

## Proposed Zoning Code Updates

### 10-44-03. Lot dimensions.

A. The minimum area and building size requirements to be allowed for each business and industrial zoning district are listed in the table below.

**B. Table 10-44-3 Business and Industrial Lot Dimensions:**

District	Lot Area Minimum	Lot Width Minimum
B-1	N/A	N/A
B-2	20,000 sq. ft.	100 ft.
BPK	25,000 sq. ft.	150 ft.
I-1	25,000 sq. ft.	150 ft.
<del>I-1</del> I-2	10 acres	330 ft.

### 10-62-02. Child care center.

A child care center may be permitted as a principal use as long as the following standards are met:

- A. The child care center shall be licensed by the State of Minnesota; and
- B. The child care center may serve:
  - a. 12 or fewer persons in the A-1, A-2, UR, and RR, and R-1 zoning districts; ~~and~~
  - b. 16 or fewer persons in R-1 and R-2 zoning districts; and
  - c. 13-16 persons in the ~~R-2~~, R-3, and B-1 zoning districts.
  - d. There is no maximum number of persons served for child care centers in the B-2 zoning district.
- C. Play equipment, swings, sand boxes, or structures shall not be located in the front yard.
- D. Boundaries of an outdoor play space shall be defined by a permanent enclosure not less than four (4) feet high to protect the children. Fencing, plants or landscaping may be used to create a permanent enclosure.
- ~~E. Off-street parking shall be provided based on the facility's licensed capacity as follows:
  - 1. One (1) space per employee on the maximum work shift and
  - 2. One (1) space per eight (8) children.~~

### 10-68-04. Accessory structure.

- A. Application. Any accessory structure which requires a building permit or which is 30 inches or more in height shall be subject to setback, floor area and other requirements of this Section.
- B. Time of construction. No detached accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- C. Building permits.
  - 1. Detached accessory buildings not exceeding 200 square feet in floor area shall be allowed without issuance of a building permit, but shall obtain a zoning permit and comply with all other provisions of this Ordinance.
  - 2. Detached accessory buildings ~~greater than 200 square feet~~ 200 square feet or greater in floor area shall require a building permit. The Building Official shall review the site plan

and construction drawings to determine compliance with the Building Code and other applicable ordinances, laws, and regulations.

3. In conjunction with the issuance of a building permit for a detached accessory structure in the Rural Service Area, the property owner shall execute a home occupation awareness form. Said form shall certify that the detached accessory structure and the premises on which it is located, will not be used for the purposes of a Home Occupation without first obtaining the required approvals.

D. Schools in any district shall follow the standards listed in this Section for accessory structures, except for the following:

- a. Exterior building standards in provision E below; and
- b. Area, number, and height limitations listed in provision F.1-2 below.

E. Exterior building standards. Architectural details of accessory buildings are to be the same or similar to the principal building based upon (but not limited to) the following criteria:

1. Scale and detailing.
2. Roof pitch orientation and slope.
3. Overhang depth and details.
4. Window and exterior door proportion and types.
5. Building material. Detached accessory structures in the Rural Service Area may, however, be finished with baked enamel siding.
6. Exterior color.

F. Area, number and height limitations. Accessory structures shall comply with the following area, number and height limitations:

1. Rural Service Area.
  - a. Attached accessory structures shall not exceed 840 square feet in size, except that the maximum square footage can be increased, provided that the accessory structure size does not exceed 80 percent of the above-ground square footage of the principal structure.
  - b. All new and relocated residential homes shall be constructed with an accessory structure or garage meeting the minimum standards required in Section 10-72-09 Parking Supply Requirements. Said accessory structure shall have a minimum floor area of at least 440 square feet.
  - c. Detached accessory structures shall be limited as follows:

**(existing table not copied in – no changes proposed)**

2. Urban Service Area.

- