular than ever before. The demand for off-leash dog parks has increased dramatically in recent years to serve this growing pet population. In response to this need, Byron, along with a local veterinarian, collaborated to create a private owned off-leash dog park near Olde Towne Park for residents to use.

Responding to Change

Over the next 20 years, the general challenge facing Byron is remaining competitive as a desirable place to live, work and play. In seeking to maintain a competitive edge, Byron will need to balance its neighborhoods and land uses with changing socioeconomic forecasts. Byron needs to be responsive to change by recognizing issues, emerging trends, and a changing economy that influence the community's character. Rather than speculate on how or when these trends will impact the future of Byron, this plan will allow the city to be adaptive, aware and forward thinking as trends evolve.



Farmers market vendor



Man on a walk with his dog



Vision and Guiding Principles

2

This Comprehensive Plan is intended to embody the ideas and vision of the community Byron: who we are, and what we want to become. It is focused on a community defined vision and an assembly of principles established to support that vision. The plan provides a path forward that will help guide us toward the future we envision for our community.



Byron City Hall



New homes under construction in Byron

Purpose

The principles and ideas as articulated in past planning efforts reflect Byron’s vision in its desires for growth, maintaining its small town feel and identity, preserving and strengthening the qualities of its educational and civic institutions, and holistically achieving a high level of community resilience.

Community Resilience is:

- The ability to sustain a high quality of life,
- The ability to adapt to change; and,
- The ability to capitalize on and thrive in the face of change.

The Comprehensive Plan is very broad. It recognizes that there are many factors influencing how and why change occurs. Therefore, the Comprehensive Plan deals more with concepts, patterns, and relationships, which then provide direction for day-to-day decision making and for establishing more specific plans, programs, rules and ordinances down the road.

Our Reasons for Undertaking the Comprehensive Plan are Many

- Our close proximity to the city of Rochester and its high job base has shaped our town as a primarily residential bedroom community. Our community in many ways relies on Rochester (and surrounding communities) for commerce, employment and entertainment. Given this reality, it is our goal for Byron to be the most appealing residentially focused community it can be, capitalizing on our already great schools and increasing livability and desirability through a strong parks and trails network and creating memorable community focused third places that give our town a stronger sense of place.
- Our quality of education is a central reason that people to move to Byron. As more people look at our community as a great place to live, pressure will be put on the schools to maintain their strong educational performance and small class sizes. We need to plan for how our neighborhoods grow and how we maximize the linkages and connections between our community and our schools such that both are able to achieve desired results.

- The development of Highway 14 is a significant influence on Byron’s long-term growth. Improvements and access to Highway 14 will have a lasting impact on the identity, mobility and future commerce of Byron. Currently there are plans to construct an interchange along Highway 14 in Byron which would come with a host of complications and opportunities for our community to grapple with.
- We are a growing community, and through careful consideration of the implications of growth Byron will be able to accommodate growth in ways that preserve and enhance what is valuable to this community.

Vision

Our vision from years past holds steady in this newest iteration of the Comprehensive Plan. This vision reflects the needs and desires of those whose lives are intertwined with our community whether Byron is the place they live, work, or play in.

VISION: Growth with respect for the needs of our residents, a commitment to small town values, and strong linkages between neighborhoods, services and institutions.

Our vision statement can be further defined as follows: We are a small community, strategically located 10 minutes west of a major metropolitan area and directly connected by a key transportation corridor. As such, we are prepared to accommodate the population and industry growth that will result from this proximity. We will encourage and support growth that is sensitive to the environment and to the people’s desire for a small town ‘way of life.’ As we grow, we will embrace the patterns and forms of development that contribute to a desirable and sustainable quality of life. As our community continues to build (and older areas rebuild) we will build not for present use alone, but for lasting impact. We will continue to provide and enhance facilities, activities and services – both public and private – that benefit the citizens and businesses of our community and contribute to our great quality of life in Byron.

Vision, Goals, and Strategies

- The vision is a broad statement that encompasses the overarching aspirations of the city over the next twenty-years.
- Goals are broad statements that describe a desired outcome or end-state. Goals are often long-term in scope.
- Strategies describe the general course of action or way in which programs and activities are conducted to achieve a stated goal.



Our Vision

- Is oriented toward the future, even one that might be twenty years away;
- Is based on a shared understanding of what our community desires for itself;
- Will be used as a tool for evaluation of proposals, ideas, projects and future directions;
- Will be an anchor during conflict, a way of finding common ground and shared values;
- Becomes a basis for coordination and cooperation; and,
- Is a source of energy and enthusiasm for maintaining a commitment to the future of Byron.

Through this vision we aim to help to advance a community that serves its residents. Growing thoughtfully will allow Byron to change but in ways that serve the community as a whole. Retaining our unique small-town character comes from committing to preserving the elements that enhance that character. Finding ways to foster strong linkages between all elements of our community, so that we can achieve balance, protect sensitive features, and function at our highest potential. Ultimately, our vision will become a way of achieving stability (or resilience), while making positive change in the community.



Businesses on Frontage Road

Guiding Principles

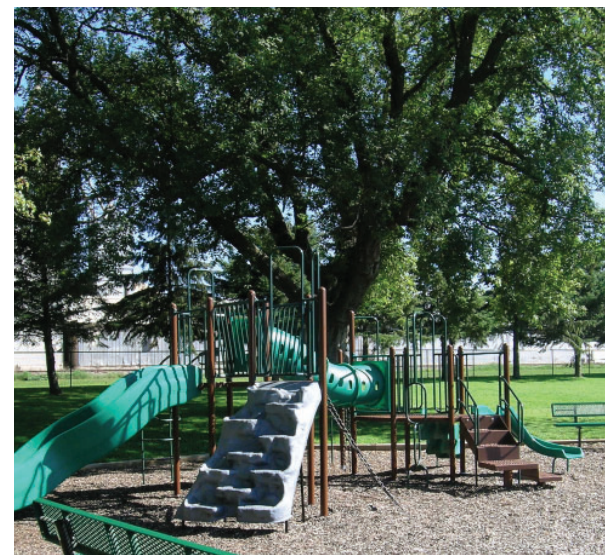
Each guiding principle speaks to a specific component of the community and seek to give a frame work for the goals and policies found throughout the rest of the plan. These principles when viewed together will guide the creation of the comprehensive plan and serve as tools to illustrate the desired future direction of development and change in our community.

Community Character and Identity

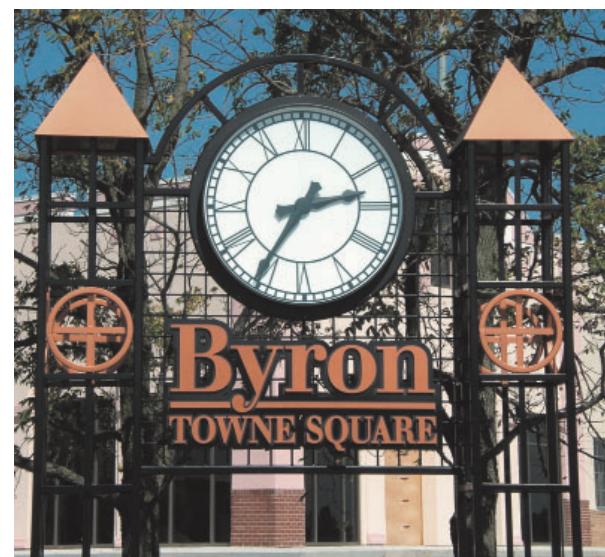
1. Maintain and preserve a small-town atmosphere.
2. Build civic involvement and opportunities for community gatherings.
3. Recognize the differing roles of historic downtown Byron and that of our more modern downtown, Byron Towne Square.
4. Utilize Byron school facilities as focal points for community and neighborhood interaction.
5. Center the interests of those who call Byron home.

Growth and Development

1. Balance housing growth with consideration of a diverse job base, retail services, and educational institutions.
2. Establish a pattern of development that encourages walking, biking, active living, and healthy lifestyles.
3. Encourage a mix of housing that enables one to stay in Byron regardless of age or income.
4. Encourage design patterns that proactively promote a safe and secure community.
5. Support partnerships in pursuit of public improvements and community development.
6. Encourage commercial development that suits community needs and infills already developing areas of the city.



Old Towne Park



Byron Towne Square retail center



Wooded area



Somerby Golf Course

Sustainability and Natural Resources

1. Embrace and preserve natural systems within the city and beyond, creating connection that serve as both recreational and environmental value.
2. Support development patterns that treat natural resources as an integral part of the neighborhood rather than relegating them to remnant pieces of land.
3. Promote personal practices that prioritize restoring and nurturing the natural environment.

Connectivity

1. Strengthen and create connections to destinations within Byron, specifically schools, parks, churches, commercial service nodes, and gathering places.
2. Foster the connection of people and organizations, both civic and private, through the creation and support of innovative community partnerships.
3. Connect Byron regionally and locally to the state, county and adjacent communities, both physically and programmatically.

Parks and Recreation Systems

1. Develop a parks and open space system that is an integral part of the community and forms defining elements of neighborhoods that draw new comers in.
2. Establish parks that serve all ages, groups, and ability levels.

Diversity and Equity

1. Work to reduce barriers that prevent all residents from having the same opportunities to thrive.
2. Develop options in transportation and housing that foster equity and diversity in all aspects including race, ethnicity, age, ability, and income.
3. Create opportunities to build connection across lines of difference to strengthen community cohesion.

Transportation and Mobility

1. Ensure a transportation system of complete streets that accommodate pedestrians, bicyclists, motorists, and transit riders, regardless of age or ability.
2. Embrace Highway 14 as a gateway into the community and capitalize on the opportunities afforded by the future development of the interchanges to better connect Byron to the surrounding communities.
3. Plan future roadway networks based on the desired function, character and connectivity of the road and corridor.
4. Consider the transportation system both as a people mover, as well as an enjoyable experience and a builder of identity.

Infrastructure

1. Plan for both new infrastructure to serve growth areas, as well as preservation and maintenance of existing facilities.
2. Encourage development and redevelopment in areas where infrastructure already exists and could be better utilized.



Trucks on County Highway 5



Pipeline being laid along a street



Planning for the Future

Our Plan for the future includes innovative methods that balance land use decisions with the natural and built environment. Many of these methods are expressed through goals and policies. We begin this Chapter by bringing natural resources to the forefront. They provide a framework for informing future land use patterns, while shaping our future parks, trails, and greenway networks.

3



Neighborhood Districts Plan

The traditional “future land use plan” is replaced in our plan with the Neighborhood Districts Plan. Rather than assign specific future land uses to every parcel, this plan uses the greenway, roadway, parks, trails and other features to define areas where a future neighborhood should be located. We have provided goals and policy direction that define the elements that make up a neighborhood and the general land use policy direction to guide future growth.



Typical suburban greenway concept

Our plan for the future is further expressed through the following sections in this chapter:

- Natural Resources & Greenways
- Neighborhood Districts Plan (see sidebar)
- Street Systems
- Parks and Recreation
- Bike and Pedestrian Network
- Infrastructure (sanitary sewer, potable water, storm sewer and schools)

Natural Resources & Greenways

Byron has a tremendous asset in its surrounding natural resources, particularly the more pronounced features north of Byron and within the Zumbro River Valley. These features include both visual amenities such as woodlands, wetlands, rolling topography, rivers and streams and unique geological features below the surface (see Below the Surface sidebar). Once these features are altered or compromised due to development, they are difficult, if not impossible, to restore or bring back.

Combined, these features help establish greenways. A greenway is defined by Merriam-Webster as “a corridor of undeveloped land preserved for recreational use or environmental protection.” The word greenway evokes many images, most commonly a recreational trail separated from motorized traffic, but greenways can also include parks, preserved open space, protected waterways and automobile parkways.

Greenway Concept

A greenway system concept (see Figure 3.1) was developed for Byron. The concept establishes a network comprised of the amenities and corridors that provide recreational and ecological connections. The greenway concept furthers past and present planning initiatives framed by Byron, Olmsted County and the State of Minnesota.

Byron’s Recreation Facilities Plan (2006) identifies several policies that are in line with the greenway system concept:

- Identify and attempt to reserve and protect ponding areas, water courses, select stands of trees, select wildlife habitat areas/wetlands, which are essential to the natural ecological system.
- Provide for both passive and active recreation within the community.

- Ensure that maximum advantage is taken of natural features, notably waterways, when developing park and open spaces.
- Coordinate Byron’s park and open space system through the use of a citywide trail plan.
- Encourage the use of utility easements and transportation right-of-way for trail development

The following are key components of the greenway system concept:

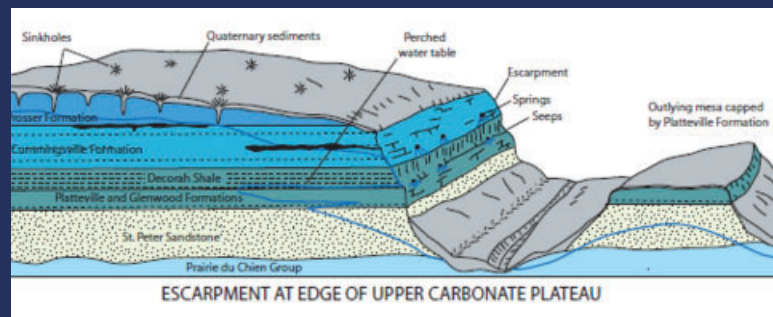
- **Primary areas include:** Streams and wetlands with a buffer of approximately 150 or 175 feet (see Figure 3.3), steep slopes greater than 25% (see Figure 3.2) and major utility easements (See figure 3.4). Fifty percent or more of these areas are prohibited from development by current regulations at the city, county or state level.
- **Secondary areas include:** Woodlands and slopes that are considered steep but not such that they are prohibitive to development. These areas are attractive for development, principally because of the amenity that the natural resources bring. Development within these areas is typically unconstrained from a regulatory standpoint.
- **Parks include:** Lands currently under ownership by Byron or lands that are proposed as a future park.
- **Connection areas include:** Corridors that may not contain natural resources. These areas are intended to connect key destination points such as schools, civic facilities, commercial areas or other activity generators to the greenway network. They also link areas of the network that are not naturally connected by existing environmental features. Often the connections follow a road corridor and offer opportunities for identity along key travel corridors

The greenway areas shown on the concept plan (Figure 3.1) are suitable sites for long-term protection of sensitive landscapes, important habitats, connections, and water quality. The greenway areas can be planned and subsequently developed as property owners wish to develop their land or when funding becomes available. As development projects are implemented in Byron, preserving sensitive ecological areas and connecting important corridors could be easily forgotten. It is important to plan a future vision now so that Byron will create a beneficial park, trail and open space system for Byron.

Grants, partnerships, philanthropic donations and land dedication can help finance land accumulation and preservation. Preserving land can be built into Byron’s zoning code so that areas set aside for park dedication in the future can be added to the greenway system.

Below the Surface

An element that is critical to the preservation of the water supply in the region is the predominant geologic formation of the region known as the “Decorah Edge” (As seen in Figure 3.2). The Decorah Edge is defined as the area in which the Decorah, Platteville, or Glenwood formation is the first encountered bedrock.* Our plan supports the efforts led by Olmsted County to protect and preserve areas that are most sensitive to contaminating ground water supplies. We embrace the principles behind the Decorah Edge Overlay District established in the County Zoning regulations. Our concept of the Greenway Corridor includes the Decorah Edge and where possible, our policy encourages preserving those areas as open space or low impact development through the use of conservation design strategies.



* Sources: Bedrock Geology: Steele, Dodge, Olmsted and Winona Counties data plate produced by the Minnesota Geological Survey – University of Minnesota in 2004, The Sinkhole Conference



Farmland with preserved tree stands



Multi-use Trail on 10th Ave NE

Goals for the Greenway Corridor

- Provide a vision for the preservation and enhancement of natural resources.
- Provide a place for habitat to coexist with urban/suburban development patterns.
- Establish a lasting and unique identity for Byron.
- Connect neighborhoods and habitat with a continuous corridor.
- Connect Byron to areas beyond the city limits for recreational and functional value.

Policy Direction

1. Integrate the greenway into neighborhood master plans as defining elements for neighborhood identity.
2. Use the greenway to coordinate community wide events and activities (benefit runs, bike rides, community festivals).
3. Locate consumable food production, such as community gardens, within greenway areas.
4. Use greenway lands to coordinate locations for utility and trunk infrastructure systems (sewer/water).
5. Identify steep slopes and existing stands of woodlands. Form the greenway adjacent to these areas and connect to these areas. Use borrowed open space for views/visual aesthetics (golf course, agriculture fields). Preserve sensitive natural resources and habitats.
6. Inventory wetlands, streams and 150-foot buffers as areas for incorporation of functional and aesthetic stormwater management systems.
7. Utilize existing and future parks, schools and utility easements as areas for integration and connection to the greenway. Locate off-street biking, walking, hiking and other active living programs within the greenway.



Natural Feature Constraints Map

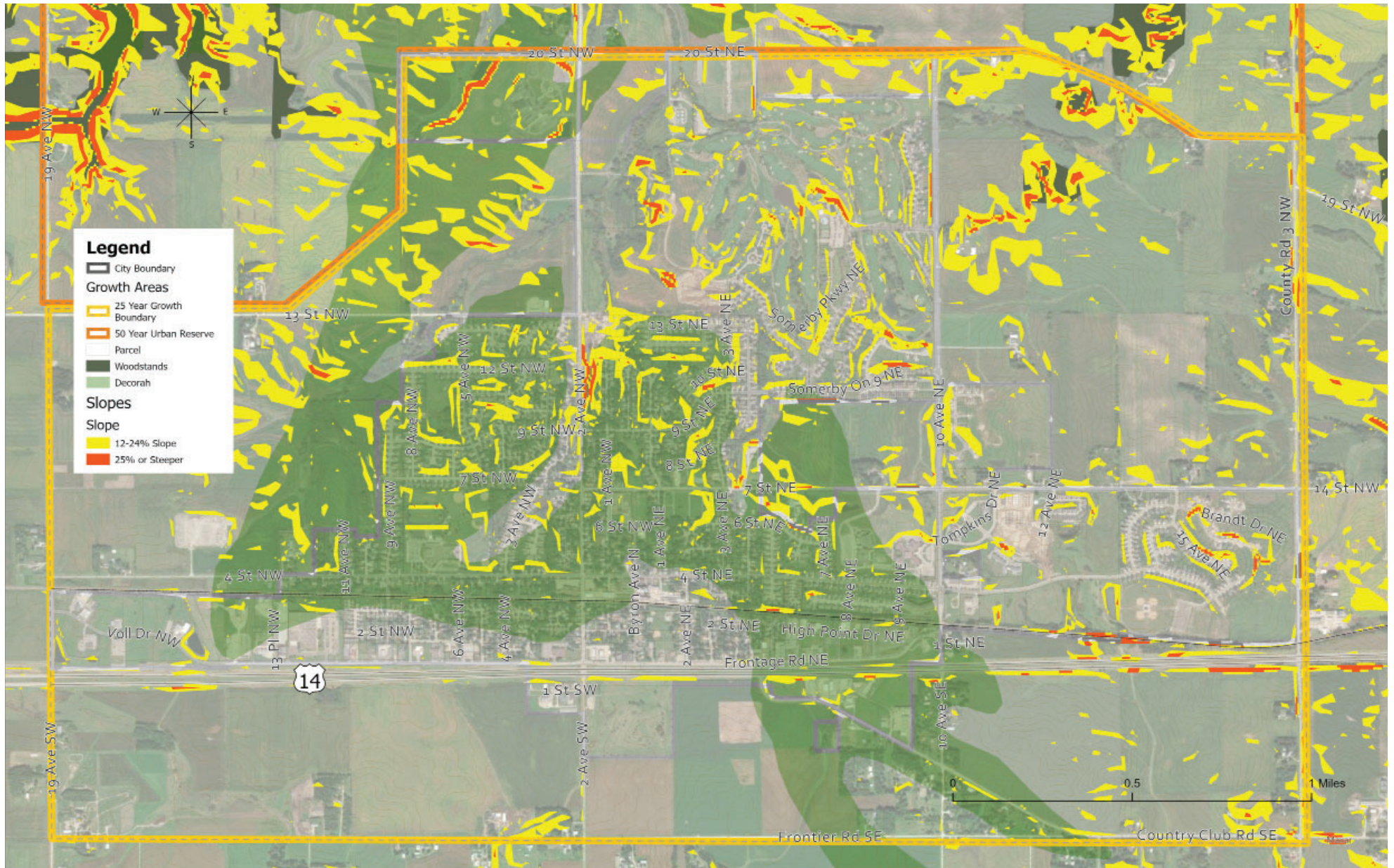


Figure 3.2 Natural Feature Constraints Map (Slopes are based on 2010 data and may not reflect existing conditions - new development)

Water Constraints Map

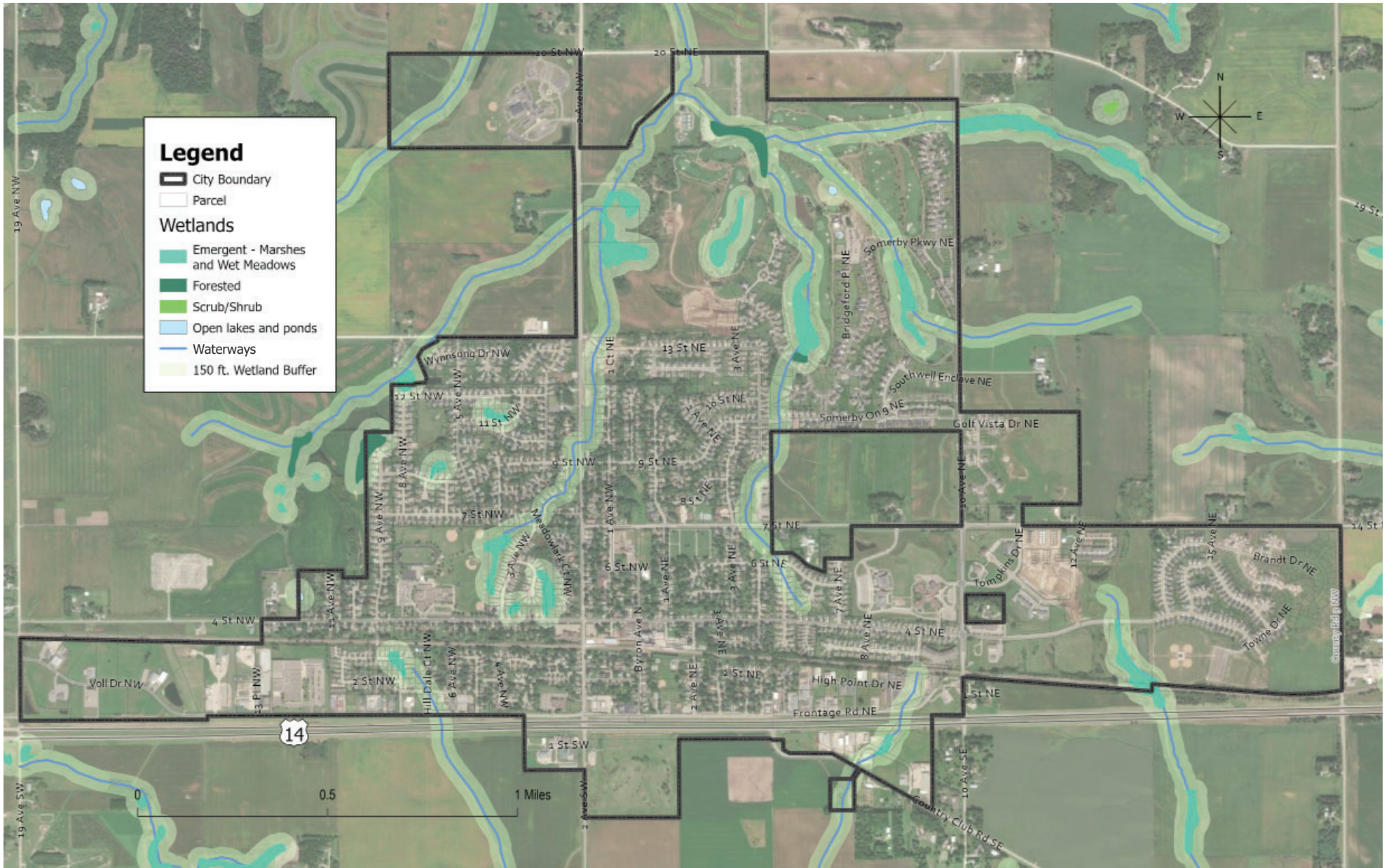


Figure 3.3 Water Constraints Map (Source DNR and NWI)



Power-line Easement Map

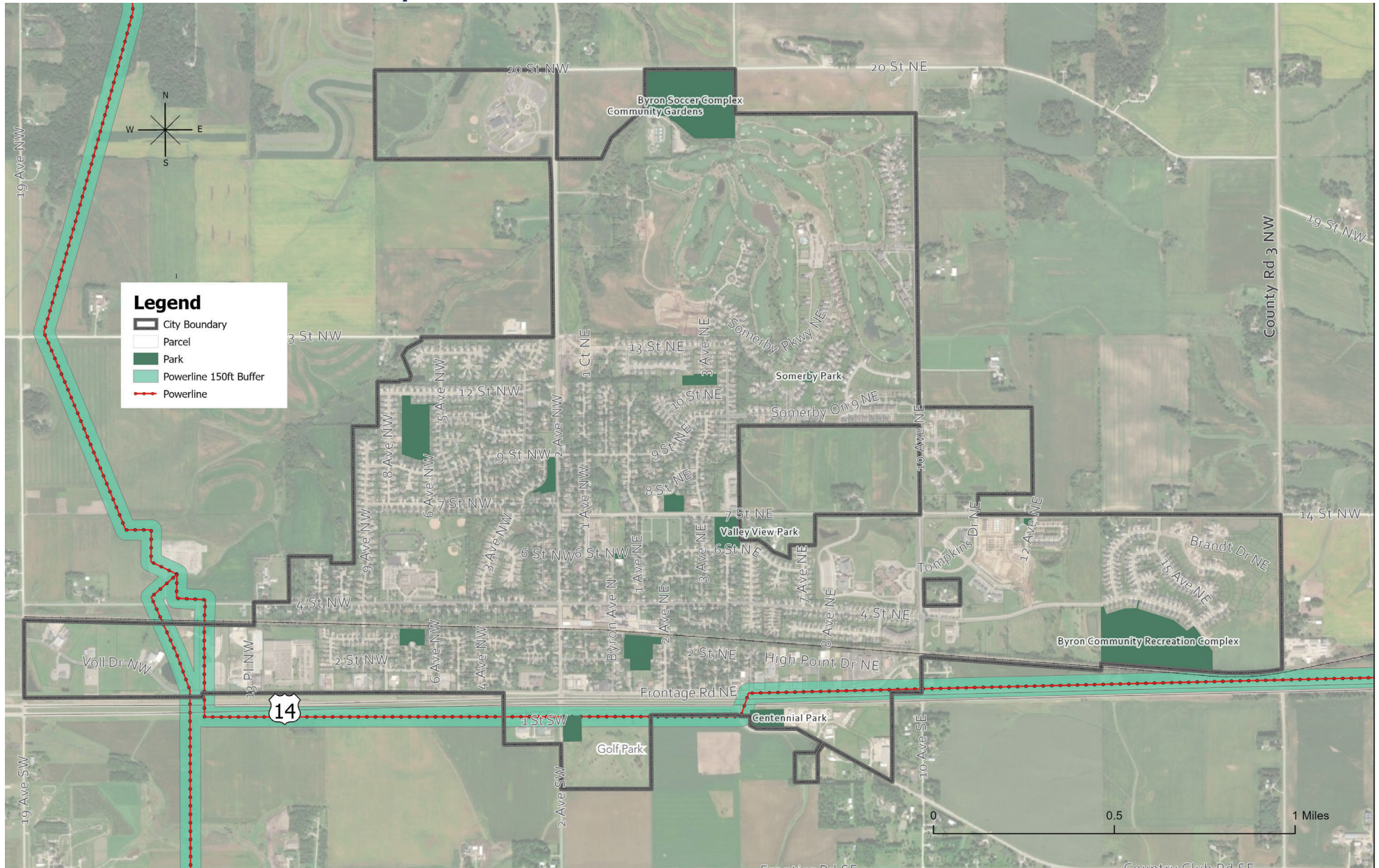


Figure 3.4 Power-line Easement Map

Neighborhood Districts Plan

Traditional land use planning assigns specific land uses to parcels. Our approach recognizes the need to be able to adapt to new ideas and changes in market demands, while we preserve the integrity of our longer-term vision. We must grow effectively so that future development expands in a connected, efficient and sustainable pattern.

Our 2040 Land Use Plan for Byron is organized around a series of Neighborhood Districts (see Figure 3.5). The Neighborhood District concept provides direction for creating development with a sustainable mix of land uses with the intent to restore existing neighborhoods and create new ones. Our focus on neighborhood districts is intended to enhance livability for both current and future residents.

The preferred mix of land uses for each Neighborhood District are summarized in Table 3.1. The corresponding future land use categories are described on pages 43 and 44.

District	Low Density Residential	Medium Density Residential	High Density Residential	Neighborhood Retail	Community Retail	Parks/Open Space/Civic	Business Park	Highway Commercial
High School	45%	15%		5%		35%		
East 1	60%	15%		5%		20%		
East 2	40%	25%	10%	5%		20%		
East 3	70%	15%				15%		
East 4	35%	30%	15%			20%		
West 1	70%	15%				15%		
West 2	60%	15%	10%			15%		
West 3	15%	15%				10%	60%	
Industrial Park							85%	15%
Central 1	55%	15%	10%	5%		15%		
Byron Towne Square		25%	10%		45%	20%		
Byron Towne Village	50%	15%	5%	5%		25%		
North 14		30%	15%	40%		15%		
South 14	30%	5%	5%		10%	40%		10%

Table 3.1 Neighborhood District Preferred Land Uses

Neighborhood Districts Map

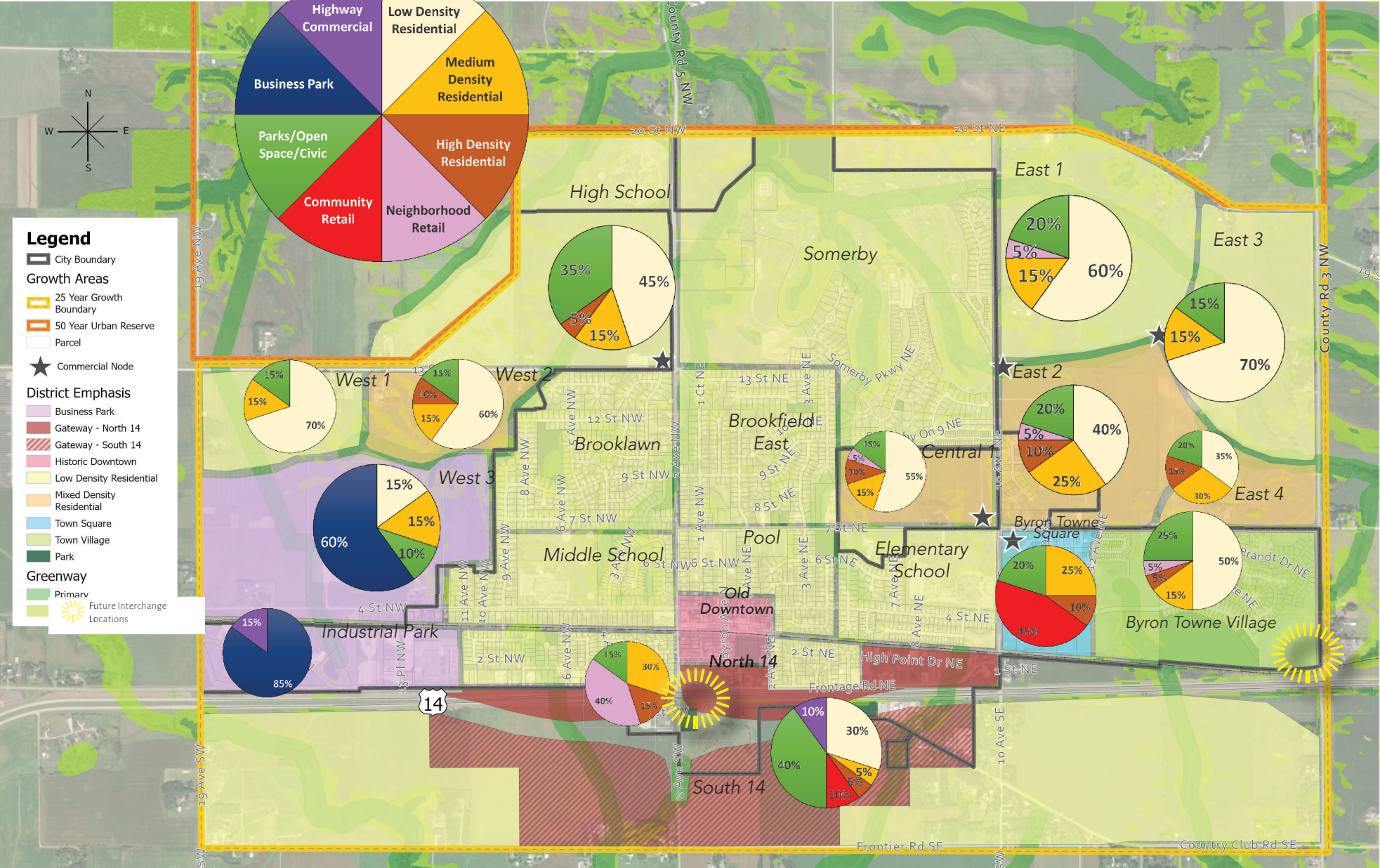


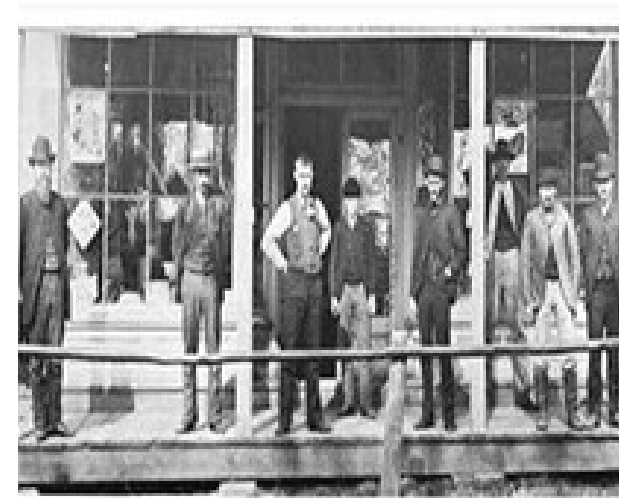
Figure 3.5 Neighborhood Districts Map



District Emphasis Types

The Land Use Plan Map (see Figure 3.5) emphasizes a longer-term vision for each of the Neighborhood Districts. These long-term visions are summarized below:

- **Business Park:** A stronger emphasis is placed on job creation by supporting development that create high paying jobs.
- **Gateway:** A stronger emphasis is placed on creating a unique and interesting place along Highway 14. The future interchange area should be envisioned as a gateway into the community that warrants an iconic presence on the roadway announcing your arrival to the community. A future interchange would suggest a more intense land use pattern that supports a mix of uses. Key nodes along the corridor provide good locations for a mix of neighborhood commercial services and higher density residential uses.
- **Old Downtown:** Redevelopment in this neighborhood will need to consider its relationship with a future Highway 14 interchange. It is also important to recognize that this area if fully developed, which may make it difficult to achieve redevelopment goals.
- **Low-Density Residential:** A stronger emphasis is placed on creating neighborhoods that support single family detached residential as the prevailing development type. These neighborhoods should also be planning for some commercial uses that cater to day-to-day needs. These uses should be located along major transportation corridors or at key intersections.
- **Mixed Residential:** A stronger emphasis is placed on creating neighborhoods that support a mix of housing types beyond single family detached residential. Similar to the Low-Density Residential emphasis, these neighborhoods should provide space for retail and services.
- **Commercial Nodes:** These areas represent desired locations for future neighborhood retail uses (defined in Table 3.2). These locations are more desirable for a business given their proximity and visibility from a major road. They are depicted on the Neighborhood District map to provide more specificity in how to balance or achieve the District's preferred mix of uses.
- **Towne Square:** A stronger emphasis is placed on creating a neighborhood that works in unison with a mix of uses and public institutions (i.e., City Hall). This neighborhood is still growing and evolving and may need to pivot development plans based on market demands.
- **Towne Village:** A stronger emphasis is placed on creating a neighborhood that fosters community, brings people together and supports an active living lifestyle (i.e. The Byron Community Recreation Complex). Most of this area is fully developed.



Historic photo of people at a Byron business



Home in one of Byron's new growth neighborhoods



Neighborhood Type Map

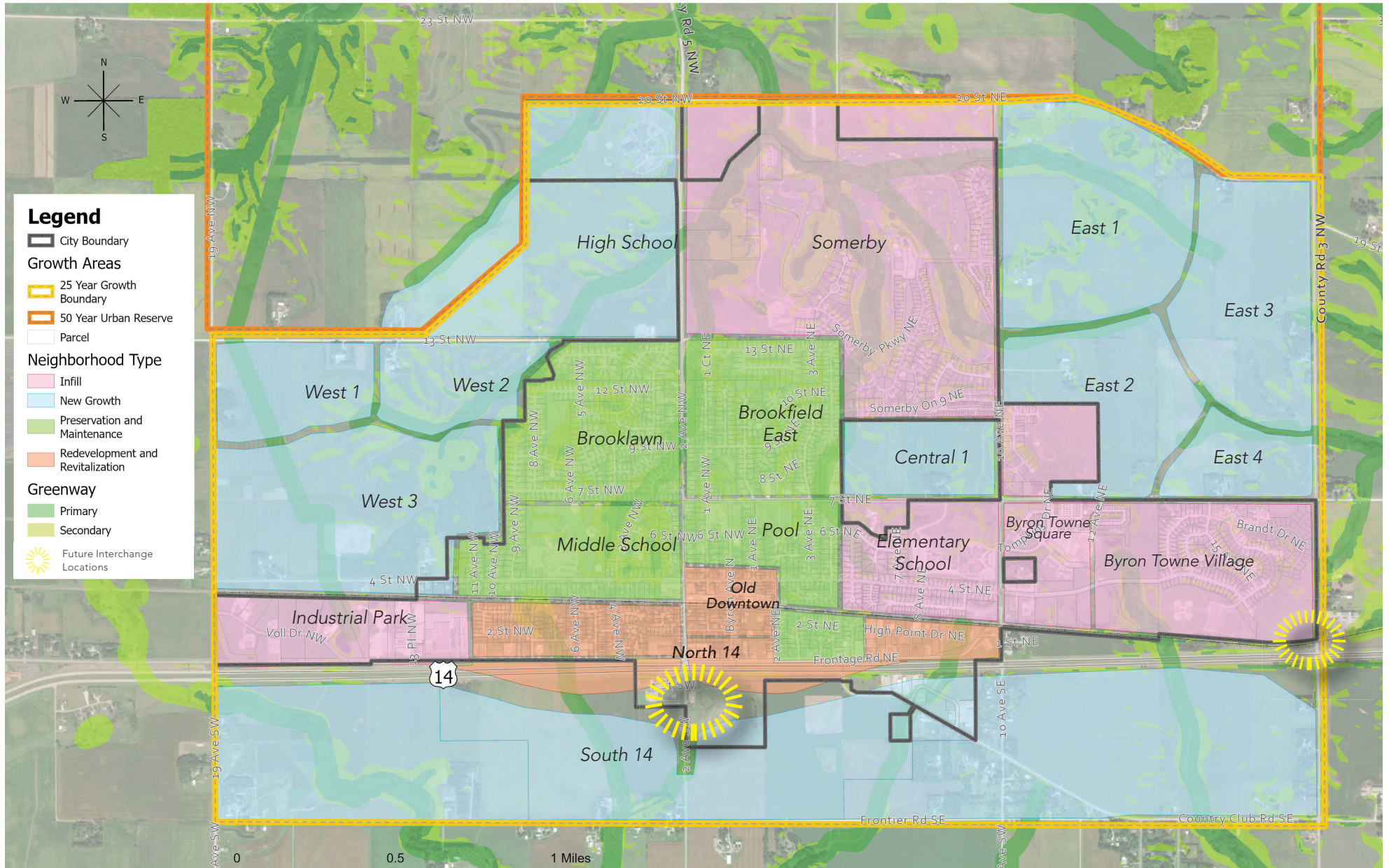


Figure 3.6 Neighborhood Type Map









Future Land Use Category	Description	Precedent Imagery
Low Density Residential	This land use pattern consists of single family detached residential as the prevailing development type but may also consist of limited amounts of two unit buildings (twin home or duplexes). Density of development within the Low Density Residential areas falls within a range of 2 to 4 housing units per gross acre (lot sizes ranging from 8,000 to 20,000 square feet).	
Medium Density Residential	This land use pattern represents greater density residential development than Low Density Residential, consisting of more attached housing products. The land use pattern would include some single family detached housing, typically on small lots clustered together, as well as some high density housing in small apartment/condo type structures. Density in this land use pattern would fall in the 4 to 12 units per gross acre.	
High Density Residential	Includes the traditional stacked orientation of multi-family housing including apartments and condos. Generally, this land use category would not include any single family detached housing product type but could include attached townhome or condominium type structures. Density in this land use pattern would generally exceed 12 units per acre.	
Neighborhood Retail	Neighborhood retail is a pattern of development that supports the notion of a walkable community, providing destinations for residents. These will occur as small nodes, 5 to 10 acres in size with no more than 50,000 to 75,000 square feet of commercial service or retail space. Typical uses would be retail goods and services such as coffee, restaurant, dry cleaner, hair/beauty salon, real estate/finance/accounting, dental office etc.	
Community Retail	Community retail consists of nodes of 10 to 20 acres that are intended to accommodate large facilities for commercial retail and services (100,000 to 200,000 square feet) and are typically oriented around other high intensity commercial and residential uses. Byron Towne Square is the principal location where we would find community retail services. Uses in this category might be general retail and service commercial, specialty retail, small professional offices and support services.	

Table 3.2 Future Land Use Categories



Future Land Use Category	Description	Precedent Imagery
Highway Commercial	This land use category reflects highway frontage along Highway 14. Uses require high visibility and good access to the principal arterial system. The uses within this land use category accommodate a wide variety of business and retail goods/services.	
Business Park	This land use category is intended to provide a coordinated and planned environment for business uses including manufacturing, research and design, or professional offices. This category is less focused on retail goods and services and more focused on jobs. Uses would be oriented around a central feature (storm water feature, park or open space element) and would carry some common design theme that would distinguish it from other business parks or campuses in southern Minnesota. Development patterns in the Business Park category encourage maximum use of developable land to increase efficiency in service delivery and infrastructure systems.	
Parks/Open Space/Civic	This land use category represents public and institutional uses, such as neighborhood parks, community parks, churches, schools, government facilities and golf courses.	

Future Land Use Categories Continued

New Growth Neighborhoods

New growth neighborhoods will accommodate most of the growth in households and population over the next 20 years. Our emphasis on new growth areas focuses on sustainable design and connectivity; the creation of new neighborhoods that endure over time and are connected physically, socially and economically.

New growth neighborhoods are generally defined by key natural features (ridge line, valley or drainage way as articulated through the greenway concept) or key roadway corridors. Each neighborhood ranges in size from 80 to 160 acres, defined by the ability to walk (at a strolling pace) from the center of the neighborhood to any area in the neighborhood within 10 to 15 minutes. Future neighborhoods will be highly walkable and able to be connected by trails and sidewalks as well as streets and open space corridors.

New Growth neighborhoods are anticipated to receive the majority of household growth in Byron over the next 20 years. These assumptions are based on a land use pattern consisting of single family detached housing, multi-family attached units (townhomes or twinhomes/duplexes) and multi-family stacked housing (apartment or condos).



Homes in Byron

Areas of Change

An area posed for significant change includes land south of Highway 14. The challenge in realizing this area's development potential will depend on city services and the timing of a future interchange at 2nd Avenue NW (CSAH 5) and CSAH 3 (see Figure 3.7 and Figure 3.8). Since the 2030 Comprehensive Plan, the pressure and demand for growth in this area continues to be of interest by property owners and developers. However, development has been hindered given the uncertainty and timing of a new interchange. A new interchange will require significant effort in building greater awareness around its need from a transportation and economic development perspective. More importantly, Byron will need to start to identify potential funding sources and champions (e.g., elected leaders and state agencies) to help advance the project.

Planning for growth in this area is not a new concept. For example, a Sanitary Sewer Analysis study was completed in 2017 to determine the feasibility and capacity to serve the area with city sewer and water. The study was based on a preferred mix of land uses. In 2022, Byron adopted a resolution to include this area in their 25-year Urban Service Area and started the extension of city services and the construction of an east-west backage road.

A concept plan for this area would also be beneficial. The purpose of planning for an interchange is to guide and control development in a reasonable manner, not necessarily to prohibit or restrict its growth. For example, concept planning can help organize development in a manner that supports higher-end uses that provide greater economic benefit to the community (e.g., more jobs and services). A concept plan can also provide property owners and developers better direction on how Byron anticipates the area developing over time that takes into consideration connectivity (e.g., roads and trails), utilities (e.g., city sewer and water), stormwater, landscaping, and open space/park needs. Concept planning should begin with the approved layout from the Minnesota Department of Transportation that has been established for right-of-way and access needs.



As noted earlier, funding for the interchange (as of July 2022) has not been identified. However, concept planning should begin as soon as possible to give developers and property owners some degree of certainty in how development should be organized around the interchange. The City should also begin a campaign to prioritize the interchange for funding and construction.

As this area develops over time, annexation must occur in a logical manner with boundaries remaining contiguous where possible and based on the ability to provide transportation, sewer, and water infrastructure in a practical, cost effective, and sustainable manner. This further requires a collaborative approach between Byron and property owners. It also requires additional planning to ensure new neighborhoods meet the goals and policies prescribed for “New Growth Neighborhoods.”

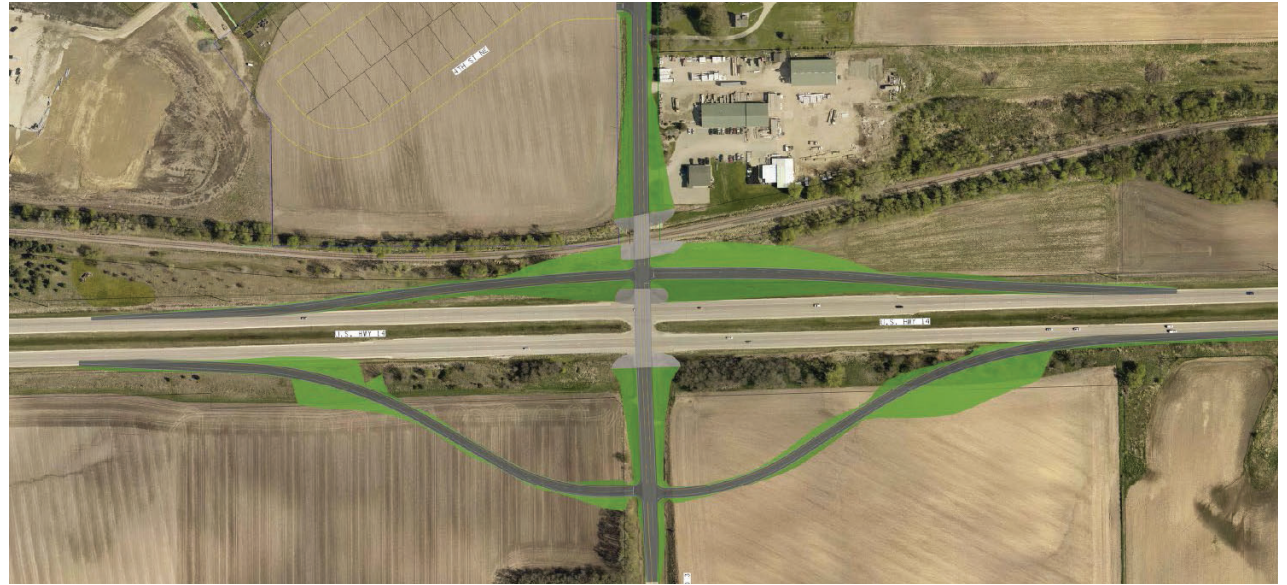


Figure 3.8 CSAH 3 Interchange (the design is subject to change)

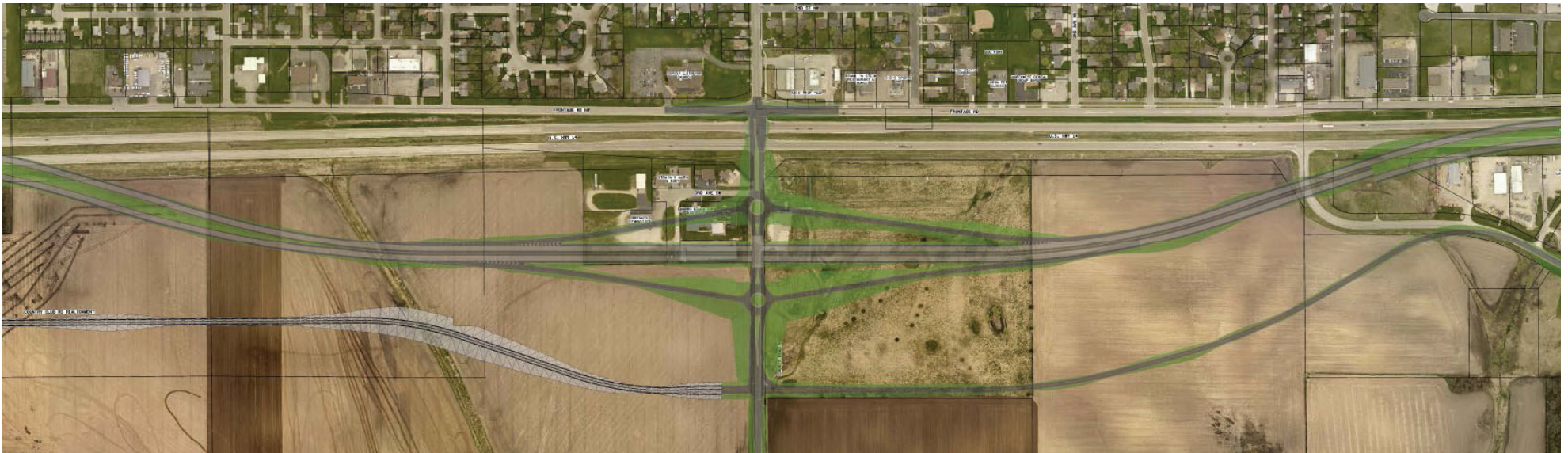


Figure 3.7 2nd Avenue (CSAH 5) Interchange (the design is subject to change)

Goals for New Growth Neighborhoods

- Accommodate enough land area to meet projected household growth to 2040.
- Plan growth areas that factor in future infrastructure systems, park and open space corridors, and roadway connections.
- Achieve a neighborhood design pattern and mix of uses that encourages biking, walking and active living.
- Broaden the mix of housing types, styles and price ranges available for our current and future residents.

Policies for New Growth Neighborhoods

Land Use Mix

1. New growth areas should be master planned and designed to connect to the greenway system, highlighting the natural resources on a site as development amenities and preserving the integrity of sensitive environmental resources.
2. New growth areas should first conduct a detailed inventory of existing natural resource systems on a site.
3. New growth neighborhoods should each accommodate a mix of residential uses including single family detached, multi-family attached and multi-family stacked. Some neighborhoods might contain more of one type of housing than another, but each neighborhood should integrate a mix of homes. This contributes to the long-term sustainability of a neighborhood by allowing people to age in place and move through the housing life cycle, putting less “peak” demands on infrastructure caused by single use neighborhoods.

4. High density uses should be located near park areas and the greenway, providing direct access to commercial service areas from neighborhood collector streets or the arterial street system where walking is most prevalent.
5. Civic uses should be spread among key neighborhoods, maximizing the ability to walk to schools, churches, government institutions or other public places. This is particularly important to future elementary or middle school needs, where students are less able to drive and more likely to bike or walk.
6. Neighborhood retail should be considered as a long-term option within each neighborhood. Byron and the development community should explore interim uses on parcels as a way to hold property until the market matures. Design of neighborhood retail nodes should seek to connect the nodes to the adjacent residential areas and not simply buffer them or set them apart. Good design can help transition commercial/retail services to avoid the conflicting components of retail and residential.
7. Business Park uses should be oriented around a common theme or identity. This can be achieved through unique monument signage, stormwater infrastructure designed as an amenity with passive park like features or a common building vernacular amongst individual business development. The business park use should seek to maximize the use of the land to increase building square footage and job density.

Housing

8. New neighborhoods should be encouraged to integrate a variety of housing designs and styles. Not every house should have a garage dominating the public street. Some homes should be single level ranch style while others might be two story or split level, thus supporting different housing types for different stages in a life cycle.



New grocery store in Byron Towne Square



Paved trail surrounded by woods in a park

9. New neighborhoods should seek to integrate housing for mixed income levels. No one project should be entirely affordable housing, nor should any one neighborhood be solely high-end housing. Design of public spaces, parks and open space areas and incorporation of the greenway system can establish an amenity package that enables a distribution of mixed income homes. Lot sizes can vary within a master planned community, reducing land costs and including a variety of home sizes. The end goal should be to balance housing price points across a neighborhood while maintaining integrity of the built structures and the quality of the housing.

Economic Development

10. New neighborhoods should support neighborhood retail nodes that present opportunities for job growth and services.
11. Land use patterns that are unique and present opportunities for live-work should be considered as an economic opportunity to create affordable work spaces and housing options all in one. These uses should be closely monitored and design regulations should ensure parking and traffic patterns, noise, dust or other nuisances are considered prior to establishing such a use.
12. Phasing of development in Byron's new neighborhoods may take years to build out. Opportunities for retail or commercial uses within neighborhoods may be difficult to hold. Interim uses on prime future commercial areas should be explored that provide low intensity uses which derive economic benefit such as greenhouse, horticulture, or market spaces.
13. The business park neighborhoods should be primarily places of employment but may include a mix of retail services and limited housing opportunities.

Parks

14. Parks should be incorporated into every neighborhood. Where possible, parks should be integrated with the greenway corridor and utilized to maximize the value, enhancement and protection of natural resources.
15. Parks should be designed with public frontage and not isolated to back yards. This adds value to neighborhood property and it contributes to a pleasant, safe park environment by ensuring more "eyes" on the park.

16. Neighborhood parks should be located within each neighborhood so that most homes in the neighborhood are within a walkable distance (approximately 1/4 mile) to a park.
17. Community parks might be located on the edge of neighborhoods and serve a cluster of neighborhoods. Community parks provide destination features, such as athletic complexes and aquatic centers.

Natural Systems

18. The greenway provides a mechanism to protect natural resources and connect habitat areas. Neighborhoods should be designed with linear open space and park elements that contribute to the greenway.
19. As part of all neighborhood design processes, a detailed inventory of natural resources should be prepared, understood and integrated into the neighborhood's design with preservation and enhancement as key objectives.

Roads

20. Streets should be designed to connect neighborhoods, minimizing the use of dead ends and cul-de-sacs to those areas where such a street design serves as a way to preserve open space or protect the integrity of the greenway system.
21. Streets should connect with one another forming blocks that are walkable in size and that offer opportunities for connectivity. A walkable block size would be in the range of 440 to 600 feet in length.
22. The City should minimize the development of private streets. Public streets should be the primary access points for individual homes and development. Neighborhood collectors should move people out of residential areas and connect people to the arterial street system. Neighborhood collectors should have an attractive frontage and should utilize unique design strategies to prevent the street from becoming lined with back yards or with private driveways and garage frontages.
23. Neighborhood collectors should be "complete streets." Roads within neighborhoods should be thought of as a way to build image and identity for the neighborhood through landscaping, street lighting and design of bikeways and trails.



Open space with a greenway corridor



Bikers crossing a city street



Infill Neighborhoods

Infill neighborhoods represent areas that are largely already served with municipal utilities and have been designed or planned and partially developed. Our emphasis for infill neighborhoods is to stay the course, directing development opportunities to existing vacant parcels in order to complete planned neighborhoods as they were originally envisioned. In some cases, reconfiguration of uses or physical design elements (such as streets or utilities) might be required to respond to emerging market trends or community needs and should be carefully considered as to their impact on the existing adjacent neighborhoods and uses.

Areas of Change

Several of the Infill Neighborhoods (i.e., Towne Village and Towne Square) support a mix of residential and commercial uses. However, it has been difficult to attract commercial uses in today's market (post pandemic) that largely supports residential uses. It will take time to overcome these challenges related to market conditions. Therefore, it is important to stay course in achieving the preferred mix of uses prescribed for each neighborhood district. Incorporating commercial uses throughout the city is intended to bring a stronger sense of identity to the community. For example, Towne Square can become a central retail, dining, and community gathering place for residents and visitors. This vision has been articulated in past Comprehensive Plans.

Investments along Highway 14 may also strengthen the commercial market in the Byron Towne Square neighborhood. Planned improvements include an interchange at CSAH 3 (Figure 3.8), which can be viewed as an opportunity to improve access to the area and attract commercial uses. There are also opportunities to fill and intensify land uses along the corridors (i.e., Highway 14, 7th Street NE and CSAH 3) that border the neighborhoods. As prominent road corridors that carry greater levels of traffic, commercial development should be located at key nodes along the corridors that provide safe access and visibility.

Goals for Infill Neighborhoods

- Utilize the capacity within our existing infrastructure system first to the extent property owners are interested or willing to develop.
- Complete the development of planned neighborhoods as originally envisioned.
- Maximize efficiency and utilization of existing infrastructure systems.
- Direct future development to remnant land within existing development focusing on a variety land uses that contribute to the sustainability of the neighborhood, and not simply filling in with more of the same.

Policies for Infill Neighborhoods

Land Use Mix

1. As part of planning for infill sites, evaluate the land use mix of the adjacent neighborhood and pursue development that complements the neighborhood's mix of uses. In existing neighborhoods where the housing type or style is dominated by one particular type or style, explore rezoning that would add diversity to the housing type or style within the neighborhood.
2. Ensure new uses (Uses that differ than what is adjacent or already the predominant use in the neighborhood) on infill sites give strong consideration to adjacent uses relative to traffic impacts, building scale and building massing. The "land use" should not be rejected without first exploring design configurations that reduce or eliminate the undesirable elements of a proposed project.
3. Balance market economics/demand with the goal of providing a sustainable (or resilient) mix of land uses to serve the neighborhood.

Housing

4. Work with neighborhoods to complete infrastructure systems such as sidewalks, parks and stormwater improvements, which contribute to the vitality of neighborhoods and housing value. Consider the landscape, street trees and boulevard plantings as new homes are built and infrastructure systems are completed. A mature landscape greatly enhances the resilience of a neighborhood.
5. Monitor housing maintenance issues where new homes or existing homes have fallen into disrepair or are in jeopardy of falling into disrepair based on economic or natural (weather related) distress.
6. Understand the existing neighborhood's housing mix (style of home, price ranges, size) and encourage new housing that adds to the diversity of housing products within a neighborhood.



Gathering space near businesses



Housing type common in infill neighborhoods



Economic Development

7. Encourage high density housing to be integrated into Byron Town Square, Byron Towne Village (reaching full build out), and adjacent neighborhoods to support long term household growth and a strong local customer base of retail and service commercial needs.
8. Collaborate with property owners of vacant industrial/commercial sites to promote Byron as a great place to live and a great place to start a business.
9. Support and encourage new development types that provide opportunities for small business startups either in incubator type spaces or in live-work units. These types of uses might locate in the High Point neighborhood or within the business park neighborhoods on the west side of town.
10. Support and encourage the growth and evolution of the local cottage industries, truck farms and gardeners from the region looking for places to promote or sell home grown products. Explore sites within infill neighborhoods that are intended for commercial services and gathering places where permanent spaces can be established for the farmers market and adjacent uses can benefit from the draw of the farmers market customers.

Parks

11. Monitor the use patterns of parks and evaluate the use of parks relative to the neighborhood housing mix and demographic composition. Park planning should adjust to neighborhood changes so that on-going maintenance is appropriate to the park use and demand. Reconfiguration of parks should be considered to adjust to less use of a park.
12. Engage neighborhood residents in the monitoring of park use, evaluation of facilities and planning for park transitions.

Natural Systems

13. Prioritize preservation of mature trees. The urban forest provides shade, identity and visual relief from the built environment, all of which contribute to sustaining the vitality of a neighborhood.
14. Target neighborhoods that contain part of the greenway system concept to help demonstrate management of environmental corridors in the areas of water quality management, tree maintenance and invasive species management.
15. Encourage existing homeowners to establish native plant species that absorb water within boulevard areas or areas prone to collecting stormwater.

Roads

Within existing infill neighborhoods roadway corridors are well established. Our policy is to:

16. Monitor street condition over time and continue with normal maintenance measures.
17. Over the long term, plan (design and budget) for street reconstruction once our streets have reached the end of their useful life.
18. Explore opportunities to improve the long-term maintenance of streets through reduction of pavement width and access management (driveway widths and access points).
19. Preserve planned connection points to adjacent undeveloped lands to protect the long-term integrity of a connected roadway system.

Redevelopment & Revitalization Neighborhoods

Redevelopment and Revitalization Neighborhoods are developed areas where major community system improvements, underutilized properties, distressed properties or land owner decisions might warrant significant change within the neighborhood. These neighborhoods are small areas in the southern, central part of Byron and are defined by key identity elements such as an historic structure, civic use, or major infrastructure system (highway or railroad). These areas will require further detailed planning to define what the future land use distribution might become, what change might look like and how it will happen over time.

Areas of Change

The preferred interchange alternatives (see Figure 3.7 and 3.8) will create new opportunities for development. For example, the preferred interchange alternative realigns Highway 14 to the south. This realignment creates “pockets” of new land for development. However, the type and size of development may be limited. Potential development constraints include above-ground power lines, lot depth, topography, and stormwater needs.

These “pockets” of land have been tested to determine their potential development capacity. It is assumed a reasonable amount of commercial and mid- to high-density residential uses can be achieved between the existing frontage road and future interchange/realignment of Highway 14. Development will need to embrace the Neighborhood District’s emphasis in creating a gateway into the community, while supporting revitalization efforts along the frontage road and in the Old Downtown. Utilization of the land should also create a unique and interesting destination that provides a regional and local benefit.

Goals for Redevelopment Neighborhoods

- Restore neighborhood vitality.
- Increase land use and infrastructure efficiency.

- Reuse vacant or dilapidated structures that are structurally sound.
- Establish redevelopment plans/strategies in areas where significant land use and development changes are anticipated.
- Update aging public infrastructure.

Policies for Redevelopment Neighborhoods

Land Use Mix

The land use mix in redevelopment areas should respond to the unique character of each neighborhood district.

1. Downtown is a redevelopment district because of its historic nature and because the uses that were once there are changing. Some businesses have left and some will likely leave to pursue development of new facilities in locations that better complement their use.
 - The land use mix in downtown should include a balance of specialty commercial retail services, civic uses (museum, library, cultural or civic arts center), professional offices and mid density housing
2. The Frontage Road area, particularly at County Road 5, is a redevelopment area because of the anticipated access changes along Highway 14 and the impacts these changes will have on properties in the area. The extent of redevelopment depends on the ultimate design of the transportation improvements.
 - The land use mix in the Frontage Road area should include a mix of highway commercial retail, professional office and service retail, taking advantage of proximity and visibility of Highway 14.



A family at Klingvall Park



in the fall

Housing

3. Redevelopment areas should focus on replacement of dilapidated/sub-standard housing with higher density housing. Higher density housing will promote downtown as a desirable location and would be required to help the economics of redevelopment.

Economic Development

4. Economic development strategies within redevelopment areas should include business owners within the districts and reposition them in the redevelopment area or relocate them elsewhere within Byron.
5. Long term strategies should be put in place to attract desired retail users along Highway 14 and specialty users for downtown

Parks

6. Within redevelopment areas, our policy is to incorporate mini parks or small plazas that allow opportunities for historical interpretation, identity building and resting/gathering areas for patrons of the district.

Roads

7. Roads through redevelopment districts should be designed to highlight the districts including streetscape beautification (e.g., landscaping, banners and lighting).
8. Walking and biking are critical components for streets. Complete streets concepts should be carried through both the old downtown area and the Frontage Road redevelopment area.

Preservation and Maintenance Neighborhoods

Many of our neighborhoods are fully developed and we do not perceive a need for significant change. Our efforts are focused on preserving the integrity and character of these neighborhoods by maintaining existing infrastructure, buildings, and sites. When our streets and infrastructure systems reach their useful life and require more significant reconstruction, we will approach such projects as opportunities to improve upon our preservation and maintenance neighborhoods. In doing so we will look to apply the policies we establish in our infill, redevelopment, and to some degree our new neighborhoods.

Growth and Development

Our Comprehensive Plan helps in guiding future growth of our community over the next 20 years. Our plan for growth is outlined by our neighborhood districts and framed by the greenway system, network of complete streets, and our system of parks and trails.

Our plan for growth and development is driven by the need to guide and shape our projected population and household growth. In line with our vision we must ensure areas for growth that support opportunities for commercial goods and services and areas for job growth so that our residents have the ability to seek job opportunities in Byron.

A key part of our plan for growth and development is to shape new neighborhoods to be more walkable and encompass a more sustainable mix of land uses. As such, not all new growth will occur in new neighborhoods. A land capacity analysis was conducted to determine if Byron has enough land guided for future development to meet its 2040 population and household forecasts. Table 3.3 demonstrates Byron has ample room to grow within it's borders and within the urban growth areas. For example, the East 1 - 4 Neighborhood Districts combined have the potential to absorb 1,380 to 3,200 new homes. This district alone would meet Byron's 2040 forecasts and beyond.

Land Use Category	New Growth Neighborhoods*	All Other Neighborhoods**	Total
	Available Developable Land (Ac.)	Available Developable Land (Ac.)	Total Land (Ac.)
Low Density Residential	620	143	830
Medium Density Residential	214	59	274
High Density Residential	67	15	83
Commercial	176	37	213
Business Park	0	27	27
Total	1,124	282	1,473

*Includes Byron Towne Square, Byron Towne Village, East 1-4, West 1-3, Land South of Highway 14

** Includes Central, High school, Gateway, and Industrial Park Districts

Table 3.3 Projected Future Land Use and Development 2022-2040



Small Town Character and Identity



We live in Byron because of the small town, friendly way of life. We appreciate the safe streets and sense of community. Maintaining that character by building a unique identity is important for the future of our community and to attract new businesses and home-buyers to Byron.

Byron has a high quality of life but lacks a unifying identity and downtown activity hub. Creating physical spaces for community gathering enhances and promotes a high quality of life. Characteristics of Byron that residents identified as top priorities to maintain include: friendly, quiet, good schools, compact growth, family-oriented.

A loop boulevard can identify a corridor of recreation, scenic views and connections with a physical linear feature. Monumental gateways and signage could welcome visitors to Byron and bring a sense of identity to Byron. Byron Towne Square can become a central retail, dining and community gathering place for residents and visitors. Old downtown Byron could become a more intimate community gathering location with dining and historic experience sites.

Street System

Our street system is an essential aspect of community development. It has largely shaped the development pattern that exists today and will continue to have a great influence on the community as we grow. Most importantly, our street system is not solely about vehicular movement. Our streets provide several key functions:

- They provide access to property and enable land to develop.
- They provide access to commercial and business property in order to conduct business.
- They enable people to move throughout the community by driving, walking or biking.
- Their physical design influences the character of neighborhoods (residential or commercial) and provides neighborhood identity.

Our roadway network is a critical component to everyday life in Byron. The network serves many types of users so streets must be designed differently to meet various needs.

Imagine trying to drive to Rochester using only neighborhood streets or trying to back out of your driveway onto Highway 14. These are extreme examples but they help illustrate why access matters. Managing access is one of the elements that defines the function of a street. Too many individual driveways lead to congestion and safety concerns on heavily used or through streets. Consolidating or managing these access points makes collectors and arterials more efficient and less dangerous. It also means fewer crossings/conflicts for off street bike trails and sidewalks.

By doing a better job of understanding the roadway network and how the individual components are used, it is possible to create a safer, more efficient roadway network that works for automobiles, bikes and pedestrians. Designing streets as “Complete Streets” is an increasingly popular trend in good community design.

Within our city limits, we have approximately 26 miles of local municipal streets, four miles of county roads, one mile of township road, two miles of state highways and two miles of private streets or drives. All added together, Byron has a total of nearly 35 miles of streets and highways. Managing our roadway system requires collaboration and coordination with Olmsted County, MnDOT, Kalmar Township and Dodge County where our roads and streets connect.



A pedestrian in a high visibility crosswalk



Streetscape with a boulevard and sidewalk



Complete Streets

On January 12, 2011, Byron adopted a Complete Streets Policy.

The Complete Streets Policy encourages development of city roadways to create a connected network of facilities that accommodate every mode of travel and encourages Byron to enhance the safety, access and comfort of all users of all ages and abilities, including pedestrians, bicyclists, public transportation users, motorists and freight drivers, through the design, operation and maintenance of the transportation network.

Why Complete Streets?

- Increasing demand: 55% of Americans want to drive less and walk more
- Mobility: 1/3 of our population doesn't drive
- Health: Each kilometer walked = 5% reduction in likelihood of obesity
- Environment: Residents in a sidewalk neighborhood are 65% more likely to choose to walk rather than drive to a destination
- Return on investment: Complete street improvements are routinely shown to promote private reinvestment and **property value - paying for themselves in property tax generation**

On May 15, 2010 the Minnesota Transportation Policy Bill, referred to as the MN Complete Streets Law, was enacted.

Key provisions of the bill include:

- Legislative reporting on complete street initiatives by MnDOT
- Improved transparency of state-aid variance process
- Strategy for complete street policies
- Identify statutory barriers to complete street implementation
- Seen as Step 1 to more far-reaching policies

In May of 2011, Rochester Olmsted Council of Governments also adopted a complete streets policy. The key guiding principle of ROCOG's complete streets policy *"is to plan, design, operate and maintain the transportation network to promote safe and convenient access and travel for all users."*



Highway 14

A key element of our roadway system is Highway 14, a part of the State Trunk Highway System. Currently, Highway 14 is a four lane divided highway with at grade signalized intersections at 10th Avenue, and CSAH 5. Over the last decade, communities along Highway 14 have collaborated to study the long term needs for improvements to Highway 14 and the collector roadway system that would support the corridor. Improvements would include converting the highway to a grade separated freeway type design, thus eliminating at-grade intersections along the corridor.

A 2021 study jointly completed by MnDOT and the agencies along the corridor between Rochester and Kasson provided significant analysis and explored designs for several preferred configurations (see Figure 3.7 and 3.8) at multiple intersections that are higher priorities in the area.

Our plan embraces the study's recommendations and continues to promote the need for future interchanges. Our community would greatly benefit from the interchanges at the recommended locations. We recognize however, that the final design configuration of the interchanges will be determined collaboratively with the City of Byron, MnDOT, and Olmsted County. We recognize that any alternative will have significant impacts on our community that will need to be fully understood and mitigated.

County Road and County State Aid Highways (CSAH)

We have several county roads within our city: County Road 5 (2nd Avenue NW) falls entirely within city limits and County Road 3 (only adjacent to the southeast city limits). These roads receive state aid funding as part of the County State Aid Highway system and provide critical linkages to nearby towns and the regional arterial roadway system. They generally carry heavy traffic volumes and serve as key routes for our agriculture community to ship products to market.

Municipal State Aid Streets (MSAS)

Cities over the population of 5,000 receive financial assistance from the state for construction and maintenance of streets included within the Municipal State Aide Street (MSAS) system. Generally, cities receive funds for streets that qualify for the program, which essentially adds up to 20% of the street system. Our proposed functional classification system outlined in this section of the Comprehensive Plan is consistent with the MSAS system and our desire for complete streets fit with the design policy of MnDOT. We have defined a series of "collector" streets within our street plan that serve to connect and integrate traffic generating areas (demand) to the larger street network. These "collectors" will form the basis of our future MSAS system.

Our Street Plan

The intent of our street plan is to ensure that our street system develops with the same intentionality and consistency as the rest of our community. As our community grows so to must our street system.

Functional Classification of Streets

Each street within our community (and connecting outside of our community) serves a specific function within the larger system. A street classification system is used to help define the role of various streets and corridors within Byron. By establishing a functional class system, we can in turn develop cohesive overall system design and continuity. The Federal Highway Administration's Functional Classification for Olmsted County is shown in Figure 3.9.



The following components make up our functional class of streets:

- **Principal Arterial:** 4 lane divided highway with priority on mobility, very limited roadway access and no private access drives. Example: Highway 14
- **Minor Arterial:** 2-4 lane roadway spaced at 1/2 to 1 1/2 mile intervals, main emphasis on mobility, 1/4 to 1/2 mile roadway access and no private access drives on future configurations. Off-street multi-use trails are preferred on both sides of the street, but acceptable on one side with a sidewalk on the opposite side. Example: 10th Avenue NE, 2nd Avenue NW, County Line Road, 7th Street NE, 13th Street NW, 20th Street NE, CR3
- **Existing Neighborhood Collector:** 2 lane roadways, emphasis on connecting neighborhoods to arterial and regional roadways, spaced 1/3 to 1/2 mile apart, managed traffic and controlled access where possible to reduce conflicts with private drives. Should include sidewalks and bike lanes or sidewalk and off-street multi-use trail. Example: 9th Street, 7th Street NW, 4th Street, Frontage Road
- **Future Neighborhood Collector:** 2-3 lane roadways with center turn lanes or planted median, spaced 1/3 to 1/2 mile apart, priority on connecting neighborhoods to arterial and regional roadways, limited private drive access, instead connecting to local streets or utilizing an alleyway system. Should be paired with off-street multi-use trail on one side & sidewalk on other.
- **Local Road:** 2 lane streets with sidewalks on both sides, priority is on providing access to neighborhood residents.



Improved local street with landscaping, lighting, and sidewalks

Olmsted County Functional Classification Map

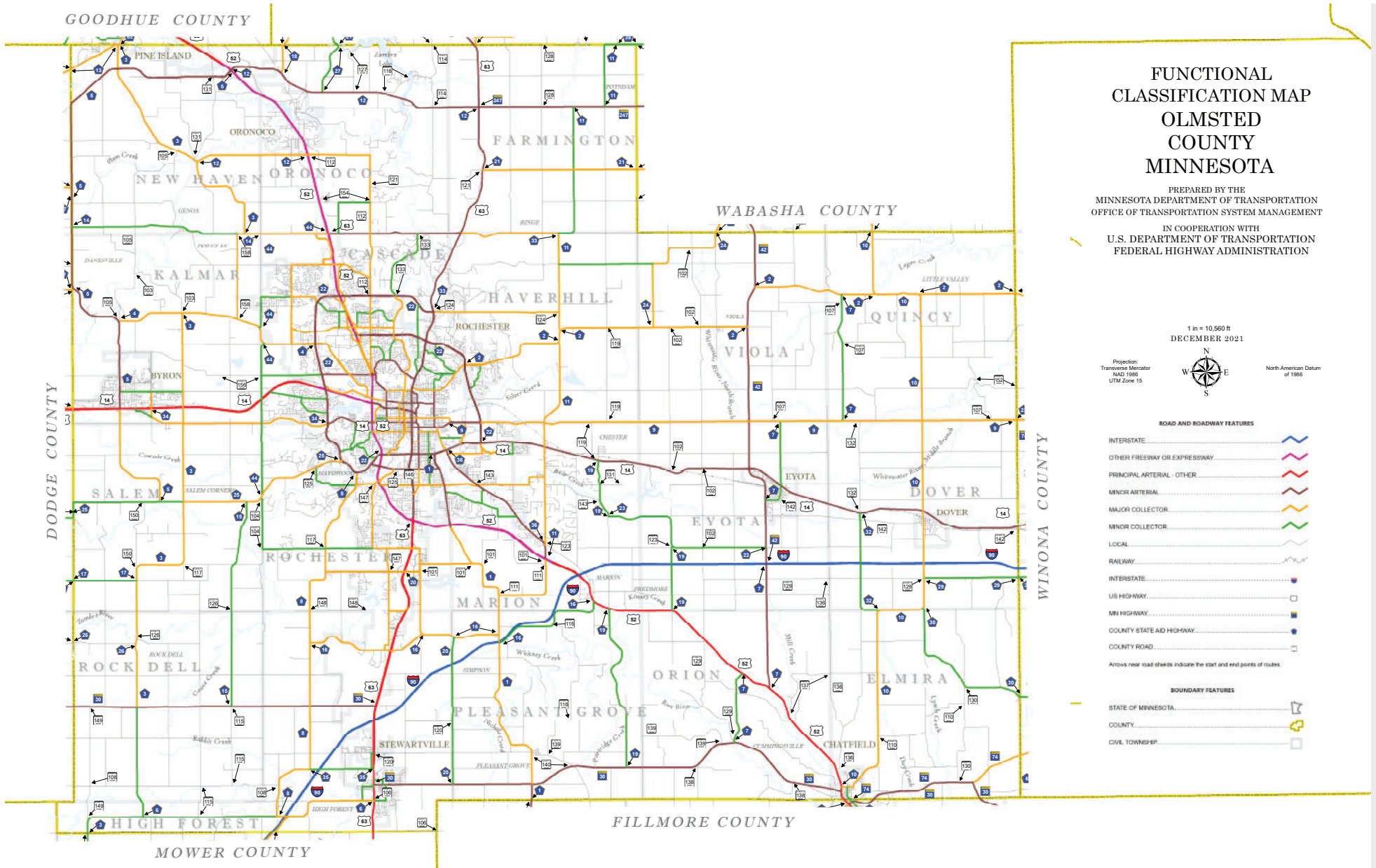


Figure 3.9 MnDOT 2021 Functional Classification Map (Note: This map is being updated and is different from the city's criteria.)



Street System Goals

- Develop a network of public streets that provides a balance of mobility and access to all of Byron's residents, businesses, and visitors.
- Provide a street system that enables safe travel regardless of travel mode (bike, walk, auto, truck, or bus).
- Develop future streets as complete streets and where appropriate/feasible, reconstruct aging streets to incorporate components of complete streets.
- Coordinate development of new streets with the neighborhood districts and the land use directions established for each district.
- Design future streets to be operationally sound and to maximize long term maintenance and management efficiencies.
- Minimize the development of private streets to ensure roads are designed and maintained to City standards.
- Ensure improvements to Highway 14 that support a balance of land development objectives, mobility needs (safety, efficiency and accessibility for all modes), aesthetic considerations and connectivity principles.

Street System Policies

General Street Network Policies

1. Maintain the system of collector streets that serve as the primary traffic corridors connecting neighborhoods to arterial systems.
2. Build streets to meet broad community values of traffic management as well as pedestrian and bicycle accommodations, traffic calming, on-street parking, aesthetics and beautification and environmental protection/enhancement.
3. Expand on the community-wide sidewalk and trail network that links households, schools, parks, commercial services and job centers.
4. Be innovative with alternative street designs that help implement the community's vision and principles without compromising safety and increasing long term maintenance costs.
5. Consider parking strategies that include on street parking in areas where off street parking could be limited by sharing street area.
6. Work with the railroad to maintain safe railroad corridors and convenient crossings to facilitate movement and community connections.
7. Follow a program of street maintenance, repair and reconstruction throughout Byron to ensure quality and enduring street infrastructure.
8. Maintain the assessment policy for equitable sharing of improvement costs and the levy of special assessments for street reconstruction.
9. Use a context-sensitive approach that integrates design, safety, cost considerations, environmental stewardship and aesthetics when planning roadway and infrastructure improvements.

Growth Neighborhoods

10. Streets should be designed to connect neighborhoods, minimizing the use of dead ends and cul-de-sacs to those areas where such a street design serves as a way to preserve open space or protect the integrity of the greenway system.
11. Local streets should be the primary access point for individual homes. Neighborhood collectors should move people out of residential areas and connect people to the arterial street system. Neighborhood collectors should have an attractive frontage and should utilize unique design strategies to prevent the street from becoming lined with back yards, private driveways or garages.
12. Neighborhood collectors should be “complete streets.” Roads within neighborhoods should be thought of as places to build image and identity for the neighborhood through landscaping, street lighting and design of bikeways and trails.

Infill and Preservation/Maintenance Neighborhoods

13. Monitor street condition over time and plan (design and budget) long term for their reconstruction once they have reached the end of their useful life.
14. Explore opportunities to improve the long term maintenance of streets by reducing pavement width and managing access (driveway widths and access points).
15. Preserve planned connection points to adjacent undeveloped lands to protect the long term integrity of a connected roadway system.

Redevelopment Neighborhoods

16. Roads through redevelopment districts should be designed to portray an identity unique to the district with a streetscape that allows for beautification.
17. Walking and biking are critical components for streets. Complete streets concepts should be carried through both the old downtown area and the frontage road redevelopment area.



Integrated bike, pedestrian streetscape



On street neighborhood pedestrian path



Street System Plan Map

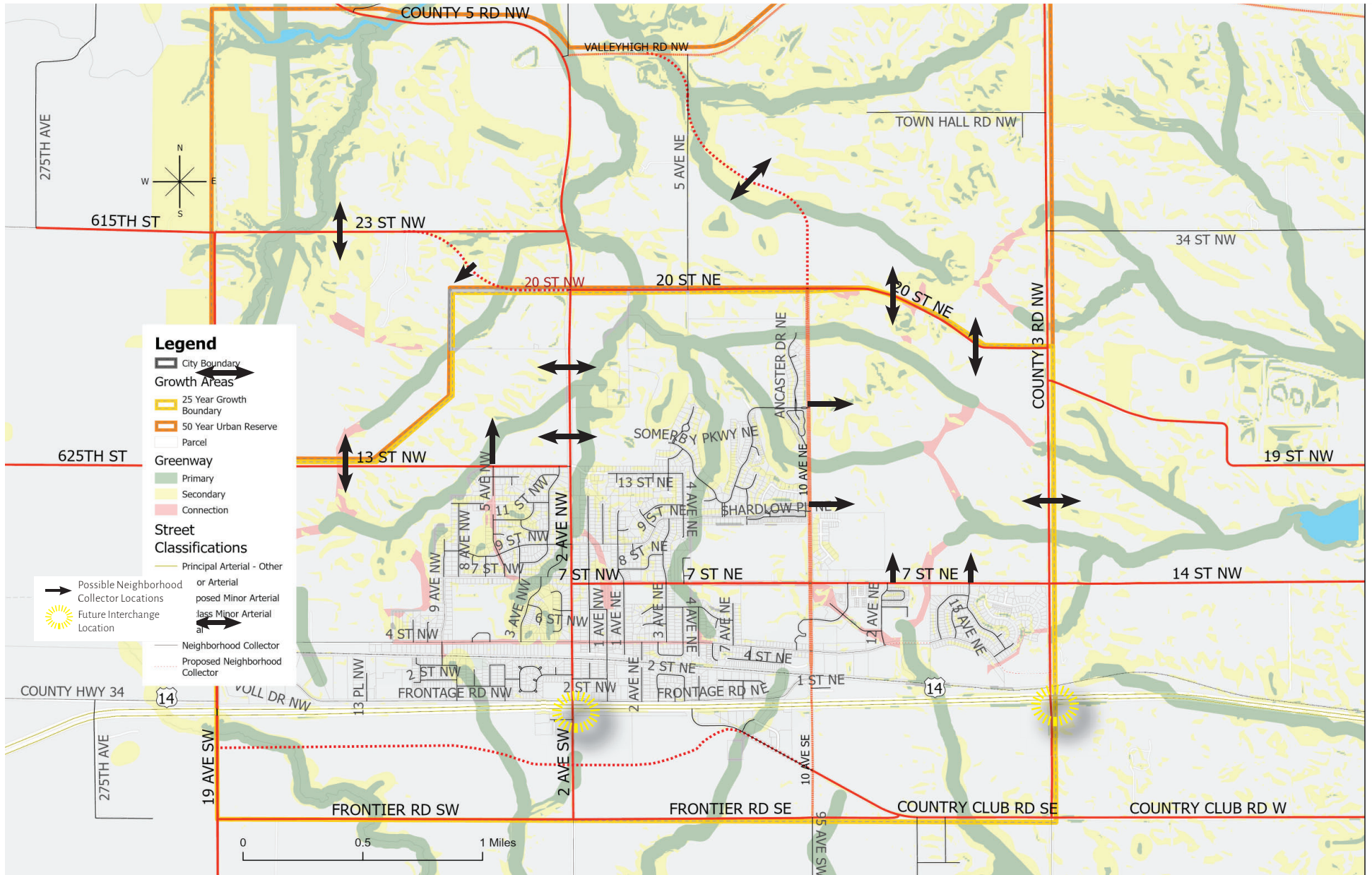


Figure 3.10 Street System Plan Map

Parks & Recreation

Our parks and trails build the fabric of our community. In tough economic times, parks are local and budget-friendly places for recreation and outdoor entertainment. Several neighborhood and community parks provide facilities including ball fields and play equipment. Regional parks and trails such as Oxbow Park, an Olmsted County facility three miles north of Byron in the Zumbro River valley, provide specialized facilities including a natural center, hiking trails, camping areas and Zollman Zoo.

Community Education Recreation Partnership

Our residents are interested in organized recreation within Byron, especially adult and senior programming. In order to provide quality organized recreational programming for adults, youth and seniors, Byron should consider partnering with the Byron Community Education Department. Byron's Community Education Department could take on recreational programming and scheduling for Byron and surrounding area. Byron may allocate funding to the Community Education Department, maintain facilities and provide outreach. The Community Education Department would utilize school and city facilities and resources, organize volunteer networks and provide scheduling for superior youth, adult and senior recreation options. Partnerships reduce staffing and funding needs and reduce redundancies, especially in cities of Byron's size.

Byron's Recreation Facilities Plan (2006) identifies several policies that are in line with the Community Education Recreation Partnership Idea:

- Provide for a variety of activities within the park system, including various cultural and social activities, and active and passive recreation.
- Joint use of park facilities shall be encouraged by incorporating school district facilities with City facilities whenever possible.
- Promote annual discussion with community organizations as part of the annual review of the park system.
- Provide for both passive and active recreation within the community.

Previous Planning Studies

Byron's Recreation Facilities Plan, completed in 2006, outlined a strategy for physical development of parks and recreation facilities in Byron.

Approximately 150 people responded to an online pool survey in early 2011. The survey asked about season pass prices, number of children per household, pool hours, pool use, pool safety and desired Byron Community Pool enhancements. A desire for a new pool and aquatic center (similar to Stewartville's) emerged as a high priority among survey participants.



Kids play soccer at the Byron Soccer Complex



Components of the Community Recreation Partnership Idea should include:

- Offer adult recreation programming including softball, baseball, and volleyball.
- Utilize school facilities and city parks.
- Foster the creation of new programs and continue existing programs (ie. Team R.E.D.).
- Encourage communication between club athletics, community education and Byron.

Implementation:

- Byron may provide funding to the Community Education Department, which provides staffing and scheduling needs.
- Continue to work with the Park Board and School District to collaborate on an efficient recreation system.
- Develop an Action Plan that includes budget needs.
- Collaborate with Chamber of Commerce, existing athletic associations, seniors and volunteer network.

Park Types and Standards

Our city contains 40 acres of active park space. The park and recreation facility standards (Table 3.4) are a general guide for city park size, accessibility and amenities based on population. These standards are adopted and modified from the National Park and Recreation Association. According to standards, Byron citizens are served well with its 4.2 acres of neighborhood park area per 1,000 residents and 8.4 acres of community park area per 1,000 residents (26.7 acres of neighborhood parks; 53.0 acres of community parks).

In addition to acres per resident, access and location should be considered. A key characteristic of great neighborhoods is a walkable neighborhood. A measure of walkability and active living is for every home to be within a 1/4 to 1/2 mile of a park (Figure 3.11). As population continues to grow in Byron, future parks will need to be planned and developed.

Park System Goals

- Develop a park system that serves all residents regardless of age or ability.
- Provide park facilities and recreational programming that encourages an active and healthy lifestyle.
- Integrate future park development within new neighborhoods such that every neighborhood is served by a park facility and every home is within a 1/4 to 1/2 mile of a public neighborhood or community park.

Park System Policies

The following are key policy directions for our park system. Many of the park system policies are embedded within the neighborhood districts element of the plan, while others will be developed through completion of the park system plan.

1. Future parks should be designed to face residential front yards on public right of way. Parklands that are located largely in back yards should be minimized. When fronting on public right of way, the park land has greater ability to contribute to neighborhood aesthetics, is more accessible and is generally a safer environment because it is more visible.
2. Future parks should be integrated with the greenway concept where possible. In locations where parks can be designed in a linear fashion, they might be incorporated into the greenway as connectors between areas of habitat or natural resources.
3. Unique stormwater features can be integrated into park design such that the park serves both a recreational purpose as well as a more passive open space.
4. Existing parks within preservation and maintenance neighborhoods should be periodically evaluated to ensure the park facility is servicing the neighborhood needs. This can be done through volunteer user surveys or observation programs.

Park Type	Use	Service Area/ Population	Size	Site	Potential Amenities
Mini Park or Plaza	Provides opportunities for recreation close to home, particularly where access to larger parks is limited/not feasible. Includes plazas with limited recreational development.	1/4 mile or less radius 0.25-0.5 ac./1,000 people	Less than 2 acres	Easily accessible to neighborhood residents; Safe walking and/or biking access; Located in areas not served by larger parks or isolated areas with low population	Benches, water feature, open area, plaza, landscaping, small play equipment
Neighborhood Park	Developed primarily for active recreation and neighborhood-scale gatherings close to home	1/4 mile radius, free of major barriers such as major highways or steep topography 1-2 ac./1,000 people	2-15 acres	Easily accessible to neighborhood residents; Safe walking and biking access	Play equipment, ball fields, court games, skating, multi-use fields
Community Park	Area of diverse environmental quality, May include intense recreational facilities, such as athletic complexes, large swimming pools; May be an area of natural quality for outdoor walking, viewing, sitting, picnicking	1-2 mile radius 5-8 ac./1,000 people	25+ acres	Easily accessible to community, includes natural features, such as water bodies	Premium ball fields, multi-use fields, trails, restrooms, swimming pools, disc golf, picnic shelter, parking facilities
Open Space	Open space is an area of land that is undeveloped (has no buildings or other built structures) for stormwater or natural resource protection.	NA	Varies in Size	Not accessible to the general public. Some accessibility may be available to the bordering subdivisions.	Covered with grass, trees, shrubs, wetlands, ponds, or other natural features.

Table 3.4 Park Types and Standards (Source: National Park and Recreation Association modified by HKGi)



Park	Park Type	Size	Amenities
Brook Lawn	Neighborhood Park	1.99 acres	Outdoor exercise equipment, play equipment, benches
Brook Lawn 10th	Neighborhood Park	3.34 acres	Play equipment, open area
Byron Community Recreation Complex	Community Park	20.79 acres	4 baseball/softball fields, parking, accessible play equipment, open area, picnic shelter
Byron Skate Park	Neighborhood Park	1.65 acres	Ice skating rink, hockey boards, warming house, pickleball courts, basketball court
Byron Soccer Complex	Community Park	20.68 acres	4 soccer fields, parking lot
Centennial	Neighborhood Park	2.80 acres	Open lawn
Community Education Center	School Facility	6.57 acres	Play equipment, ball fields, Community Education Center building
Community Gardens	Community Facility	0.43 acres	38 garden plots, parking
Community Pool	Community Park	1.04 acres	Outdoor swimming pool, bath house, play equipment, picnic tables, benches
East Brookfield	Neighborhood Park	1.82 acres	Play equipment, benches
Golf Park	Community Park	34.18 acres	Mini-golf, frisbee golf
Klingvall	Neighborhood Park	1.89 acres	Play equipment, open area, bench
Old Towne	Neighborhood Park	4.26 acres	Play equipment, benches, ball field, picnic tables, open area
Valley View	Neighborhood Park	3.87 acres	Play equipment, picnic shelter, ball field, half-court basketball, volleyball court
School Facilities			
High School	School	38.99 acres	Ball fields, soccer field, football field
Primary School	School	23.21 acres	Restored native prairie, play equipment
Middle School	School	37.94 acres	Ball fields, track, tennis courts, football field, soccer field

Table 3.5 Existing Park Facilities

Parks and Trails System Map

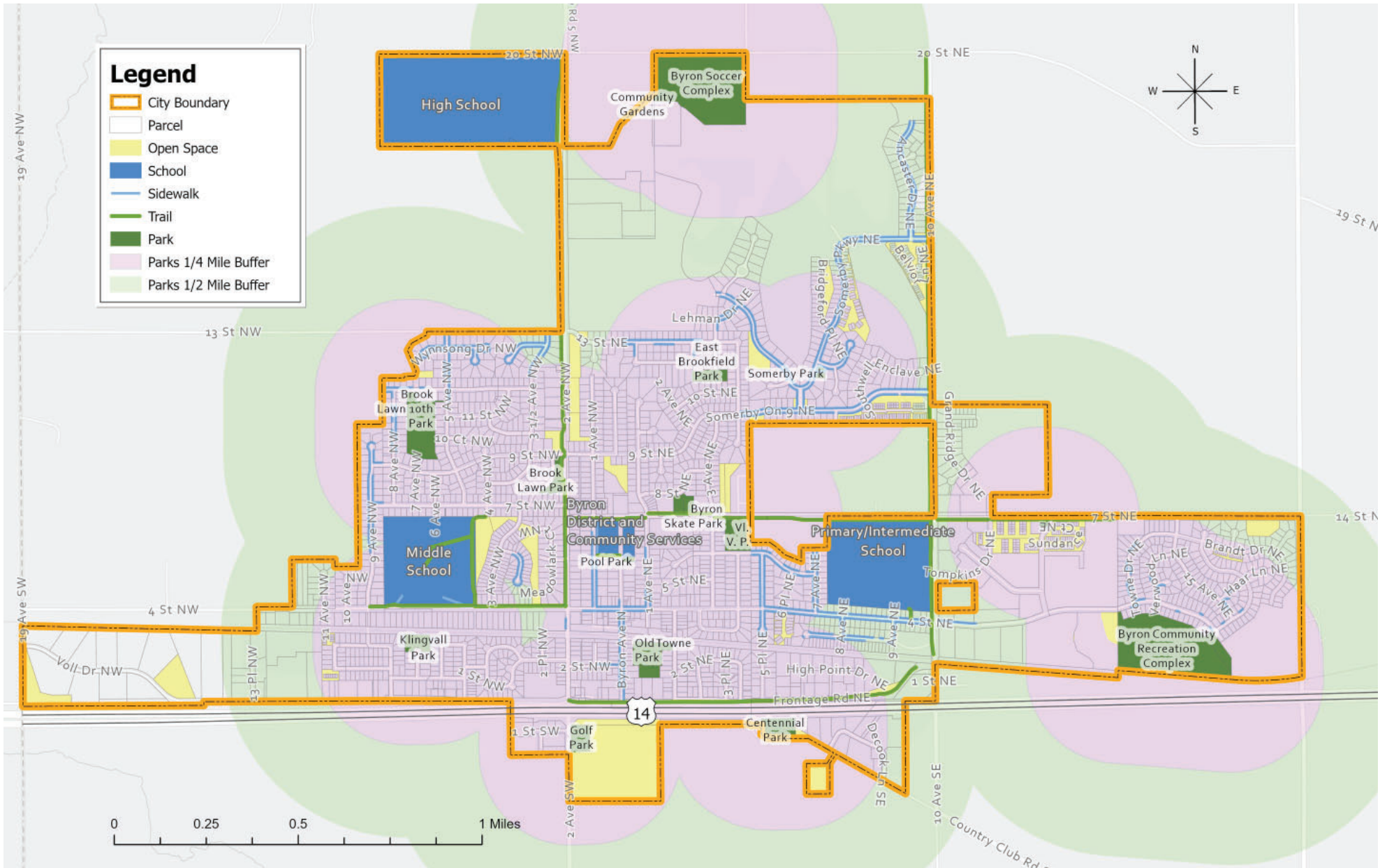


Figure 3.11 Parks and Trails System Map



Bike & Pedestrian Network

Trails, bikeways and sidewalks connect people of all ages to destinations for recreation and commuting purposes. An interconnected system of trails, bikeways and sidewalks is a necessary component to promote active living - the idea that activity can be a part of everyone's daily routine. Byron's existing off-street trails can be linked to planned and proposed trails and create closed loops for seamless recreational purposes and connect more destinations, such as schools, parks and retail areas, to residential neighborhoods. Trail connections promote safety and a small town feel, both priorities for residents in Byron.

Previous and Related Planning Studies

Byron's Recreation Facilities Plan (2006) identifies several policies that are in line with the Bike & Pedestrian Network Concept:

- A consistent signage policy shall be developed for all open space areas, buildings, etc. This policy shall include all directional and informational signs.
- Coordinate Byron's park and open space system through the use of a citywide trail plan.
- Install bicycle racks, trash receptacles, benches, and other facilities promoting use of the trail system.

Sidewalk Ordinance

Byron adopted an updated Sidewalk Ordinance in 2006 (revised in 2018) to enhance, maintain and provide new sidewalks throughout Byron. Future off-street trails are planned along major roads in Byron. The Bike & Pedestrian Network Plan Map (Figure 3.13) shows additional trail and sidewalk connections that should be considered as Byron develops.

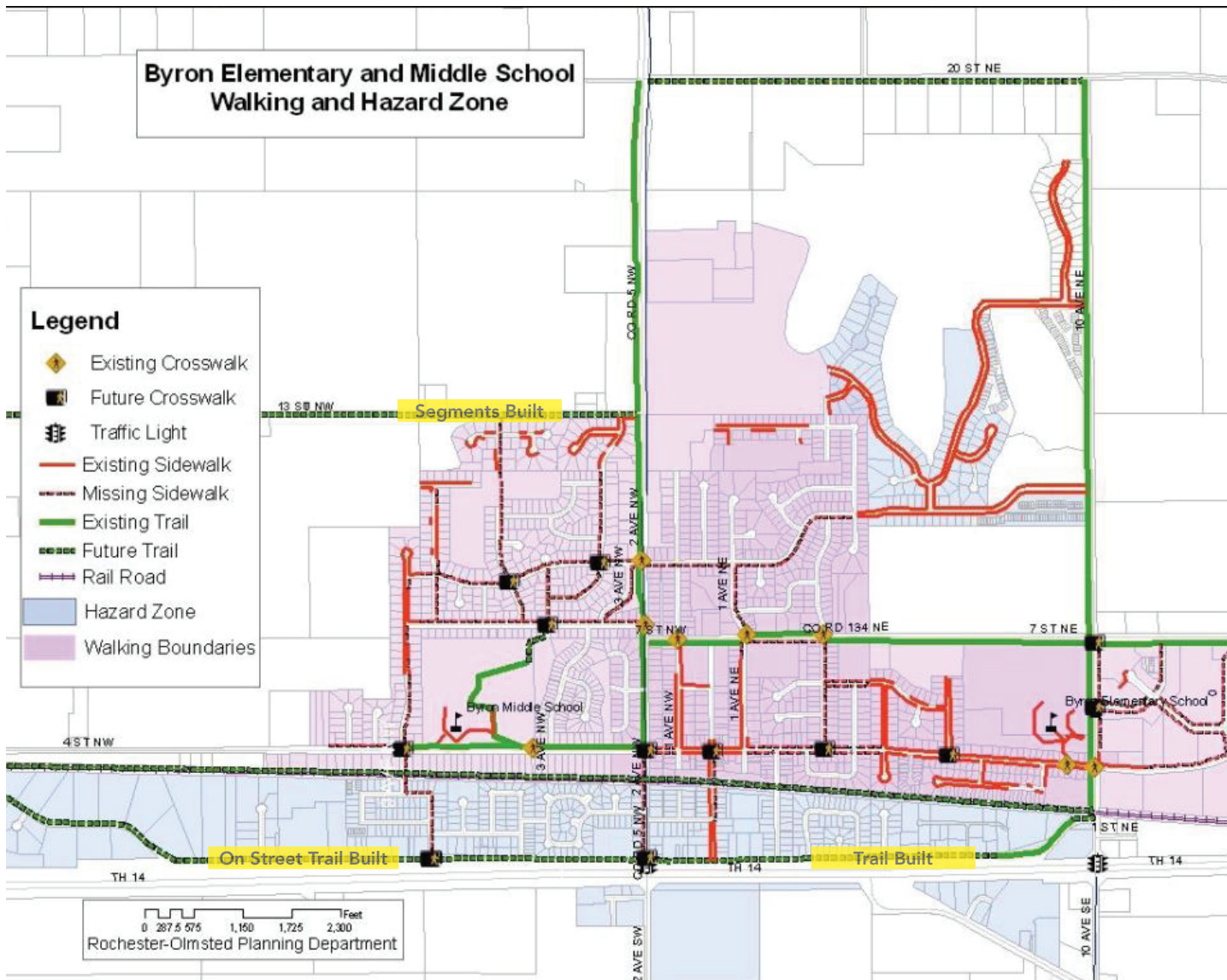
Planning for a comprehensive trail and sidewalk network now avoids issues of retrofitting roads and trails later when areas have been developed. Adding to the existing sidewalks and off-street trails in Byron, bikeways can be designated on streets to create more connections through town. Bikeways will be marked by painted lines, symbols and signs.

Stagecoach State Trail

The Minnesota Department of Natural Resources released the Stagecoach State Trail Master Plan in 2012. A study area has been identified just north of Byron for the trail to connect from the existing Douglas State Trail west toward Owatonna. At this time, there is no further plans or funding to construct the trail.

Safe Routes to School

Byron Safe Routes to School Study conducted in 2010, sponsored by the State Health Improvement Program (SHIP), identifies walking boundaries and hazard zones for the middle and elementary schools (Figure 3.12). Travel to school by walking or biking is discouraged within the hazard zones due to high speed or traffic volume on a state or county road, no crosswalks or other barriers.



Sidewalk Ordinance

“The City of Byron intends to provide safe pedestrian walkways throughout the community and, in particular, to provide for the safe pedestrian traffic to and from schools and school bus stops, and other services to the neighborhood and community.”

Figure 3.12 Byron Elementary School Walking and Hazard Zones (Source: Byron Safe Routes to School 2010)



Goals for the Bike and Pedestrian Network

- Create a safe physical environment that encourages walking and biking.
- Create new neighborhoods with a land use pattern that supports commuting and recreational biking and walking.
- Create a street network with physical connections and designs that accommodate biking and walking on a similar priority level as motorized traffic.
- Improve existing neighborhoods and streets with bike and pedestrian infrastructure and maintain existing infrastructure in good condition.

Bike and Pedestrian Network Policies

1. Create trails, bike lanes and sidewalks concurrent with new development.
2. Incorporate sidewalks and off-street trails into street reconstruction efforts where the physical space exists without compromising safety.
3. Coordinate Byron trails with regional trail plans, such as the DNR's Stagecoach State Trail Master Plan and trail planning efforts of Dodge County, Kasson and ROCOG.
4. Seek out and utilize state and regional trail grants and funding sources to implement major trail corridors.
5. Partner with ROCOG's Bicycle-Pedestrian Advisory Committee (BPAC) as a resource for advocacy and information.
6. Coordinate Safe Routes to School, Recreation Facilities Plan and ROCOG planning documents to ensure comprehensive and efficient implementation.
7. Employ best practices (where technically and financially feasible) for bike and pedestrian safety design (see page 74) such as enhanced crosswalks, signage, grade separated street crossings (for trails), median treatments, pavement markings or other strategies.



Bikeway and Pedestrian Best Practices Images



1

Medians offer pedestrians and bicyclists protected points when crossing wide or busy streets. These are especially important for children, the elderly and disabled people.



2

Grade-separated crossings of high traffic roads allow bicyclists and pedestrians to move safely and efficiently through a community.



3

Wayfinding signage can direct trail users to destinations in and around Byron.



4

Marked bike routes alert cars to watch out for bicyclists.



5

Share the road with bicycles using on-street bike lanes.



6

Safe crossings for pedestrians, such as traffic countdown signals.



7

Tree-lined sidewalks create a sense of security and provide shade.



8

Signed crosswalks alert drivers to be aware of pedestrians.



9

Crosswalks along major trail and sidewalk corridors should be heavily marked for safety.

Bike and Pedestrian Best Practices Map

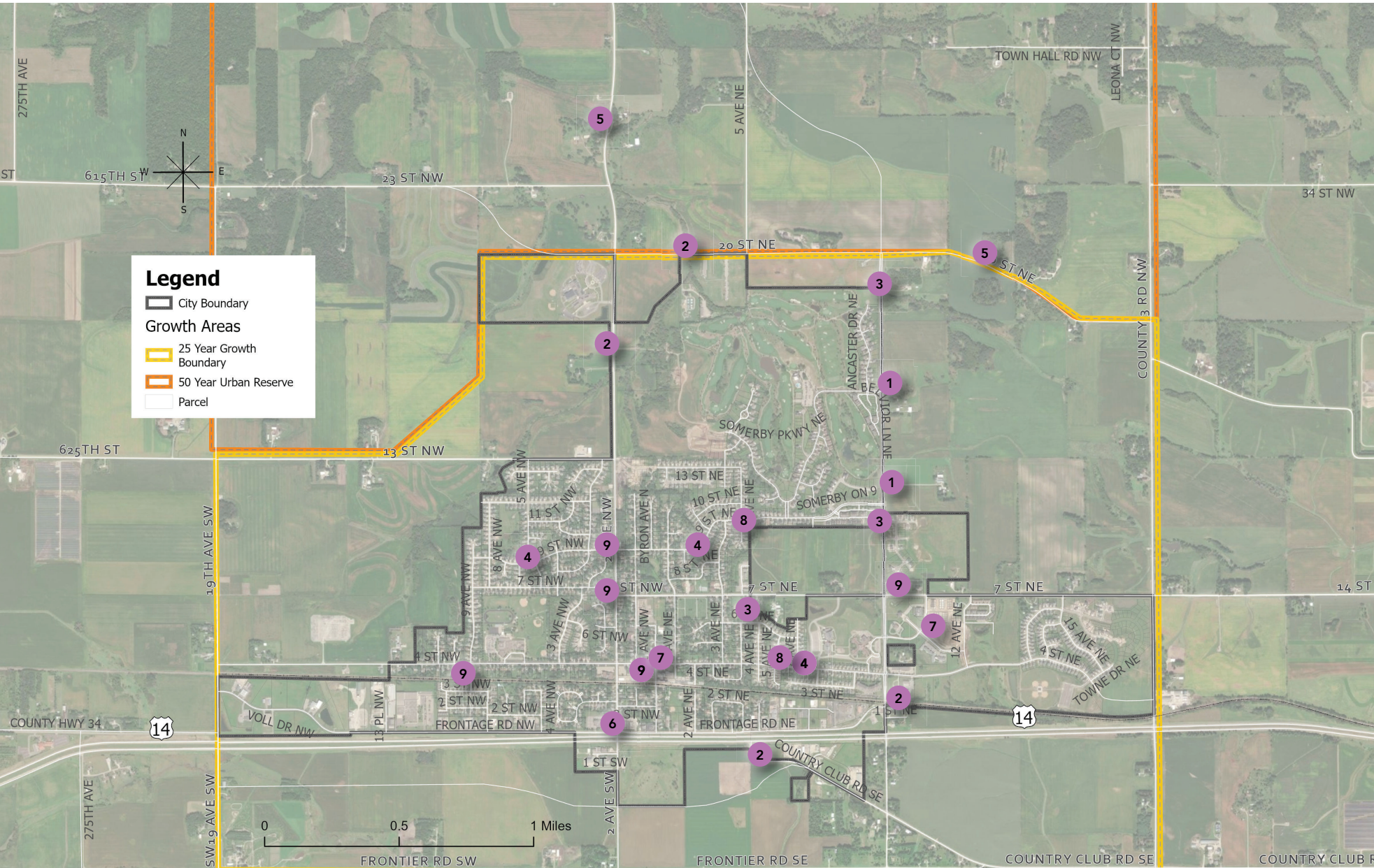


Figure 3.14 Bike and Pedestrian Best Practices Map



Byron Waste Water Treatment Plant

Infrastructure & Utility Systems Wastewater Systems

Sanitary sewer systems comprise a central wastewater treatment plant connected to a series of collection pipes that flow via gravity or pumping to the treatment plant. In Byron, the Municipal Wastewater Treatment Plant provides central treatment for Byron. The plant was originally built in 1983 and expanded in 2005. The expansion in 2005 considered growth and development utilizing the 25 year and 50 year urban service area boundaries. Ultimately, the plant was designed to a projected population of 12,750. The plant capacity is sufficiently sized to accommodate the planned growth in Byron for the Plan horizon (to 2040). Serving the plant is nearly 30 miles of sewer collection piping.

In 2017, a study was conducted (based on proposed land use percentages from the 2030 comprehensive plan) analyzing the options for the expansion of sanitary sewer systems into the 25 year urban service area South of Highway 14. This study determined that areas within the 25 year urban service boundary can be served by a combination of gravity flow lines within the area, and the use of lift stations and force mains to pump the districts wastewater to the gravity flow sanitary sewer system located in the existing sewer area. A lift station will be constructed by 2022.

Municipal sanitary sewer systems should be considered a necessity for urban growth and should be required in the city limits and in locations where density is to exceed a threshold of 0.5 to 0.33 units per acre or where there are commercial, institutional or industrial uses.

Municipal Solid Waste

Byron has a plan for collecting solid wastes (garbage and refuse) produced by residential, industrial and commercial land use activities. Solid waste management in Byron is about much more than the proper handling and disposal of solid wastes. It encourages lifestyles that promote the efficient use of resources in a way that minimizes generation of waste. Designing buildings that are sustainable, longer lasting and durable is one way of contributing less to solid waste production. Use of recycled materials for construction purposes also reduces the need to throw away resources that can be re-used in a different manner.

As a community, we might consider adopting independent goals for recycling of the solid waste stream and construction debris stream.

Drinking Water

Byron's public water systems are comprised of three parts: wells (two current wells built in 1962 and 1978), storage (two facilities with a capacity of just over one million gallons) and a distribution system consisting of roughly 35 miles of pressurized pipes that deliver water to homes and businesses for consumption and fire protection. Delivery of public water should coincide with sanitary sewer and other public infrastructure systems.

Key directives that might influence the water supply and distribution plan include the emphasis of the Comprehensive Plan on green infrastructure and sustainability. Creating landscapes that require less watering and encouraging more environmentally sensitive lifestyles will put less pressure on the public water supply system. Land use regulations will also need to be established or modified to ensure locations of well fields are protected from inconsistent land use patterns.

Critical to the preservation of the water supply is the predominant geologic formation of the region, the Decorah Edge. Our plan supports the efforts led by Olmsted County to protect and preserve areas that are most sensitive to contaminating ground water supplies. We embrace the representation of the Decorah Edge Overlay district established in the County Zoning regulations. Our concept of the Greenway Corridor includes the Decorah Edge and where possible, our policy encourages preserving those areas as open space or low impact development through the use of conservation design strategies.

Byron has several guiding documents to inform their infrastructure and utility system needs, including a Water System Distribution Plan (2000), which was updated in 2014, Sanitary Sewer Master Plan (2017), and a Wellhead Protection Plan (2016). These plans may need updating following the completion of the Comprehensive Plan.

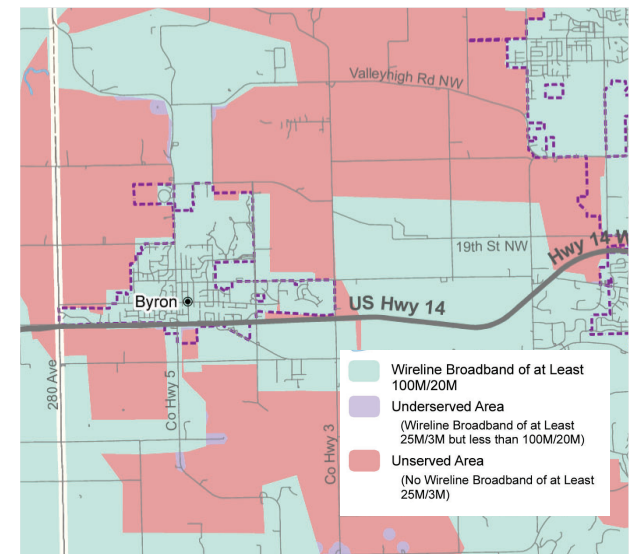
Communications

Communications infrastructure is an important aspect of a livable community. It is becoming a necessity in order to compete in a global economic environment. Such infrastructure systems include Wi-Fi, fiber optic, and other high speed data communication systems. Nearly all of the area currently within Byron's city limits is served by wireline broadband of at least 100M/20M. However, much of the 25 and 50 year growth areas are considered unserved at this time.

As Byron develops consideration should be given to how communication infrastructure fits within future public ROW along street corridors, utility corridors, trail corridors or perhaps as part of the Greenway system.



Byron water tower



Byron Broadband Access (Source: MN Office of Boardband Development)



Byron Community Education Center Building



Stormwater pond by residential development

Education

The trend for schools (K-12) has been to move toward a more efficient campus environment with lots of space and room to grow. Schools located within neighborhoods are becoming a thing of the past. However, the value of schools serving neighborhoods is unparalleled to many other livability factors. Schools serve as neighborhood identity features, gathering places and learning environments for more than just children growing up. They also serve as walking/biking destinations. Our award winning K-12 school system currently has one facility for each level: primary, intermediate, middle, high school. All facilities have some capacity to expand and grow at their current sites. As our community grows, this plan encourages efforts to improve the pedestrian connections between neighborhoods and existing schools and to consider long term siting of future school facilities to carefully consider neighborhood identity, connectivity and walkability in their facility planning efforts.

Stormwater Management

Stormwater management is an important infrastructure improvement that Byron can address. Best practices help minimize public capital expenditures needed to correct flooding and water quality problems. Examples of best practices that reduce runoff include the use of rain barrels, rain gardens, vegetated buffer areas around water bodies, and decreasing the amount of impervious surfaces on a site.

Infrastructure improvements in this area will contribute to water quality within Byron and to the Zumbro River and ultimately the Mississippi River. Currently, Byron has over 7.5 miles of storm sewer pipes along with limited areas for ponding to treat stormwater before it infiltrates or flows into surface drainage ways. We adopted a stormwater utility fee that helps sustain our existing stormwater system, providing a funding source to maintain our system and provide educational resources that help our community understand the impacts that our development decisions and behaviors have on the greater environment.

Our Plan suggests a sustainable development pattern that seeks to minimize runoff through innovative community design and development and education. We can utilize proven best management practices from state and regional resources to help our community efficiently and effectively manage stormwater so that it is not just a problem, but an opportunity and an amenity.

An implementation initiative is to create a guide that will provide examples of how small development projects and existing properties can better manage stormwater runoff for the betterment of water quality in the region and ultimately everyone downstream.

Infrastructure System Goals

- Maintain a community infrastructure system that is environmentally sound (providing safe and clean drinking water and minimizing pollutants), technologically current (reliable and efficient systems), efficient in its operations (linking operational costs to design, construction and development trends and to usage behaviors), and able to grow and expand to adequately accommodate future development (proactively manage our system).
- Link our infrastructure system development to our neighborhood districts and coordinate its implementation with the greenway concept.
- Efficiently utilize existing infrastructure capacity in redevelopment, infill or preservation/maintenance neighborhoods before subsidizing future infrastructure investments to new growth areas.

Infrastructure System Policies

1. Water conservation should be encouraged in all aspects of community development and the ongoing maintenance of our community. Using drought tolerant landscaping, low pressure faucets/fixtures, monitoring irrigation systems or implementing best management practices that capture rainwater for future reuse are key policy directions for implementing our community vision.
2. Good water quality is an essential element of maintaining a high quality of life. Both potable water (drinking water) for our physical health and clean water that is discharged to the environment after being used. We will continue to employ the most effective and efficient technologies and regulatory provisions to ensure clean drinking water supplies and to protect against unintended

consequences and negative environmental impacts.

3. System expansions will be required for our community to grow. We will extend municipal utilities (sewer, water, and stormwater) in an orderly manner that discourages leap-frog development.
4. Best Management Practices (BMPs) for stormwater management can contribute greatly towards many of our guiding principles including those aimed at community character and identity, environment and natural resources, connectivity (partnerships) and infrastructure. We will encourage use of BMPs in public and private development to help manage stormwater runoff (volume control and treatment) and to contribute to the aesthetic value of our neighborhoods, parks, streets and open space corridors.
5. School siting is a critical element to our future growth neighborhoods. While the need for additional school facilities may be in the distant future, it is never too soon to be thinking about how future facility planning can be done collaboratively between the School District and Byron. We will encourage our school facilities to be integrated into our neighborhoods, well connected by trails and sidewalks, equipped with bicycle friendly infrastructure, accessible to well-planned collector streets and connected to our park system.
6. Utilities and communication infrastructure should be considered as future development or redevelopment projects are planned. We will make sure that public improvements incorporate provisions for technology enhancements and connectivity to our neighborhoods and our public facilities.
7. We will continue to plan for capital improvements that maintain, redevelop and grow our infrastructure system.



Implementation

4

The Byron Comprehensive Plan provides the policy framework to guide physical change in our community over the next 20 years. The effectiveness of our plan to guide development and public investment decisions depends to a large extent on clearly identifying actions and initiatives to implement the ideas outlined in the plan.



Community collaboration on a project



Community generated ideas being considered

Implementation of our plan will occur in several ways:

The Plan is a guide for decision making

The Plan will be used on a daily basis by City Staff in the day-to-day operations of local government. Staff will reference plan policies and goals to support elected and appointed officials while carrying out their responsibilities in making key decisions relative to public investments, growth and redevelopment. Requests for land use applications and development projects will be evaluated based on consistency with the plan. City Staff's copy of the Plan should be most noted by its torn edges, protruding sticky notes and coffee stains, evidence of extensive use of the plan.

Our elected and appointed officials will use the Plan to justify hard decisions related to land use development, zoning requests, annexation, growth, redevelopment, regional infrastructure investments and local public infrastructure investment.

The Plan will be used by the development community to understand how particular projects fit within the community and how it might affect existing or planned future growth around their projects. Developers, brokers, realtors and investors will use the Plan to help formulate strategies for new development projects or investing in existing development and to help with risk assessment.

Boards and commissions of the City will use the Plan to help in establishing annual work programs and priorities, using the Plan as a "to do list."

The Plan is a marketing tool

Our guiding principles emphasize a number of strategies that require coordinated efforts by the community to attract, grow and develop ideas. As an adopted policy plan the Comprehensive Plan can help solidify the support, commitment and collaboration needed to mobilize the community. The Plan should be referenced, celebrated and promoted to the Byron community and the region seeking to invest or re-invest in the City. In essence, the Plan becomes the document that is provided to prospective businesses, residents or investors or potential grantors/philanthropies.

The Plan is a "to do list"

We all have our "to do lists" at home stuck on the fridge or bulletin board. In fact, some of us have many to do lists. The Comprehensive Plan is Byron's to do list and should be a resource for City departments, boards and commissions as they establish annual goals and work programs.

Successful implementation of the Comprehensive Plan results in checking off some of the projects on our list. As items get checked off the list, it is an indicator that the plan should be revisited and refreshed.



Implementation Action Steps

Action steps are physical initiatives that are intended to carry out an idea or policy identified through the planning process and memorialized in the adoption of the Plan. The action steps directly correlate to the vision and guiding principles. Action steps will result in both tangible and intangible outcomes. For example, one action step may be to provide a service that enhances quality of life (recreational programming). Providing a service might not result in a physical product but it is implementing a policy of the Plan. On the other hand, an action step that is focused on growing a business or industry might result in a new development or new jobs, both tangible outcomes.

In the case of action steps, the Plan identifies an initiative or action, an entity or person responsible for the action or initiative, a time frame for completion, a general statement of cost to understand the magnitude of the action or initiative and a means to measure the action or initiative's effectiveness in moving towards the Plan's objectives/goals.



Partnerships

Implementation of our Comprehensive Plan requires partnerships between the public and private sectors. The private sector builds new neighborhoods; they provide the supply. The community helps shape that neighborhood and is the demand. Neighborhoods don't form overnight. They take time to develop, emerge and mature. Collaboration with property owners, developers and investors will be required to see neighborhoods come together in a connected fashion. Our plan also recognizes the need to focus on the core of the community, our historic downtown area and areas along Highway 14 particularly will require collaboration among the public and businesses that are affected by redevelopment. Forming new partnerships and strengthening existing partnerships are critical strategies in realizing our vision.

Action Steps

- Partner with landowners who control parcels most suitable for new development in the future to provide a coordinated marketing and development plan that reduces development barriers and maximizes consistency with the City's vision and guiding principles.
- Partner with Olmsted County, Dodge County and MnDOT in pursuit of a feasible resolution and implementation of improvements to Highway 14.
- Partner with the School District to provide recreational programming for all ages of the community.
- Partner with major businesses in downtown to strategize land use transition and redevelopment impacts and ultimately an identity for downtown.
- Partner with local/regional produce farmers to provide a more substantial and permanent place for the farmers market, integrated with future development that is destination oriented.
- Partner with local business leaders to explore new business ventures and economic development/growth opportunities.

Partnerships

Responsible entity: City Council/ Administration

Timing: Immediate – then ongoing

Cost implications: Will require staff time to coordinate – minimal budget impacts

Funding sources: General fund

Key Measurements: Number of partnerships created, number of projects initiated, number of projects completed

Partnerships can take many forms. A first step is defining the objective of the partnership and establishing a desirable outcome such as a specific development project, coordination of an event or delivery of a particular service. A second step in forming the partnership is to understand the organizational structure and the roles of each partner. This would include the financial commitments, decision making structure and staffing responsibilities. Lastly, and probably most important, is identifying a passionate leader who coordinates and facilitates activities of the partnership, mediates potential challenges and advocates for the desired outcome.



Official Controls

Official controls are key tools for implementing the Comprehensive Plan. Official controls generally refer to the ordinances and regulations that control the physical development of a city such as a zoning ordinance, subdivision ordinance, building codes and official maps. These controls need to be consistent with the Comprehensive Plan. The Comprehensive Plan provides the broad policy framework and basis for the more detailed zoning ordinance. The following topic areas need to be addressed and updated:

Concept Planning

The Neighborhood District approach suggests that the City collaborate closely with the development community to achieve a connected system of neighborhoods, greenways, trails, and roadways. Flexibility is provided to the development community to distribute specific land uses within each neighborhood district: varying forms of residential, neighborhood commercial, parks, schools and churches, etc. while factoring in market demands and development phasing needs. The overall land use distribution and community systems (e.g., parks, infrastructure and roadways) provide a framework to ensure continuity between neighborhoods and to ensure that community systems are not overstressed by new development

Implementation of the neighborhood districts concept will require an emphasis on concept planning in order to envision relationships and connectivity to adjacent neighborhoods and connected systems (streets, trails, greenway and parks). Traditional zoning district tools can be applied following a detailed concept planning process and approach. Options to consider include updates to existing zoning districts, creating a mixed-use district(s), and/or creating overlay districts.

Subdivision Ordinance

The Subdivision Ordinance regulates the development of land and the provision of public facilities within the community. Properly enforced subdivision regulations, coupled with zoning, can ensure proper physical development and adequate public facilities within growth areas. They normally prescribe standards for street improvements, lot layouts, water and sewer facilities, and other development standards.

Subdivision regulations can also ensure that the costs of public improvements within growth areas are borne by the developers and the new residents as appropriate rather than by the established community. Byron's subdivision regulations should be reviewed against the recommendations of the new Comprehensive Plan, and revised and modified where necessary.



Senior Christmas Lunch

Zoning Ordinance

The Zoning Ordinance provides regulations for the use of land. Key components that should be evaluated and considered for revisions include:

- Commercial Zoning Districts: Consider establishing separate zoning districts for neighborhood retail, community retail and highway-oriented retail. An overlay district may be another tool for permitting commercial uses in a neighborhood. The purpose of an overlay district is to establish more specific design regulations for specific areas. Overlay district regulations are in addition to the requirements of the underlying or base zoning district. An overlay district typically provides requirements (or incentives) intended to preserve the character of an area. Increased flexibility in setting overlay district regulations is possible since the standards can be more closely tailored to an area within the community that shares certain characteristics.
- Mixed Use District: Consider establishing a mixed-use district to support the integration of uses on a single parcel, either vertical mixed use (retail/commercial on ground level with residential/office above) or horizontal.
- Official Mapping: Preserve and minimize development at the future interchange locations by utilizing such tools as official mapping, footprinting, and subdivision requirements.
- Buld Standards: Review bulk standards (e.g, setbacks, building height, and lot coverage) to evaluate standards that are in conflict with a more walkable/bikable environment.

Action Steps

- Conduct a thorough review of the Zoning and Subdivision Ordinances confirming purpose and objective statements, use regulations and bulk standards.
- Establish zoning tools (e.g., new zoning districts or overlay districts) that support neighborhood and community retail uses in the neighborhood districts.
- Revise the Zoning and Subdivision Ordinances to incorporate updates
- Adopt a new and updated zoning map.



Playground at the Community Recreation Complex

Official Controls

Responsible Entity: Planning Commission/Planning Staff

Timing: Fall/Winter 2022 - then ongoing

Cost Implications: Funded

Funding Sources: General fund

Key Measurements: N/A (on going measurements include number of applications denied in a year, number of variances requested, granted or denied)



A roadway under construction

Capital Improvement Programs

Byron uses a Capital Improvement Program (CIP) to manage capital improvement expenditures. CIP planning is critical to maintaining the community's core infrastructure systems such as streets, sidewalks, trails, wastewater system, potable water system and stormwater infrastructure. The CIP focuses on maintaining infrastructure systems as well as growing new systems. As future growth and development occurs, the CIP plan should be maintained as a valuable planning and budgeting tool.

The City actively studies and plans for infrastructure needs (e.g., sanitary sewer and potable water supply systems). The City will need to continue to assess its infrastructure systems focusing on how future growth areas. Priority planning efforts include the Highway 14 interchanges.

Action Step

- Monitor and update the CIP to include 3-year, 5-year and 10-year CIP projects such as future road extensions/improvements, trail corridors/improvements, park improvements, and trunk/main infrastructure improvements. The CIP can also include planning and engineering design services that ultimately lead to capital improvements.
- Identify funding partners and sources for the Highway 14 interchanges.
- Maintain mapping files of built work (e.g., sidewalks and trails).

Capital Improvement Programs

Responsible entity: City Council/
Administration

Timing: Ongoing

Cost implications: Staff time – minimal budget impacts

Funding sources: General fund

Key measurements: New projects identified and funded – projects completed – dollar value of completed projects/investments

Neighborhood Concept Plans

New Growth (Neighborhood District) areas are described in the land use plan. These areas will be needed to accommodate new development that is forecasted over the next 20 years. Future growth in these areas will require the planned extension of community infrastructure (sanitary sewer, potable water, storm sewer and roads) and the coordination of future community park land.

A goal of the plan is to create new neighborhoods that will help offer a diversity of housing choices and neighborhoods that are attractive to live in (i.e., are walkable and bikeable, close to services and have desirable amenities like public parks, trails and natural resources or open space areas).

Neighborhood concept plans would be triggered by an initial development interest within a new neighborhood. Byron will need to play an organizational role at first coordinating a funding strategy for concept plan design and engineering work.

Ultimately, individual land owners seek to benefit by the concept planning process. The planning and design will help position one's property for future development. Steps in the environmental review process will be completed as part of the concept planning process. A community process would help garner community support for a smoother development approval process. The City seeks to benefit by avoiding future traffic, infrastructure or development conflicts that are unintended consequences of the traditional subdivision design approach. Because of the benefit that potentially is realized through the concept planning process, costs for concept planning should be shared amongst benefiting land owners, developers and the City.

A neighborhood concept plan would include the following key elements:

- A detailed concept plan that defines how land uses would interact with the greenway framework (reference Greenway Corridor Idea pages 32 to 34) taking into consideration a mix of housing (or business uses depending on the neighborhood district), neighborhood retail, park and open space systems
- A quantification of development magnitude (how many units by type of units)
- A street network that provides access to development parcels and ensures connectivity to the street system and adjacent neighborhoods
- A feasibility study of infrastructure requirements identifying associated costs and establishing a financial plan for covering the costs
- Location, size, orientation and programming of future park needs following Byron's park plan



Multi-family housing

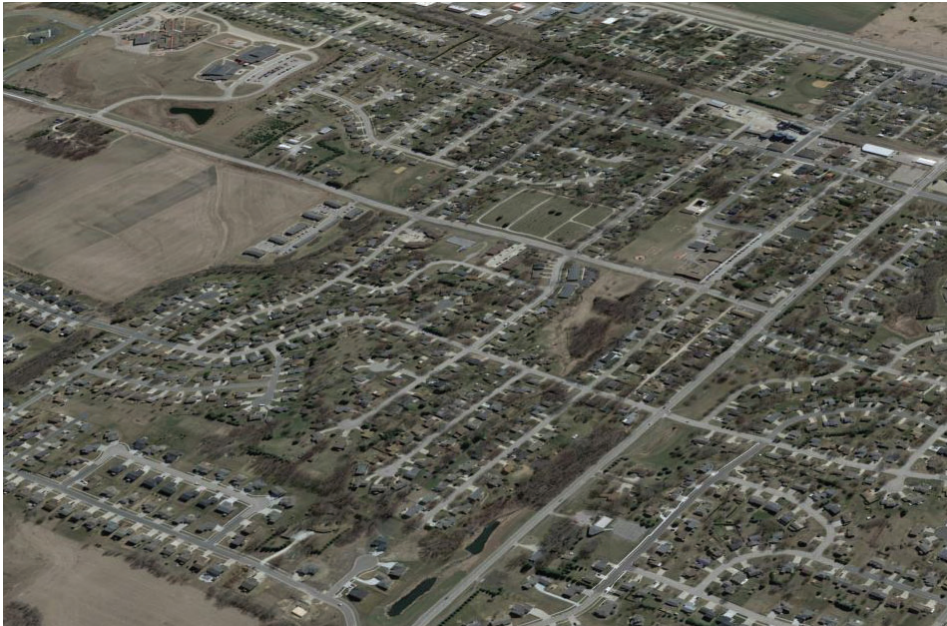


Natural open space

- Area and site amenities that contribute to quality of life and neighborhood character development (open spaces systems, infrastructure design, streetscape, sidewalk/trails, etc.)
- A phasing plan that would understand how development would occur over an extended period of time and how infrastructure would ultimately be designed and extended to the entire neighborhood and adjacent neighborhoods

Action Steps

- Complete a Neighborhood Concept Plan for the Business Park area (west/southwest).
- Complete a Neighborhood Concept Plan for future Residential growth areas (northeast).
- Complete a Neighborhoods Concept Plan for land south of Highway 14.
- Complete a Neighborhood Concept Plan for land surrounding the future Highway 14 interchanges.



Aerial of Byron and growth areas

Neighborhood Concept Plan

Responsible entity: Planning Commission in partnership with landowner/ developer

Timing: Developer or development driven in most cases – can be initiated by City when public infrastructure needs warrant

Cost implications: Will require staff time to coordinate – design/ engineering budget could vary depending on size and scope of project – planning/design/ engineering costs may range from \$15,000 to \$100,000

Funding sources: General fund/park fund/grant resources/developer-landowner funding

Key measurements: Number of goals addressed in the Comprehensive Plan



Economic Development and Housing

Expanding the commercial and industrial base of the City is an ongoing effort. Identifying new, effective strategies for Byron will most likely come in response to the needs articulated by existing and prospective businesses. Thus, listening to and establishing relationships with existing businesses, and even business prospects, is the best initial step.

Action Steps

Support and Enhance Educational Institutions

Schools are perhaps the most prominent asset within the community of Byron. School quality is a primary factor in a family's location decision. In order to attract entrepreneurs and business interests, the City must continue to maintain high quality school facilities and educational programming.

- Conduct biannual meeting between School Board and City Council to ensure open communication.
- Continue to explore new city-school cost sharing and seek opportunities to supplement school activities with city facilities when possible, such as through the community education program.
- Attract young families that will support the school system.
- Consider impacts on school planning and engage district administration in concept planning future growth areas.

Increase connectivity to Rochester

Creating access to amenities and work opportunities in Rochester will make Byron an attractive place to live for those who are less mobile due to age, socioeconomic status, physical disability, or those who want to limit car usage. Safe transportation for children to recreational facilities outside of Byron would enhance the quality of life for families in Byron.

- Seek grant opportunities through MnDOT to expand bus services/transit opportunities and plan future neighborhoods with long term transit service in mind.
- Develop a forum for residents to seek ride-share opportunities.
- Explore dedicated or off street/highway bike routes that connect Byron's bikeways all the way to major employment centers locally and regionally.
- Explore business spin offs or startups that build off of the identity and image of major businesses in Rochester but are more interested in the quality of life offered by a smaller, bedroom community.

Facilitate Planned Housing Development

Housing development is an important component in economic development. Housing can define the character of a community, and is often a primary factor in people's location decision. Housing development can affect property values throughout the city and aid or hinder other economic development. Byron must ensure that a diverse and abundant supply of housing at all price ranges will make this community an attractive place to locate for individuals and families with diverse socioeconomic characteristics.

- Assist with the development of senior housing/assisted living so individuals have the option of staying in Byron throughout their life and living close to family members.
- Market available property to potential home builders.
- Facilitate connectivity between future housing and current and future commercial/retail.
- Create a diverse housing stock with affordable housing options to ensure that Byron workers can also afford to live in Byron.

Economic Development and Housing

Responsible entity: EDA/Byron Chamber

Timing: Ongoing

Cost implications: Will require staff time to coordinate and conduct

Funding sources: General fund/ EDA

Key measurements: Number of goals addressed in the Comprehensive Plan – could be numerous

Encourage Appropriate Commercial Development

Commercial development eases the tax burden on residents for city services and creates employment opportunities for the local workforce. Increasing the local workforce will have secondary and tertiary benefits for local commercial and retail businesses as these workers spend money within the local economy. However, public officials must scrutinize these projects to ensure that they are the right fit for the community.

- Facilitate marketing of available industrial/commercial properties and buildings.
- Offer competitive tax/fee benefits for industrial projects that display long-term benefits for the community.
- Collaborate with businesses to meet service needs.
- Continuously explore emerging retail consumer behavior and trends to understand what retail form and markets are best suited for our community.
- Create continuity among businesses that complement each other.

Encourage Entrepreneurship and Business Retention

Part of being a great place to live is fostering an environment that encourages entrepreneurship and supports long standing businesses. The following key strategies are meant to support business development and retention:

- Assist business development services such as financial planning, marketing, and market research.
- Ensure that businesses have adequate workspace to expand within the community.
- Partner with the Byron Chamber of Commerce to identify and address business needs relating to public services.
- Survey current businesses to gauge satisfaction with city services.

Encourage Consumption of Local Goods and Services

Due to the great percentage of residents that commute into Rochester, where retail is plentiful and convenient, business in Byron suffers. Byron businesses and the City should work to create businesses that capture consumption of goods and services by Byron residents.

- Develop a public relations/marketing campaign to create awareness.
- Ensure that new development has convenient access to commercial business.
- Create greater access and higher visibility from Highway 14 when the interchanges are constructed.

Parks

The Comprehensive Plan provides general guidance on the park system. A more detailed system plan would further define park programming, future improvements and a phased approach to on-going park improvements. The Park System Plan would inform future CIP projects and would provide the legal basis and rationale for updates to the City Park Dedication Funds.

Action Steps

- Update the 2006 Park System Plan.
- Coordinate with the Byron Community Education Department to discuss a joint recreation venture.
- Establish an asset management plan that identifies funding needs for future park operations, maintenance, and replacement needs.



Community pool

Bikes and Pedestrians

The potential trails on Figure 3.13 (page 73) are shown as conceptual and open to adaptation. The trails would be built as properties are subdivided and developed. At some point, the City may play a more active role in facilitating trail completion when the improvement would benefit completion of a connected system by closing a gap.

There are many options for funding trails and sidewalks. Byron's current Sidewalk Policy requires new sidewalks to be built as streets are reconstructed. Sidewalks can be paid by assessments to benefiting property owners, general fund dollars, grant resources (such as Safe Routes to Schools or others) or through other creative funding strategies.

Trails, bikeways and sidewalks shown along existing streets can be developed as funding becomes available. Trails shown in undeveloped land can be planned, designed and built along with new developments. This concept ensures that trails will be considered during the planning stages of developments rather than after neighborhoods are formed.

Action Steps

- Secure funding for a future trail needs that coincided with development.
- Prepare an updated Pedestrian and Bicycle System Plan.

Parks, Bikes, and Pedestrians

Responsible entity: Park Board/ City Staff

Timing: Immediate

Cost implications: Acquisition and planning

Funding sources: General fund, philanthropy, park dedication, grants

Key measurements: Number of Comprehensive Plan goals met



→ Establish a “Future of the City Forum”

Establish a “Future of the City Forum” or similar event to review the Plan on an annual basis and facilitate a community dialogue about what has worked well and what has not worked so well. This evaluation should lead to identifying a need for amendments or updating the “to do list” on an annual or every other year basis. This can occur through regular survey mechanisms or through a process designed to “take the pulse of the community” and celebrate community accomplishments.

Action Steps

- Schedule a recurring “Future of the City Forum” to occur December of each year after Plan adoption.
- Prepare a report template that can be appended gradually over the year documenting issues with plan implementation, actions completed or new actions that should be added. This report template serves as the working agenda for the annual meeting.
- Bring together all elected and appointed staff for a goal setting meeting.

Establish a “Future of the City Forum”

Responsible entity: Planning Commission/Planning Staff

Timing: Year 1 – then ongoing

Cost implications: Will require staff time to initiate/start up – minimal budget impacts

Funding sources: General fund, philanthropy

Key measurements: Number of total participants in the community dialogue, number of new participants in the dialogue



Free Little Pantry in downtown Byron





CITY OF BYRON, MINNESOTA

DATE: September 6, 2022

Originating Dept: Planning

Introduction: Resolution 22-10 P&Z - Variance request for 986 8th Avenue NW - Fence

Request for Action: Provide a recommendation for the City Council

Background /Justification: Dan and Danni Gibbs at 986 8th Ave NW is proposing to construct an inground pool with a locking pool cover.

Per Byron's Ordinance 152.109 (D) (1) an inground pool shall be enclosed by a fence of a type which effectively controls the entrance of unauthorized access to the pool. The Gibbs family is requesting a variance for aesthetic reasons as well as not hindering neighbor's access onto their own yard.

Per State Statute, there are practical difficulties that variances must meet in order to be granted. Attached you will find the League of Minnesota Cities information and guidance for variances and below is staffs comments on the practical difficulties that must be met.

- Reasonable Manner: If the City does not allow a the variance and require the fence, will the property owner still be able to use their property in a reasonable way? If a fence would hinder the use of a neighbor from going onto their land, could the fence be placed in such a way that it would not hinder a neighbor's property?
- Unique Circumstances: Staff cannot find something that is unique about their property that would prohibit the installation of the fence.
- Character of the Neighborhood: Staff feels a pool would not alter the essential character of the neighborhood.

Another concern that staff has with this request is the property does abuts a public park which causes concern and liability issues with an unfenced pool being adjacent to a city park.

Fiscal Impact:

Staff Recommendation: Recommend to the City Council to deny the variance request for a fence at 986 8th Avenue NW.

Preparer: Janna Monosmith

ATTACHMENTS:

[LMC Land Use - Variances.pdf](#)

[Gibbs Application.pdf](#)

[Gibbs Site Plan.pdf](#)

[Gibbs Aerial.pdf](#)

[Byron - Zoning Code.pdf](#)

[Pool Cover Information.pdf](#)

[Submitted - Rochester & Oronoco Zoning Code.pdf](#)

[Grading Plan.pdf](#)

[RES 22-10 P&Z - Variance Denial.pdf](#)

[RES 22-10 P&Z- Variance Approval.pdf](#)

Land Use Variances

Published: May 21, 2021

See accompanying model documents below.

This content conveys general information. Do not use it as a substitute for legal advice. Any attorney general opinions cited are available from the League's Research staff.

What is a variance?

A variance is a way that cities may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Sometimes a landowner seeks a variance to allow a use of their property that is not permissible under the zoning ordinance. Such variances are often termed “use variances” as opposed to “area variances” from dimensional standards. Use variances are not generally allowed in Minnesota. State law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located ([Minn. Stat. § 462.357, subd. 6](#)).

Granting a variance

Minnesota law provides for a body called the board of adjustment and appeals to hear requests for variances ([Minn. Stat. § 462.357, subd. 6](#)). In many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council.

A city may grant a variance if enforcement of a zoning ordinance provision, as applied to a particular piece of property, would cause the landowner “practical difficulties.” For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties ([Minn. Stat. § 462.357, subd. 6](#)). If the applicant does not meet all three factors of the statutory test, the city should not grant the variance. Also, variances are only permitted when:

- They are in harmony with the general purposes and intent of the ordinance, and
- The terms of the variance are consistent with the comprehensive plan.

Legal standards

When considering a variance application, a city exercises “quasi-judicial” authority. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. If the applicant meets the standard, then the city may grant the variance.

In contrast, when the city writes the rules in the zoning ordinance, the city is exercising “legislative” authority and has much broader discretion.

Practical difficulties

“Practical difficulties” is a legal standard that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

Reasonableness

The first factor is that the property owner proposes to use the property in a reasonable manner.

This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.

It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

Uniqueness

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

Essential character

The third factor is that the variance, if granted, will not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

Undue hardship

“Undue hardship” was the name of the three-factor test prior to a May 2011 change of law (2011 Minn. Laws, ch. 19, amending Minn. Stat. § 462.357, subd. 6).

The 2011 law restored municipal variance authority in response to a Minnesota Supreme Court case (*Krummenacher v. City of Minnetonka*, 783 N.W.2d 721 (Minn. June 24, 2010)). The law now does both of the following:

- Provides consistent statutory language between city land use planning statutes (Stat. § 462.357, subd. 6) and county variance authority (Minn. Stat. § 394.27, subd. 7).

- Clarifies that conditions may be imposed on granting of variances if those conditions are directly related to, and bear a rough proportionality to, the impact created by the variance.

The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of

- reasonableness
- uniqueness
- essential character

The League has developed models that reflect current variance law. Your city attorney should review these models with you prior to council action to tailor them for your city’s needs.

- [View the League model ordinance on issuance of a zoning variance \(doc\).](#)
- [View the League model variance application form \(doc\).](#)
- [View the League model resolution adopting findings of fact \(doc\).](#)

Other considerations

Harmony with other land use controls

State law says, “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan” ([Minn. Stat. § 462.357, subd. 6](#)). This is in addition to the three-factor practical difficulties test. So, a city evaluating a variance application should make findings on whether:

- The variance is in harmony with the purposes and intent of the ordinance.
- The variance is consistent with the comprehensive plan.
- The proposal puts the property to use in a reasonable manner.
- There are unique circumstances to the property not created by the landowner.
- The variance, if granted, will alter the essential character of the locality.

[For more about findings of fact, see *Taking the Mystery out of Findings of Fact*](#)

Economic factors

Sometimes landowners insist they deserve a variance because they have already incurred substantial cost. They may also argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties ([Minn. Stat. § 462.357, subd. 6](#)). Rather, practical difficulties exist only when the three statutory factors are met.

Neighborhood opinion

Neighborhood opinion alone is not a valid basis for granting or denying a variance request.

While city officials may feel their decision should reflect the overall will of the residents, their task is limited to evaluating how the variance application meets the statutory practical difficulties factors.

Residents can often provide important facts to help the city address these factors, but unsubstantiated opinions and reactions to a request are not a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, it could be overturned by a court if challenged.

Conditions

A city may impose conditions when it grants a variance. Conditions must be directly related to and bear a rough proportionality to the impact created by the variance (Minn. Stat. § 462.357, subd. 6). For instance, if a variance is granted to exceed a height limit, any conditions attached should presumably relate to lessening the effect of excess height.

Variance procedural issues

Public hearings

Minnesota statute does not clearly require a public hearing before a variance is granted or denied. Many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

Past practices

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not bound by decisions made for prior variance requests. If a city finds it is issuing many variances to a particular zoning standard, the city should consider amending the ordinance to change the standard.

Time limit

A written request for a variance is subject to Minnesota's 60-day rule. It must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is considered an approval (Minn. Stat. § 15.99).

Documentation

Whatever its decision, a city should create a record that supports it.

If denying the variance, the 60-day rule requires the reasons for the denial be put in writing within the statutory time period (Minn. Stat. § 15.99, subd. 2). Even if the variance is approved, a written statement explaining the decision is advisable.

The written statement should address each of the three practical difficulties factors and list the relevant facts and conclusions for each factor.

For more about findings of fact, see *Taking the Mystery out of Findings of Fact*

Variances once granted

A variance is a property right that “runs with the land.” That is, it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county

recorder. Even if the property is sold to another person, the variance applies.

Models used in this discussion:

- Issuance of Variances, LMC model ordinance (doc)
 - Variance Application, LMC model form (doc)
 - Adopting Findings of Fact, LMC model resolution (doc)
-

Your LMC Resource

Jed Burkett

Loss Control/Land Use Attorney

(651) 281-1247 or (800) 925-1122

jburkett@lmc.org

CITY OF BYRON
680 BYRON MAIN COURT NE
BYRON, MN 55920

VARIANCE APPLICATION

Name of Applicant: __Dan & Danni Gibbs

Address: ___986 8th Ave NW, Byron, MN 55920

Phone Number: ___5079519794 Email: ___Danjibbs3377@gmail.com

Location of Project: ___Back Yard

Legal Description (attach a separate sheet if necessary): _____

SECT-29 TWP-107 RANGE-015, BROOK LAWN ESTATES 9TH SUB, LOT-003 BLOCK-002, LOT 3 BLK 2__

Description of Proposed Project: ___Project #1 - locate pool equipment next to the sitting wall of the patio and within the 20 feet required per ordinance, to a distance of 16 feet from property line and shrubs planted between equipment and property line to hide from neighbors. We are doing this because there is no other place to put them.

Project #2 ___Installing an auto pool cover which is designed to withstand people walking on it and in no way gain access to the pool, instead of a required fence. If we install a fence it will cause our neighbors from accessing part of their property. And restrict their use of their side yard. The Auto cover which requires a code only my wife and I will know to open. When closed it is impossible for even leaves and bugs to access. We will also have cameras on the area with an instant alert 24/7. Access will be already restricted to only 1 side due to a 3 foot retaining wall being installed and a small stone 2'6" wall being put at the edge of the Pool patio above the retaining wall.

Type of variance being sought: (ex. setback, height, density): Setback,

Fencing _____

Attach a site plan or accurate survey.

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the zoning ordinance and comprehensive plan? Yes No Why or why not?

It will allow our neighbor full access to their yard, and not obstruct any of our neighbors views views.

2. In your opinion, does the proposal put property to use in a reasonable manner? Yes No Why or why not? _____

yes allow us to fully use our property and doesn't impede out neighbors from theirs and they don't need to look at a ugly fence obstructing their view.

3. In your opinion, will the variance maintain the essential character of the neighborhood? Yes No Why or why not? _____

Allow for the open views of the nature behind our neighborhood

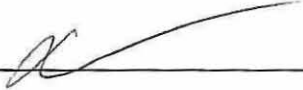
The Planning Commission must make an affirmative finding on the criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all the criteria have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of the City Code and other applicable ordinances.

 _____ 8-30-22

Signature of Applicant

Date

 _____ 8-30-22

Signature of Owner

Date

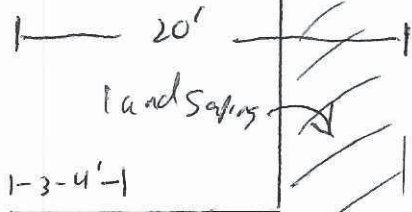
FOR OFFICE USE ONLY

Date Received: 8/30/22 Amount Paid: 400 Check #: _____ Approved

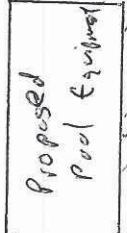
by the Byro Planning and Zoning Commission on _____ day of _____ 20____. Approved

by the Byron City Council on _____ day of _____ 20____.

N →



House



Minimum 16'

Auto cover key Pool

10'

Proposed Patio

Proposed Pool with Auto cover

Property line

50'

12'

2'

Auto cover

Stone wall 6"

Small wall 6"

5' off property line

3' Retaining wall proposed



Property line

40'



August 30, 2022



Orsted MN Assessment and Tax Office

(E) As a general policy, reasonable care should be taken to protect the opportunity for the utilization of solar energy systems at all locations where solar energy is available.

(F) The city does encourage the use of private easements and restrictive covenants as a means to protect access to sunlight. All such documents should be recorded with the Olmsted County Recorder.

(G) Where a solar energy system is installed on a lot, a statement to that effect shall be filed and recorded with the Olmsted County Recorder and the date of installation shall be the date of recordation. Furthermore, as a means of evidencing conditions, the owner of a solar energy system may file notarized photographs of the affected area with the city prior to installation of said system.

(Ord. passed 11-93)

§ 152.108 SANITARY SEWER PROVISIONS.

(A) Providing treatment capacity is available, the owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city are required at the owners expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line and the structure to be served is reasonably close to the property line where tracts larger than a normal municipal lot are to be served.

(B) The provisions of this section shall not apply to temporary construction sites or portable units used in farming operations.

(C) No portion of this section shall restrict the city from enforcing other city ordinances related to the construction, location, maintenance or operation, connections and uses of the sanitary sewer system.
(Ord. passed 11-93)

§ 152.109 SWIMMING POOLS, HOT TUBS AND SPAS.

(A) *Application.* This section applies to any pool, hot tub or spa which is in excess of 48 inches in depth and over 100 square feet in surface area.

(B) *Exclusive private use.* The pool, hot tub or spa is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property upon which it is located and their guests.

(C) *Distance requirements.* Swimming pools, hot tubs or spas may be located in the buildable area or required rear yard but shall not be closer than 10 feet to any property line on which they are located, provided that pump installations shall be located not closer than 20 feet to any property line.

(D) *Fencing and access control.*

(1) For a below grade swimming pool, hot tub or spa, the pool, hot tub or spa, or the property upon which said pool, hot tub or spa is located, shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool, hot tub or spa area, said fence to be at least six feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening.

(2) (a) For an above grade swimming pool, hot tub or spa, the pool, hot tub or spa shall be equipped with an automatically retractable type ladder, a retractable ladder or a removable ladder or shall be fenced in accordance with subsection (1) of this division, said ladder to be removed or retracted when the pool is not being attended.

(b) If access to the pool, hot tub or spa is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in accordance with subsection (1) of this division.

(3) (a) It shall be the responsibility of the property owner upon where said pool, hot tub or spa is located to maintain all fences, gates and closure devices in good operating condition.

(b) Failure to maintain fences, failure to have gates closed or failure to either remove or retract the ladder access to the pool, hot tub or spa shall constitute a violation of this chapter and therefore be subject to the penalties contained in § 152.999.

(Ord. 157, passed 12-18-96) Penalty, see § 152.999

AMENDMENTS

§ 152.120 PROCEDURE FOR AMENDING.

(A) The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.



Is An Automatic Swimming Pool Cover Safe?

The answer is yes! A Pool Cover Specialists® automatic swimming pool cover is certified to meet or exceed the following Safety Certifications & Codes:

1. ASTM (American Society for Testing and Materials) pool cover safety standard ASTM F1346-91 (2010)
2. ICC (International Code Council) Safety Code ISPSC 305.1 (International Swimming Pool & Spa Code)
3. IAPMO (International Association of Plumbing & Mechanical Officials) Safety Code IAPMO 415.1.3
4. ASHRAE (American Society of Heating, Refrigerating, and Air-Conditioning Engineers), ANSI (American National Standards Institute) Safety Code ANSI/ASHRAE/IES 90.1
5. CPSC (Consumer Product Safety Commission) Approved Safety Barrier



What makes a Pool Cover Specialists® automatic swimming pool cover so safe?

Besides meeting all the safety certifications and being code compliant, automatic swimming pool covers are an “Isolation” Barrier, which unlike other barriers such as fences...an automatic swimming pool cover actually isolates the pool water from the pool deck and its surroundings. This “Isolation” of the water removes all the temptation for children who, with other safety devices can still see and be enticed by the pool water. Also, ASTM certified automatic swimming pool covers are sealed on all 4 sides of the pool making it almost impossible for a young child to climb over or under the cover to get to the water.



Several Major States (Florida, California, Indiana) now recognize ASTM compliant “Automatic” or “Powered” swimming pool covers as “Stand Alone Barriers” due to their ability to be an isolation barrier...not to mention...pool covers also save energy and water. Safety and Savings all in one barrier...a Pool Cover Specialists® automatic swimming pool cover provides unparalleled safety, savings and convenience!



As per the CPSC: Barriers are not childproof, and nothing takes the place of adult supervision...but certain types of barriers provide layers of protection for a child who strays from supervision. Barriers give parents additional time to locate a child before the unexpected becomes a reality. Automatic Swimming Pool Covers actually seal the pool, not just add a deterrent to go around, they “isolate” the water from the pool deck.

The CPSC and Pool Cover Specialists® both recommend multiple layers of protection for your pool, with an automatic swimming pool cover being at the top of our list as one of the best safety Barriers. We feel that it is very important for you to know that all safety devices are not equal! So, if you are considering one or more of the CPSC’s recommended safety options, here are some facts you should know:

ALL Pool Cover Specialists® automatic swimming pool covers, sometimes referred to as “Isolation barriers” provide the best level of protection in that they:

a. isolate the water itself,



b. support the weight of several adults (Pool Cover Specialists® Infinity 4000™ has had over 4200 pounds on a pool cover),



c. can be closed or opened in seconds (when running into the house for a moment or before moving to another part of the yard for continued festivities).

d. In addition, unlike a partially-closed gate, from a considerable distance, it is possible to observe whether or not an automatic cover has been fully extended over a pool. And since an automatic cover isolates (hides) the water from view, the natural attraction that water poses to most children is eliminated.



How effective is an automatic swimming pool cover in helping to prevent children from drowning?

1. To our knowledge, although hundreds of thousands of ASTM certified automatic swimming pool covers have been installed worldwide over the past 60 years...there have only been a handful of accidents, drowning's or near drowning's recorded with an automatic swimming pool cover that is closed and functional. Compare that to ALL other safety devices and you will find there is simply NO comparison!

2. A perimeter safety fence or wall. Fences provide a degree of protection in that they, at least, slow down an inquisitive child who has made up their mind to access the pool by stacking furniture, using a device to "flip" a gate latch, or finding some other creative way to get to a pool. The main issue associated with pool fences is that a fence isolates the "Pool Deck" not the "Pool Water" itself and, from a distance, it may be impossible to tell whether a partially closed gate is actually latched.



In addition, if your house is the fourth side of your pool fence, the fence may not help at all. There have been several studies on Fences and their effectiveness in helping to prevent drowning, in all the studies we found, they show that fences are a good deterrent but if the gate is open, latch is broken, or the child simply climbed over...fences provided little help. Here are several studies: Drowning Interventions, Pool Fencing ... Official Journal of the American Academy of Pediatrics show fences may only give a 19% better rate of protection than not having a fence

3. Door alarms for the house and a sophisticated pool-alarm system. Sophisticated Pool Alarms that utilize infra-red technology and sound a warning when an object disturbs the surface of the water, certainly help, but false alarms are common and drowning statistics reveal a couple of frightening facts:

a. it only takes seconds for a child to drown and

b. in the majority of instances, the time in which drowning victims five years of age and under were away from adult supervision was less than five minutes.

Based on all of the above...automatic swimming pool covers are one of the safest items you can add to your swimming pool.

Call Pool Cover Specialists® for your **Pool Cover Specialists® Infinity 4000™ Pool Cover** today at

Call Pool Cover Specialists® today at [\(800\) 369-5152](tel:(800)369-5152), [Find A Pool Cover Specialists® Dealer](#) near you, or [request a Pool Cover Specialists® brochure](#).





Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs¹

This standard is issued under the fixed designation F1346; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This specification establishes requirements for safety covers for swimming pools, spas, hot tubs, and wading pools (hereinafter referred to as pools, unless otherwise specified). When correctly installed and used in accordance with the manufacturer's instructions, this specification is intended to reduce the risk of drowning by inhibiting the access of children under five years of age to the water.

1.2 This specification includes performance tests to demonstrate the compliance or noncompliance to requirements herein stated for safety covers. It also includes marking requirements for all covers.

1.3 The values stated in inch-pound units are to be regarded as the standard. The values in parentheses are given for information only.

1.4 The following safety hazards caveat pertains only to the test methods section, Section 9, of this specification: *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Referenced Documents

2.1 *NFPA Document:*
National Electrical Code, Article 680-26²

3. Terminology

3.1 *Definitions of Terms Specific to This Standard:*

3.1.1 *appurtenances*—subordinate parts or adjunct accessory components to the cover such as hardware including buckles, straps, ties, springs, anchors, tracks, rollers, lifting arms, and the like.

3.1.2 *automatic cover*—a cover which can be placed over the water area and removed with a motorized mechanism actuated by a suitable control mechanism. See also *power safety cover (PSC)*, *other cover (OC)*.

3.1.3 *barrier*—something that restrains or obstructs access to the body of water.

3.1.4 *blanket*—a material used for thermal insulation. See also *solar energy blanket*.

3.1.5 *cover*—something that covers, protects or shelters, or a combination thereof, a swimming pool, spa, or hot tub.

3.1.6 *debris cover*—a cover with attendant appurtenances positioned over the pool area which permits the cover to prevent debris, such as foliage, dirt, windblown trash, and the like from entering the pool. It is intended to be completely removed before the entry of bathers. See also *other covers (OC)*.

3.1.7 *decks*—those areas abutting a pool, spa, or hot tub that are specifically constructed or installed (for example, of wood, concrete, brick, stone, and the like) for use by bathers for sitting, standing or walking and may also act as a base for supports for covers.

3.1.8 *dome*—a semipermanent enclosure supported by trusses, or positive air pressure erected over the pool area to provide temperature and atmospheric control over the pool environment.

3.1.9 *energy conservation*—the reduction of heat loss from pool water through air convection or evaporative cooling, or both.

3.1.10 *hot tub*—a spa constructed of wood with sides and bottoms formed separately; and the whole shape joined together by pressure from surrounding hoops, bands or rods; as distinct from spa units formed of plastic, concrete, metal, or other materials.

3.1.11 *inaccessible locations*—a location at least 5 ft (1.5 m) above the ground with no other access such as hand or footholds which would permit a child to reach the location.

3.1.12 *manual cover*—a cover which requires it to be placed over the water area by hand. See also *manual safety cover (MSC)*, and *other covers (OC)*.

¹ This specification is under the jurisdiction of ASTM Committee F15 on Consumer Products and is the direct responsibility of Subcommittee F15.28 on Covers for Pools, Spas and Hot Tubs.

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² Available from National Fire Protection Assoc., Batterymarch Park, Quincy, MA 02269.



3.1.13 *markings*—the application of numbers, letters, labels, tags, symbols or colors to provide identification and safety information and to expedite handling during shipment and storage.

3.1.14 *manual safety cover (MSC)*—a barrier which requires it to be placed over the water manually. Provides a high level of safety for children under the age of five by inhibiting their access to the water.

3.1.15 *other covers (OC)*—includes any cover type not incorporated in the other two classifications; PSC, MSC. They are not intended to serve as a barrier for children under the age of five.

3.1.16 *power safety cover (PSC)*—a barrier which can be placed over the water area and removed with a motorized mechanism actuated by a suitable control mechanism. Provides a high level of safety for children under the age of five by inhibiting their access to the water.

3.1.17 *safety cover*—a barrier (intended to be completely removed before entry of bathers), for swimming pools, spas, hot tubs or wading pools, attendant appurtenances and/or anchoring mechanisms which reduces—when properly labeled, installed, used and maintained in accordance with the manufacturers' published instructions—the risk of drowning of children under five years of age, by inhibiting their access to the contained body of water, and by providing for the removal of any substantially hazardous level of collected surface water. See also *power safety cover (PSC)*, and *manual safety cover (MSC)*.

3.1.18 *solar energy blankets*—a cover which is a floating translucent (not transparent) heat insulating sheet incorporating, for example, encapsulated air bubbles or similar low heat transfer (floating) sheet material whose purpose is to inhibit heat dissipation from the pool water surface through air convection or evaporative cooling. The sheet material, customarily translucent (not transparent) to permit the transfer of solar radiation energy directly to the pool water at all depths and intended for day and night use, is cut to the shape of the pool and is not affixed to the pool structure. It is intended to be completely removed before the entry of bathers.

3.1.19 *energy conservation blanket*—a cover which is a floating heat insulating sheet material incorporating, for example, a cellular foam or similar low-heat transfer material whose purpose is to inhibit heat loss from the covered water, through air convection or evaporative cooling, or both. Such materials are customarily cut to the shape of the pool and are intended for a night covering. The blanket is not affixed to the pool structure. It is intended to be completely removed before the entry of bathers.

3.1.20 *wading pool*—a shallow pool intended for wading, not swimming.

3.1.21 *waterline*—the waterline shall be defined in one of the following ways:

3.1.22 *skimmer system*—the water line shall be at the mid-point of the operating range of the skimmers.

3.1.23 *overflow system*—the waterline shall be at the top of the overflow outlet.

4. Cover Classifications and Minimum Qualification Criteria

4.1 *Power Safety Cover (PSC)*—Provides a high level of safety for children under the age of five by inhibiting their access to the water.

4.1.1 Must satisfy 5.1-5.3, 6.1-6.5, 7.1-7.4, 8.1, 8.2, 8.4-8.12, 9.1-9.4, 10.1-10.4, and all subsections.

4.2 *Manual Safety Cover (MSC)*—Provides a high level of safety for children under the age of five by inhibiting their access to the water. May require a longer period of time to be fully secured.

4.2.1 Must satisfy 5.1-5.3, 6.1-6.5, 7.1-7.4, 8.1, 8.2, 8.4-8.12, 9.1-9.4, and all subsections.

4.3 *Other Covers (OC)*—Includes any cover type not incorporated in the other two categories MSC, PSC. They are not intended to serve as a barrier for children under the age of five. Design characteristics may be hazardous when used in the presence of children under the age of five.

4.3.1 Shall satisfy 5.1-5.3, 8.1-8.3, 8.5-8.12, and all subsections.

5. Materials and Manufacture

5.1 Only materials not known to be harmful to health, within the intended application, shall be used.

5.2 All materials and components shall be durable and satisfactory for the intended purpose under the conditions normally prevailing at the site.

5.3 The cover shall be manufactured or fabricated, or both, in accordance with generally accepted, good manufacturing practices.

6. General Requirements for Safety Covers

6.1 *Installation/Use of safety covers*—Unless installed by the manufacturer, or responsible parties, or both, detailed instructions for installation shall be given in a form included in the packaging or a label, or both, attached to the cover.

6.2 Labels attached to the cover shall meet the general requirements described in 8.5.1 and 8.8-8.8.2.

6.3 *Markings for safety covers shall include:*

6.3.1 the manufacturer's name,

6.3.2 date manufactured or installed, and

6.3.3 instructions to consumers to inspect the cover for premature wear or deterioration.

6.3.4 Labels attached to covers shall meet the general requirements described in 8.4.1, 8.7-8.8.1, and 8.9.

6.4 *Fastening mechanisms or devices*—Ties, attachment points, anchors, anchorage, and controls for automatic covers or other means of fastening a cover shall include provisions such as keys, combination locks, special tools, devices, or inaccessible locations, and the like, to inhibit children under five years of age from removing or operating the cover. When subjected to the load and perimeter deflection tests described in 9.1 and 9.2, all fastening devices shall remain in their intended, secured or closed, or both, position. After the test, the intended performance of the device should not be impaired.

6.5 *Openings*—The cover shall be designed in such a way that, when it is tested by the test method described in 9.4, any opening in the major component or between the edge of the cover and the deck surface or coping wall, or both, and the top surface of the spa or pool does not allow the test object to pass through. The test object shall not gain access to the water, or be subject to entrapment.

6.6 *Seams, ties or welds* in the cover shall show no signs of damage, which will impair intended performance of the device when the cover is tested by the methods described in 9.1-9.4.

7. Performance Requirements for Safety Covers

7.1 *Static Load*—In the case of a pool with a width or diameter greater than 8 ft (2.4 m) from the periphery, the cover shall be able to hold a weight of 485 lb (220.0 kg) (2 adults and 1 child) to permit a rescue operation.

7.1.1 In the case of a pool with a width or diameter not greater than 8 ft (2.4 m) the cover shall withstand the weight of 275 lb (125 kg) (weight of a child and an adult). Compliance shall be determined by the test method described in 9.1.

7.2 *Perimeter Deflection*—The cover shall be designed in such a way that, when it is tested by the test method described in 9.2, deflection of the cover does not allow the test object to pass between the cover and the side of the pool, or to gain access to the water.

7.3 *Surface Drainage*—The cover shall be so constructed, or incorporate a system, or have an auxiliary system provided, that when used in accordance with the manufacturer’s instructions, shall drain substantially all standing water from the cover within a period of 30 min after cessation of normal rainfall. Compliance shall be determined by the test in 9.3.

7.4 *Opening Tests*—The tests shall be conducted by the test method described in 9.4 to demonstrate that any opening in the major component or between the edge of the cover and the deck surface or coping wall, or both, and the top surface of the pool or the top surface of the spa is sufficiently small and strong to prevent the opening from being forced to a size that will allow the test object to pass through.

8. Minimum Label Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs

8.1 *Product Label*—All covers shall be labeled/marked to identify manufacturers or other responsible parties (such as private label distributors), or both. Labels attached to covers shall meet the general requirements described in 8.5.1 and 8.8-8.8.2.

8.2 *Warning Labels*—All covers shall be required to have attached the following warning label:

8.2.1 *Signal Word*—**WARNING**.

8.2.2 *Safety Alert Symbol*—Preceding the signal word there shall be triangle with an exclamation point inside the triangle.

8.2.2.1 *Word Message*—The standard word message shall be AVOID DROWNING RISK which shall be the first message to appear directly under the signal word.

8.2.2.2 *Additional Word Message Statement*—Covers with any of the outlined hazards in Fig. 1 shall list all applicable warning statements on the label.

8.3 *Color*—Non-safety cover warning label.

8.3.1 *Signal Word*—Black letters with orange background.

8.3.2 *Safety Alert Symbol*—Black triangle with orange exclamation point.

8.3.3 *Word Message*—Black lettering on white background or white letters on black background.

8.4 *Color*—Safety cover warning label.

8.4.1 Colors assigned to the signal word panel may also be used for the message word panel provided the panel colors contrast with the lettering of the label. This is applicable to covers conforming with the PSC and MSC classifications only.

8.5 *Warning Label*—Letter size.

8.5.1 Lettering shall be of a size that enables a person with normal vision, including corrected vision, to read the safety sign or label at a safe viewing distance from the hazard. Considerations should be given to environmental variables that will affect readability.

8.5.2 *Signal Word*—Letter height shall be at least 50 % greater than the selected height of the message panel wording.

"HAZARD/WARNING STATEMENT CHART"	
If This Hazard Exists:	Add This Warning Statement:
*Will not support weight (as defined in this specification) Nonsecured or improperly secured covers	*Stay off cover—will not support weight.
*Concealment by slipping under cover	*Keep children away. Children or objects cannot be seen under cover.
*Drowning on top of cover in accumulated surface water (as defined in this specification)	*Remove Standing Water—child can drown on top of cover.
*Concealment, Entrapment—Drowning under cover	*Remove cover(s) completely before entry of bathers—entrapment possible.
*General requirement for all covers	*Non-secured or improperly secured covers are a hazard.
*Option to above for Safety Covers	*Failure to follow all instructions may result in injury or drowning.
*Cover does not meet all requirements of this specification for PSC, MSC.	*This is not a Safety Cover.

FIG. 1 Hazard/Warning Statement Chart

8.5.3 *Safety Alert Symbol*—Safety alert symbol, when used with the signal word shall precede the signal word. The base of the safety alert symbol shall be on the same horizontal line as the base of the letters of the signal word. The height of the safety alert symbol shall equal or exceed the signal word letter height.

8.5.4 Word message letter height shall be as defined in **Table 1**.

8.6 *Letter style:*

8.6.1 Signal Word shall be in sans serif letters in upper case only.

8.6.2 Message Panel shall be in sans serif letters. Letters may be in upper case only.

8.6.3 Examples of acceptable lettering styles are: medium or bold helvetica, or news gothic bold.

8.7 *Placement*—Location shall be such that the message will:

8.7.1 Be readily visible to the intended viewer, taking into consideration all possible viewing angles, and

8.7.2 Alert the viewer to the potential hazard in time to take appropriate action.

8.7.3 Label must be located so as not to be removed in the fitting process.

8.8 *Life Expectancy*—The label shall have a reasonable expected life with good color stability and word message legibility when viewed as stated in 8.5.1. Reasonable expectancy shall be taken into consideration in accordance with the expected life of the product.

8.8.1 *Protection*—When possible, placement of label should provide protection from foreseeable damage, fading, or visual obstruction caused by abrasion, ultraviolet light or substances such as chemicals or dirt.

8.8.2 *Attachment*—The label shall be attached permanently to the product or so that it cannot be easily removed.

8.9 *Replacement*—Product/Warning labels should be replaced by the product user when they no longer meet legibility requirements for safe viewing distance described in 8.5.1 and 8.7.1. In cases where products have an extensive expected life or where exposed to extreme conditions, the product user should be able to obtain replacement labels from the manufacturer or responsible party.

8.10 *Instruction/Use Label*—Any product instructions or use label not attached to the product, intended to be viewed by the consumer/user shall contain in its contents the same applicable warning label as set forth in 8.2-8.6.3.

8.10.1 When special circumstances limit use of label colors to two colors, the colors assigned to the message word panel may also be used for the signal word panel provided that the panel colors contrast with background color of instruction/use label.

8.11 *Packaging Label*—If packaging is intended for product display to the consumer/user, applicable warning label as described in 8.2-8.6.3 shall be placed on the printed side of the package intended for display and/or consumer information. The label shall be printed on or affixed to the package and not easily removable.

8.11.1 When special circumstances limit use of label colors to two colors, the colors assigned to the signal word panel may also be used for the message word panel provided that the panel colors contrast with background color of packaging.

8.12 *Compliance Labeling*—All labels shall note the specific cover classification.

9. Test Methods For Safety Covers

9.1 *Static Load Test:*

9.1.1 This test shall be conducted to demonstrate that the cover is capable of supporting a weight of (a) 485 lbs (composed of one 210-lb, one 225-lb or one 50-lb weight) for pools or spas within a width or diameter greater than 8 ft or (b) 275 lbs (composed of one 225-lb and one 50-lb weight) for a pool or a spa with a width or diameter equal to or less than 8 ft distributed over 1 ft² each, all of which are within a 3-ft radius without the test objects causing damage which would allow any of the test objects to pass through the cover. During this test there shall be no requirement for the absence of water appearing on the surface of the cover.

9.1.2 *Procedure*—The pool shall be filled to its waterline and the cover fitted in accordance with the cover manufacturer's instructions. The test objects shall be placed on the surface of the cover at the following critical points:

9.1.2.1 The center point of the cover.

9.1.2.2 Between attachment points and a distance of at least 4 ft (1.2 m) but not to exceed 6 ft from the side of the pool.

9.1.2.3 The test objects shall remain in each test position for a period of 5 min.

9.2 *Perimeter Deflection Test:*

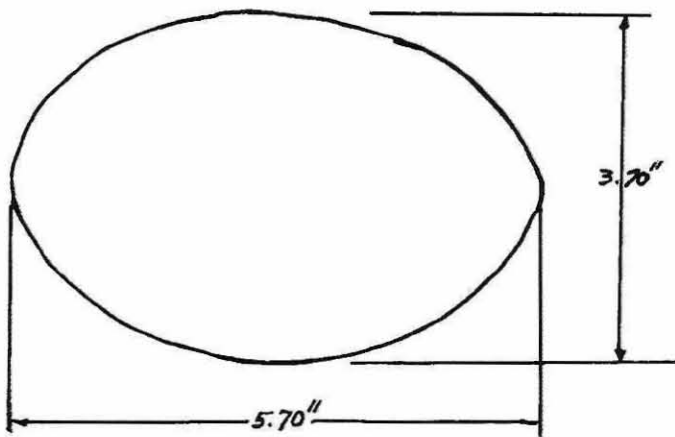
9.2.1 This test shall be conducted to demonstrate the following: if a child under the age of five were to fall onto the cover neither that child nor another child could slip through any openings that may occur between the cover and the side of the pool.

9.2.2 *Perimeter Deflection Test Object*—Test object shall be 3.7 in. (0.09 m) by 5.7 in. (0.14 m) by a minimum 12 in. length and a weight of 36.6 lbs in an ellipsoidal shape. See Fig. 2.

9.2.3 *Procedure*—With 50 lbs (22.7 kg) on the cover at a distance of at least 4 ft, but not exceeding 6 ft from the side of the pool, the same cover shall not deflect to allow a perimeter

TABLE 1 Word Message Letter Height Sizes

Safe Viewing Distance	Minimum Letter Height for FAVORABLE Reading Conditions	Minimum Letter Height for UNFAVORABLE Reading Conditions
less than 24 in.	Height (in.) = $\frac{\text{View Distance}}{150}$	Height (in.) = $\frac{\text{View Dist.}}{75}$
24 to 96 in.	Height (in.) = $\frac{\text{View Distance}}{300}$	Height (in.) = $\frac{\text{View Dist.}}{150}$
greater than 96 in.	Height (in.) = $\frac{\text{View Distance}}{400}$	Height (in.) = $\frac{\text{View Dist.}}{300}$



NOTE 1—Area = 16.6 in.²

NOTE 2—Perimeter = 15.0 in.

FIG. 2 Template for Swimming Pool Cover Standard

test object to pass through, gain access to the water or be subject to entrapment between the cover and the side of the pool.

9.3 Surface Drainage Test:

9.3.1 Surface Drainage Test Object—Timmy³ or equivalent (32 in. length by 9 in. width by 5 in. deep by 36.6 lbs torso-shaped object) shall be placed on the pool cover in a supine position, faceup, within two to three feet of and parallel with the pool's edge. Three minutes later there shall not be an unsafe amount of water. An unsafe amount of water is defined as any quantity of water which completely covers the torso of the surface drainage test object.

9.3.2 Procedure—Test the cover by spraying water evenly over the area at an application rate of 10 gal/min per 1000 ft² (9.29 m²) of pool area for a period of 30 min. During this test, all equipment shall operate in accordance with cover manufacturer's instructions. Thirty minutes after completion of this

³ "Timmy" is a CPR mannequin, three year old boy; available from Simulaid Inc., P.O. Box 807, Dixon Avenue, Woodstock, NY 12489.

procedure, the cover shall pass the test method in 9.3. At all times during the procedure, maintain the pool level at the waterline.

9.4 Openings Test:

9.4.1 These tests shall be conducted to demonstrate that any openings remain small enough to prevent a small child's head from gaining access to the water.

9.4.2 Openings test object—A solid faced sphere test object with a maximum breadth of 4.5 in.

9.4.3 Procedure—The cover shall be fitted in accordance with the cover manufacturer's instructions. The test object shall be placed at or into any existing opening and apply a force of 40 lbs (plus or minus 1 pound) steadily to ensure the test object cannot pass through at the following critical openings:

9.4.3.1 Any opening between the edge of the cover and the deck surface and coping wall, or both, or the top surface of the spa or pool.

9.4.3.2 Any opening in the major component of the cover.

10. Operating Controls, Safety Covers

10.1 The open-close switch shall be spring-loaded or of the momentary contact type, so that when released, the cover stops operation immediately at any point in the open or closed cycle period.

10.2 The cover shall be reversible in direction from a full stop at any point in its travel without having to complete the full open or closed cycle.

10.3 Electrically operated control switches and motors shall be installed in accordance with the National Electrical Code Article 680-26.

10.4 The type of pool covering operating controls shall be such that:

10.4.1 Its fixed location is in the line of sight of the complete pool cover, or by its operating process. This ensures that the operator shall be in complete view of the cover at all times during the closing or pool covering process.

10.4.2 Switching devices shall be key-operated or locked away or able to be de-activated or otherwise located in an inaccessible location. An inaccessible location shall be at a height of at least five feet above the deck.

ANNEX

(Mandatory Information)

A1. RATIONALE

A1.1 Scope

A1.1.1 Although the majority of child-drowning and near-drowning which were reported did not involve safety covers, those who purport to provide a level of safety should be held

to a higher level of reliability. Injury reports made available from CPSC indicate that male children, one and two years of



age, living in a home with an in-ground pool are at the highest risk of being involved in a submersion incident that requires medical care.

A1.2 Referenced Documents

A1.2.1 Allows document reviewers the necessary information to validate the text of the standard.

A1.3 Terminology

A1.3.1 Consumers and new manufacturers may not be familiar with the technological language used within the text. This section also provides definitions for new terms created for this standard.

A1.4 Cover Classifications and Minimum Qualification Criteria

A1.4.1 By defining both the level of safety afforded and standard requirements to be satisfied, manufacturer and consumer will be able to define their needs and properly interpret the standard. This section also allows manufacturers to research and develop new technology which when applied could change their designation.

A1.5 Materials and Manufacture

A1.5.1 Varying lead times for material availability restrict or delay immediate compliance with this standard.

A1.6 Performance Requirements For Safety Covers

A1.6.1 Specified load factors represent the 95th percentile for a child under the age of five as well as one male adult and one female adult.

A1.6.2 If one child should gain access to the surface of the cover, another child in the area of the pool should not face increased risk.

A1.6.3 Recognizing that some residual water will remain after the surface water is removed, the test has been devised to ensure that the level can be maintained below that deemed substantially hazardous to a child of three based on data received from the Consumer Product Safety Commission.

A1.6.4 Openings in the major component or horizontal openings between the cover and solid structure of the pool area should remain small enough to prevent the head of a small child from gaining entrance. The head breadth for a 5th percentile of a 7 month old is about 4.5 in. The smallest mobile child would be about 7 months old since at this age 50 % of children can creep on hands and knees.

A1.7 Minimum Label Requirements For All Covers For Swimming Pools, Spas, and Hot Tubs

A1.7.1 Labeling on the product allows for transfer of the information to second owners and temporary users.

A1.7.2 The combination of Signal Word, Safety Alert Symbol and Word Message provides a higher level of warning than any single effort.

A1.7.3 An effort is being made nationally to make consistent the colors used to alert consumers to potential hazards.

A1.7.4 Contrast of colors between letter colors and labels are necessary in order to attract users' attention to label and enable readability.

A1.7.5 Letter size is an important factor in warning legibility so the consumer can recognize and avoid the hazard.

A1.7.6 Style of lettering affects the readability of the warning message.

A1.7.7 Warning labels can be more effective if they allow for reaction time on the part of the consumer.

A1.7.8 Damaged labels would not provide as strong a message as necessary.

A1.7.9 Due to extended life expectancy of cover products, labels cannot be expected to maintain their original appearance.

A1.7.10 Labeling messages and format should be consistent from point of purchase to use and/or application of cover.

A1.7.11 Packaging is, at times, the consumers first exposure to product information. Information contained on the warning label is necessary for making informed choices.

A1.7.12 All labels shall note that the product meets the requirements described in Specification F1346.

A1.8 General Requirements For Safety Covers

A1.8.1 Installation can be a key factor in the effectiveness of a safety cover whether it is manually or power installed.

A1.8.2 Manufacturer's markings are necessary to allow a continuity for second owners and consumer/manufacturer contact.

A1.8.3 The mechanisms which secure the cover are an integral component that help to defeat a child's entry to the water.

A1.8.4 Openings shall not be so large that the purpose of the cover is defeated.

A1.8.5 Structural integrity is necessary to provide safety.

A1.9 Test Methods For Safety Covers

A1.9.1 The rescue operation may require two adults and the cover shall support the total combined weight to avoid possible injury to those in the rescue attempt. The 95th percentile is represented by the 225-lb male, 210-lb female and 50-lb child.

A1.9.2 This test was devised to avoid an opening large enough for one child or another child to fall between the edge of the cover and the edge of the pool when one child of 50 lb is already on the cover.

A1.9.3 Recognizing that some residual water remains after the surface water is removed, this test is devised to ensure that the level is maintained below a level deemed substantially hazardous to a child under three years of age.

A1.9.4 No opening shall exist in the cover or at any point that the cover joins the surface of the pool structure or deck area (which would allow a small child's head to gain access to the water or become entrapped). The head breadth for a 5th percentile 7 month old is about 4.5 in.

A1.10 Operating Control, Safety Covers

A1.10.1 Operator controlled momentary contact type switches afford greater control in the event of an emergency.

A1.10.2 Should a child enter the water during the closure process, the cover shall be able to reverse without total closure.

A1.10.3 It is important in the case of an electrical installation to protect children and all swimmers from the possibility

of electrocution, which is the purpose of Article 680-26 of the National Electrical Code.

A1.10.4 Operator observation of the pool during the closing process is necessary to ensure that another person does not enter the water during the process. Additionally, the location of the activating device or the ability to render it inactive is necessary to avoid unauthorized opening of the cover.

ASTM International takes no position respecting the validity of any patent rights asserted in connection with any item mentioned in this standard. Users of this standard are expressly advised that determination of the validity of any such patent rights, and the risk of infringement of such rights, are entirely their own responsibility.

This standard is subject to revision at any time by the responsible technical committee and must be reviewed every five years and if not revised, either reapproved or withdrawn. Your comments are invited either for revision of this standard or for additional standards and should be addressed to ASTM International Headquarters. Your comments will receive careful consideration at a meeting of the responsible technical committee, which you may attend. If you feel that your comments have not received a fair hearing you should make your views known to the ASTM Committee on Standards, at the address shown below.

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City of Rochester

Zoning Ordinance

and

Land Development Manual

Ordinance No. 2785
Effective January 1, 1992

Updated February 5, 2014

an accessory dwelling unit in addition to the off-street parking space(s) required for the principal dwelling on the lot.

- H. At any given time either the accessory dwelling unit or the principal single family detached dwelling unit may be rented if it complies with the Rochester Housing Code and receives approval to do so. At any time that both dwelling units on the lot are occupied, one of the residential units on the property shall be owner occupied.
- I. An accessory dwelling unit shall be constructed so as to be compatible in appearance with the existing principal dwelling on the lot as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping.

Subd. 5. **Boarders:** In the R-3 and R-4 Districts a dwelling designed as a one family dwelling and utilized as a rental unit may be used to house the number of individuals approved by the housing official, with the stipulation that one additional off-street parking space is provided for each sleeping unit beyond the fourth.

Subd. 6. **Rear Dwellings:** In the R-1, CN-NR, R-1x, and R-2 district, a building to the rear of an existing principal building may be used for residential purposes only if it conforms to all the lot area, yard, landscaping area and off-street parking requirements of the zoning ordinance. For the purpose of determining the front yard in such case, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling an unoccupied and unobstructed accessway to a public street of no less than 18 feet in width.

Subd. 7. **Private Swimming Pools and Tennis Courts:** No swimming pool or tennis court shall be allowed in any residential district unless it complies with the following requirements:

- A. The pool or court is not operated as a business or private club, except when allowed as a permitted home.
- B. It shall not be located in any required front or required side yard and shall not be closer than ten feet to any property line of the property on which it is located. Pump and filter installations for pools shall not be closer than 20 feet to any property line.
 - 1. For an in-ground or surface swimming pool, the pool or the property upon which said pool is located shall

be enclosed by a fence of a type which effectively controls the entrance by children to the pool area. The fence must be at least five feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening. For an in-ground pool, a mechanically controlled cover can be used in lieu of fencing requirements.

2. Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.
 3. For an above ground swimming pool, the pool shall be equipped with an automatically retractable type ladder, a retractable ladder, a removable ladder or shall be fenced in accordance with paragraph 1 of this clause. The ladder must be removed or retracted when the pool is not being attended.
 4. If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in accordance with paragraph 1 of this clause.
 5. It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition.
 6. Failure to maintain pool covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall constitute a violation of this ordinance and is subject to the penalties provided therefore.
- C. Enclosed pools and courts shall be considered as structures for purposes of regulations limiting lot coverage.

Subd. 8. **Fuel Tanks:** An accessory fuel tank may be permitted in any zoning district for the purpose of heating on-site structures. Such fuel tanks shall be located in the buildable area of the lot or the required rear yard, subject also to the fire protection regulations, and shall be screened from

§ 150.20 FENCING AND ACCESS CONTROL.

(A) For a below-grade swimming pool, the pool, or the property upon which the pool is located, shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area, the fence to be at least four feet in height, but less than six feet. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening. Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property. For an in-ground pool, a mechanically controlled, walk-on cover must be used in lieu of fencing requirements. Pools shall be attended by an adult or certified lifeguard whenever a cover is not in place.

(B) For an above-grade swimming pool, the pool shall be equipped with an automatically retractable type ladder, a retractable ladder, or a removable ladder or shall be fenced as otherwise required by the provisions of this chapter, the ladder to be removed or retracted when the pool is not being attended. If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced as otherwise required by the provisions of this chapter.

(C) It shall be the responsibility of the owner of the property upon which the pool is located to maintain all fences, gates, pool covers, and closure devices in good operating condition. Failure to maintain fences, failure to have gates closed, or failure to either remove or retract the ladder access to the pool shall constitute a violation of Chapter 151 and therefore be subject to the penalties contained therein.

(Prior Code, § 515.2)

**CITY OF BYRON
OLMSTED COUNTY, MINNESOTA**

RESOLUTION 2022-10 - P&Z

**A RESOLUTION DENYING A
VARIANCE REQUEST FOR POOL FENCING REQUIREMENTS
986 - 8th Avenue NW**

WHEREAS, Dan and Danni Gibbs have applied for a variance for the fencing requirements surrounding an inground pool. The owner is requesting to install a cover in lieu of the fencing requirements.

WHEREAS, the Planning Commission of the City of Byron held a discussion on this application on September 6, 2022; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Byron makes the following Findings of Facts:

1. The residence presents a safety hazard to the neighborhood.
2. The residence does not comply with the purposes and intent of the Zoning Ordinance.
3. The proposed pool cover does not put the property to use in a reasonable manner.
4. There are no circumstances unique to this property.
5. Based upon the above Findings of Fact, the granting of this variance to 986 - 8th Avenue NW does not meet the criteria established by State Statute.
6. That the proposal as submitted does not meet the requirements for the City's variance requests in this zoning area under the Zoning Ordinance.

BE IT FURTHER RESOLVED that the Planning and Zoning Commission of the City of Byron has recommended denial of the requested variance for 986 - 8th Avenue NW based upon the above Findings of Facts.

Approved by the Planning and Zoning Commission this 6th day of September, 2022.

By: _____
Janna Monosmith
Community Development Planner

By: _____
Brian Frank
Chairperson

**CITY OF BYRON
OLMSTED COUNTY, MINNESOTA**

RESOLUTION 2022 - 10 P & Z

**A RESOLUTION APPROVING A
VARIANCE REQUEST FOR POOL FENCING REQUIREMENTS
986 - 8th Avenue NW**

WHEREAS, Dan and Danni Gibbs have applied for a variance for the fencing requirements surrounding an inground pool. The owner is requesting to install a cover in lieu of the fencing requirements.

WHEREAS, the Planning Commission of the City of Byron held a discussion on this application on September 6, 2022; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Byron makes the following Findings of Facts:

1. The residence does not present a safety hazard to the neighborhood.
2. The residence complies with the purposes and intent of the Zoning Ordinance and the Comprehensive Plan.
3. The variance request will maintain the essential character of the residential district.
4. Based upon the above Findings of Fact, the granting of this variance to 986 - 8th Avenue NW would not have a detrimental effect on the health, welfare and safety of the citizens of the community
5. The following conditions apply: the City will not be liable for the negligence of the homeowner for non-compliance and/or failure to secure pool safety. Pool must meet the established grading plan. Grading shall not extend beyond the property line.

BE IT FURTHER RESOLVED that the Planning Commission recommends to the City Council of the City of Byron to approve the requested variance for 986 - 8th Avenue NW based upon the above Findings of Fact.

Approved by the Planning Commission of the City of Byron has been approved, this 6th day of September, 2022.

By: _____
Janna Monosmith
Community Development Planner

By: _____
Brian Frank
Chairperson



CITY OF BYRON, MINNESOTA

DATE:	September 6, 2022
Originating Dept:	Planning
Introduction:	Resolution 22-11 P&Z - Variance request for 986 8th Avenue NW - Pool Pump
Request for Action:	Provide a recommendation for the City Council
Background /Justification:	<p>Dan and Danni Gibbs at 986 8th Avenue NW is proposing to construct an inground pool and have proposed placing the pool pump 16 feet from the property line.</p> <p>Per Byron's Ordinance 152.109 (C) the pump installation shall be located no closer that 20 feet to any property line. The Gibbs family is requesting a variance to place the pool pump 16 feet from the property line. This is to allow the room to plant shrubs to screen the pump and that they feel is no other suitable location for the pump.</p> <p>Per State Statute, there are practical difficulties that variances must meeting in order to be granted. Attached you will find the League of Minnesota Cities information and guidance for variances and below is staffs comments on the practical difficulties that must be met.</p> <ul style="list-style-type: none"> • <u>Reasonable Manner</u>: If the City does not allow a variance for the required pump placement, will the property owner still be able to use their property in a reasonable way? From the submitted site plan there appears to be other locations for the pump that would meet setback requirements. A different location for the pump would be considered to be reasonable. • <u>Unique Circumstances</u>: Staff cannot find something that is unique about their property that would prohibit the placement of the pump at the 20 foot setback. • <u>Character of the Neighborhood</u>: Staff feels a pool pump would not alter the essential character of the neighborhood.
Fiscal Impact:	
Staff Recommendation:	Recommend to the City Council to deny the variance request for the pool pump at 986 8th Avenue NW.

Preparer:

Janna Monosmith

ATTACHMENTS:

[LMC Land Use - Variances.pdf](#)

[Gibbs Application.pdf](#)

[Gibbs Site Plan.pdf](#)

[Gibbs Aerial.pdf](#)

[Byron - Zoning Code.pdf](#)

[Submitted - Rochester & Oronoco Zoning Code.pdf](#)

[RES 22-11 - Variance Denial.pdf](#)

[RES 22-11 P&Z - Variance Approval.pdf](#)

Land Use Variances

Published: May 21, 2021

See accompanying model documents below.

This content conveys general information. Do not use it as a substitute for legal advice. Any attorney general opinions cited are available from the League's Research staff.

What is a variance?

A variance is a way that cities may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Sometimes a landowner seeks a variance to allow a use of their property that is not permissible under the zoning ordinance. Such variances are often termed “use variances” as opposed to “area variances” from dimensional standards. Use variances are not generally allowed in Minnesota. State law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located ([Minn. Stat. § 462.357, subd. 6](#)).

Granting a variance

Minnesota law provides for a body called the board of adjustment and appeals to hear requests for variances ([Minn. Stat. § 462.357, subd. 6](#)). In many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council.

A city may grant a variance if enforcement of a zoning ordinance provision, as applied to a particular piece of property, would cause the landowner “practical difficulties.” For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties ([Minn. Stat. § 462.357, subd. 6](#)). If the applicant does not meet all three factors of the statutory test, the city should not grant the variance. Also, variances are only permitted when:

- They are in harmony with the general purposes and intent of the ordinance, and
- The terms of the variance are consistent with the comprehensive plan.

Legal standards

When considering a variance application, a city exercises “quasi-judicial” authority. This means the city acts like a judge in evaluating the facts against the legal standard. The city’s role is limited to applying the legal standard of practical difficulties to the facts presented by the application. If the applicant meets the standard, then the city may grant the variance.

In contrast, when the city writes the rules in the zoning ordinance, the city is exercising “legislative” authority and has much broader discretion.

Practical difficulties

“Practical difficulties” is a legal standard that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

Reasonableness

The first factor is that the property owner proposes to use the property in a reasonable manner.

This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.

It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

Uniqueness

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

Essential character

The third factor is that the variance, if granted, will not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

Undue hardship

“Undue hardship” was the name of the three-factor test prior to a May 2011 change of law ([2011 Minn. Laws, ch. 19, amending Minn. Stat. § 462.357, subd. 6](#)).

The 2011 law restored municipal variance authority in response to a Minnesota Supreme Court case ([Krummenacher v. City of Minnetonka](#), 783 N.W.2d 721 (Minn. June 24, 2010)). The law now does both of the following:

- Provides consistent statutory language between city land use planning statutes ([Stat. § 462.357, subd. 6](#)) and county variance authority ([Minn. Stat. § 394.27, subd. 7](#)).

- Clarifies that conditions may be imposed on granting of variances if those conditions are directly related to, and bear a rough proportionality to, the impact created by the variance.

The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of

- reasonableness
- uniqueness
- essential character

The League has developed models that reflect current variance law. Your city attorney should review these models with you prior to council action to tailor them for your city’s needs.

- [View the League model ordinance on issuance of a zoning variance \(doc\).](#)
- [View the League model variance application form \(doc\).](#)
- [View the League model resolution adopting findings of fact \(doc\).](#)

Other considerations

Harmony with other land use controls

State law says, “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan” ([Minn. Stat. § 462.357, subd. 6](#)). This is in addition to the three-factor practical difficulties test. So, a city evaluating a variance application should make findings on whether:

- The variance is in harmony with the purposes and intent of the ordinance.
- The variance is consistent with the comprehensive plan.
- The proposal puts the property to use in a reasonable manner.
- There are unique circumstances to the property not created by the landowner.
- The variance, if granted, will alter the essential character of the locality.

[For more about findings of fact, see *Taking the Mystery out of Findings of Fact*](#)

Economic factors

Sometimes landowners insist they deserve a variance because they have already incurred substantial cost. They may also argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties ([Minn. Stat. § 462.357, subd. 6](#)). Rather, practical difficulties exist only when the three statutory factors are met.

Neighborhood opinion

Neighborhood opinion alone is not a valid basis for granting or denying a variance request.

While city officials may feel their decision should reflect the overall will of the residents, their task is limited to evaluating how the variance application meets the statutory practical difficulties factors.

Residents can often provide important facts to help the city address these factors, but unsubstantiated opinions and reactions to a request are not a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, it could be overturned by a court if challenged.

Conditions

A city may impose conditions when it grants a variance. Conditions must be directly related to and bear a rough proportionality to the impact created by the variance (Minn. Stat. § 462.357, subd. 6). For instance, if a variance is granted to exceed a height limit, any conditions attached should presumably relate to lessening the effect of excess height.

Variance procedural issues

Public hearings

Minnesota statute does not clearly require a public hearing before a variance is granted or denied. Many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

Past practices

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not bound by decisions made for prior variance requests. If a city finds it is issuing many variances to a particular zoning standard, the city should consider amending the ordinance to change the standard.

Time limit

A written request for a variance is subject to Minnesota's 60-day rule. It must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is considered an approval (Minn. Stat. § 15.99).

Documentation

Whatever its decision, a city should create a record that supports it.

If denying the variance, the 60-day rule requires the reasons for the denial be put in writing within the statutory time period (Minn. Stat. § 15.99, subd. 2). Even if the variance is approved, a written statement explaining the decision is advisable.

The written statement should address each of the three practical difficulties factors and list the relevant facts and conclusions for each factor.

For more about findings of fact, see *Taking the Mystery out of Findings of Fact*

Variances once granted

A variance is a property right that “runs with the land.” That is, it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county

recorder. Even if the property is sold to another person, the variance applies.

Models used in this discussion:

- [Issuance of Variances](#), LMC model ordinance (doc)
 - [Variance Application](#), LMC model form (doc)
 - [Adopting Findings of Fact](#), LMC model resolution (doc)
-

Your LMC Resource

Jed Burkett

Loss Control/Land Use Attorney

(651) 281-1247 or (800) 925-1122

jburkett@lmc.org

CITY OF BYRON
680 BYRON MAIN COURT NE
BYRON, MN 55920

VARIANCE APPLICATION

Name of Applicant: Dan & Danni Gibbs

Address: 986 8th Ave NW, Byron, MN 55920

Phone Number: 5079519794 Email: Danjibbs3377@gmail.com

Location of Project: Back Yard

Legal Description (attach a separate sheet if necessary):

SECT-29 TWP-107 RANGE-015, BROOK LAWN ESTATES 9TH SUB, LOT-003 BLOCK-002, LOT 3 BLK 2__

Description of Proposed Project: Project #1 - locate pool equipment next to the sitting wall of the patio and within the 20 feet required per ordinance, to a distance of 16 feet from property line and shrubs planted between equipment and property line to hide from neighbors. We are doing this because there is no other place to put them.

Project #2 Installing an auto pool cover which is designed to withstand people walking on it and in no way gain access to the pool, instead of a required fence. If we install a fence it will cause our neighbors from accessing part of their property. And restrict their use of their side yard. The Auto cover which requires a code only my wife and I will know to open. When closed it is impossible for even leaves and bugs to access. We will also have cameras on the area with an instant alert 24/7. Access will be already restricted to only 1 side due to a 3 foot retaining wall being installed and a small stone 2'6" wall being put at the edge of the Pool patio above the retaining wall.

Type of variance being sought: (ex. setback, height, density): Setback,

Fencing _____

Attach a site plan or accurate survey.

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the zoning ordinance and comprehensive plan? Yes No Why or why not?

It will allow our neighbor full access to their yard, and not obstruct any of our neighbors views views.

2. In your opinion, does the proposal put property to use in a reasonable manner? Yes No Why or why not? _____

yes allow us to fully use our property and doesn't impede out neighbors from theirs and they don't need to look at a ugly fence obstructing their view.

3. In your opinion, will the variance maintain the essential character of the neighborhood? Yes No Why or why not? _____

Allow for the open views of the nature behind our neighborhood

The Planning Commission must make an affirmative finding on the criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all the criteria have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of the City Code and other applicable ordinances.

 8-30-22

Signature of Applicant

Date

 8-30-22

Signature of Owner

Date

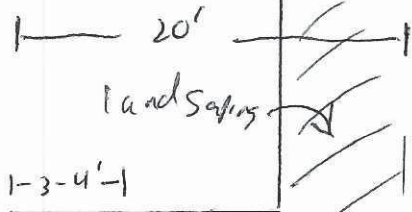
FOR OFFICE USE ONLY

Date Received: 8/30/22 Amount Paid: 400 Check #: _____ Approved

by the Byro Planning and Zoning Commission on _____ day of _____ 20____. Approved

by the Byron City Council on _____ day of _____ 20____.

N →



House

Proposed Pool Equipment

Minimum 16'

Auto cover key Pool

10'

Proposed Patio

Proposed Pool with Auto cover

Property line 50'

12'

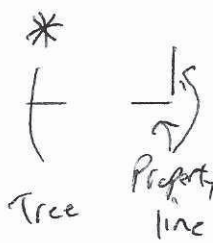
2'

Auto cover

Stone Small wall 6"

5' off property line

3' Retaining wall proposed



40'

(E) As a general policy, reasonable care should be taken to protect the opportunity for the utilization of solar energy systems at all locations where solar energy is available.

(F) The city does encourage the use of private easements and restrictive covenants as a means to protect access to sunlight. All such documents should be recorded with the Olmsted County Recorder.

(G) Where a solar energy system is installed on a lot, a statement to that effect shall be filed and recorded with the Olmsted County Recorder and the date of installation shall be the date of recordation. Furthermore, as a means of evidencing conditions, the owner of a solar energy system may file notarized photographs of the affected area with the city prior to installation of said system.

(Ord. passed 11-93)

§ 152.108 SANITARY SEWER PROVISIONS.

(A) Providing treatment capacity is available, the owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city are required at the owners expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line and the structure to be served is reasonably close to the property line where tracts larger than a normal municipal lot are to be served.

(B) The provisions of this section shall not apply to temporary construction sites or portable units used in farming operations.

(C) No portion of this section shall restrict the city from enforcing other city ordinances related to the construction, location, maintenance or operation, connections and uses of the sanitary sewer system.
(Ord. passed 11-93)

§ 152.109 SWIMMING POOLS, HOT TUBS AND SPAS.

(A) *Application.* This section applies to any pool, hot tub or spa which is in excess of 48 inches in depth and over 100 square feet in surface area.

(B) *Exclusive private use.* The pool, hot tub or spa is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property upon which it is located and their guests.

(C) *Distance requirements.* Swimming pools, hot tubs or spas may be located in the buildable area or required rear yard but shall not be closer than 10 feet to any property line on which they are located, provided that pump installations shall be located not closer than 20 feet to any property line.

(D) *Fencing and access control.*

(1) For a below grade swimming pool, hot tub or spa, the pool, hot tub or spa, or the property upon which said pool, hot tub or spa is located, shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool, hot tub or spa area, said fence to be at least six feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening.

(2) (a) For an above grade swimming pool, hot tub or spa, the pool, hot tub or spa shall be equipped with an automatically retractable type ladder, a retractable ladder or a removable ladder or shall be fenced in accordance with subsection (1) of this division, said ladder to be removed or retracted when the pool is not being attended.

(b) If access to the pool, hot tub or spa is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in accordance with subsection (1) of this division.

(3) (a) It shall be the responsibility of the property owner upon where said pool, hot tub or spa is located to maintain all fences, gates and closure devices in good operating condition.

(b) Failure to maintain fences, failure to have gates closed or failure to either remove or retract the ladder access to the pool, hot tub or spa shall constitute a violation of this chapter and therefore be subject to the penalties contained in § 152.999.

(Ord. 157, passed 12-18-96) Penalty, see § 152.999

AMENDMENTS

§ 152.120 PROCEDURE FOR AMENDING.

(A) The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.



City of Rochester

Zoning Ordinance

and

Land Development Manual

Ordinance No. 2785
Effective January 1, 1992

Updated February 5, 2014

an accessory dwelling unit in addition to the off-street parking space(s) required for the principal dwelling on the lot.

- H. At any given time either the accessory dwelling unit or the principal single family detached dwelling unit may be rented if it complies with the Rochester Housing Code and receives approval to do so. At any time that both dwelling units on the lot are occupied, one of the residential units on the property shall be owner occupied.
- I. An accessory dwelling unit shall be constructed so as to be compatible in appearance with the existing principal dwelling on the lot as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping.

Subd. 5. **Boarders:** In the R-3 and R-4 Districts a dwelling designed as a one family dwelling and utilized as a rental unit may be used to house the number of individuals approved by the housing official, with the stipulation that one additional off-street parking space is provided for each sleeping unit beyond the fourth.

Subd. 6. **Rear Dwellings:** In the R-1, CN-NR, R-1x, and R-2 district, a building to the rear of an existing principal building may be used for residential purposes only if it conforms to all the lot area, yard, landscaping area and off-street parking requirements of the zoning ordinance. For the purpose of determining the front yard in such case, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling an unoccupied and unobstructed accessway to a public street of no less than 18 feet in width.

Subd. 7. **Private Swimming Pools and Tennis Courts:** No swimming pool or tennis court shall be allowed in any residential district unless it complies with the following requirements:

- A. The pool or court is not operated as a business or private club, except when allowed as a permitted home.
- B. It shall not be located in any required front or required side yard and shall not be closer than ten feet to any property line of the property on which it is located. Pump and filter installations for pools shall not be closer than 20 feet to any property line.
 - 1. For an in-ground or surface swimming pool, the pool or the property upon which said pool is located shall

be enclosed by a fence of a type which effectively controls the entrance by children to the pool area. The fence must be at least five feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening. For an in-ground pool, a mechanically controlled cover can be used in lieu of fencing requirements.

2. Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.
 3. For an above ground swimming pool, the pool shall be equipped with an automatically retractable type ladder, a retractable ladder, a removable ladder or shall be fenced in accordance with paragraph 1 of this clause. The ladder must be removed or retracted when the pool is not being attended.
 4. If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in accordance with paragraph 1 of this clause.
 5. It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition.
 6. Failure to maintain pool covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall constitute a violation of this ordinance and is subject to the penalties provided therefore.
- C. Enclosed pools and courts shall be considered as structures for purposes of regulations limiting lot coverage.

Subd. 8. **Fuel Tanks:** An accessory fuel tank may be permitted in any zoning district for the purpose of heating on-site structures. Such fuel tanks shall be located in the buildable area of the lot or the required rear yard, subject also to the fire protection regulations, and shall be screened from

§ 150.20 FENCING AND ACCESS CONTROL.

(A) For a below-grade swimming pool, the pool, or the property upon which the pool is located, shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area, the fence to be at least four feet in height, but less than six feet. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening. Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property. For an in-ground pool, a mechanically controlled, walk-on cover must be used in lieu of fencing requirements. Pools shall be attended by an adult or certified lifeguard whenever a cover is not in place.

(B) For an above-grade swimming pool, the pool shall be equipped with an automatically retractable type ladder, a retractable ladder, or a removable ladder or shall be fenced as otherwise required by the provisions of this chapter, the ladder to be removed or retracted when the pool is not being attended. If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced as otherwise required by the provisions of this chapter.

(C) It shall be the responsibility of the owner of the property upon which the pool is located to maintain all fences, gates, pool covers, and closure devices in good operating condition. Failure to maintain fences, failure to have gates closed, or failure to either remove or retract the ladder access to the pool shall constitute a violation of Chapter 151 and therefore be subject to the penalties contained therein.

(Prior Code, § 515.2)

**CITY OF BYRON
OLMSTED COUNTY, MINNESOTA**

RESOLUTION 2022-11 - P&Z

**A RESOLUTION DENYING A
VARIANCE REQUEST FOR POOL PUMP SETBACKS
986 - 8th Avenue NW**

WHEREAS, Dan and Danni Gibbs have applied for a variance for the pump setback requirements.

WHEREAS, the Planning Commission of the City of Byron held a Public Hearing on this application on September 6, 2022; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Byron makes the following Findings of Facts:

1. The residence does not comply with the purposes and intent of the Zoning Ordinance.
2. The pump location does not put the property to use in a reasonable manner.
3. There are no circumstances unique to this property.
4. Based upon the above Findings of Fact, the granting of this variance to 986 - 8th Avenue NW does not meet the requirements for the City's variance requests in this zoning area under the Zoning Ordinance.

BE IT FURTHER RESOLVED that the Planning and Zoning Commission of the City of Byron has recommended denial of the requested variance for 986 - 8th Avenue NW based upon the above Findings of Facts.

Approved by the Planning and Zoning Commission this 6th day of September, 2022.

By: _____
Janna Monosmith
Community Development Planner

By: _____
Brian Frank
Chairperson

**CITY OF BYRON
OLMSTED COUNTY, MINNESOTA**

RESOLUTION 2022-11 - P&Z

**A RESOLUTION APPROVING A
VARIANCE REQUEST FOR POOL PUMP SETBACKS
986 - 8th Avenue NW**

WHEREAS, Dan and Danni Gibbs have applied for a variance for the pump setback requirements.

WHEREAS, the Planning Commission of the City of Byron held a discussion on this application on September 6, 2022; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Byron makes the following Findings of Facts:

1. The residence does not present a safety hazard to the neighborhood.
2. The residence complies with the purposes and intent of the Zoning Ordinance.
3. The variance request will maintain the essential character of the residential district.
4. Based upon the above Findings of Fact, the granting of this variance to 986 - 8th Avenue NW would not have a detrimental effect on the health, welfare and safety of the citizens of the community
5. The following conditions apply: the pool pump must be in an enclosed structure to help with noise reduction.

BE IT FURTHER RESOLVED that the Planning and Zoning Commission of the City of Byron has recommended approving of the requested variance for 986 - 8th Avenue NW based upon the above Findings of Fact.

Approved by the Planning and Zoning Commission, this 6th day of September, 2022.

By: _____
Janna Monosmith
Community Development Planner

By: _____
Brian Frank
Chairperson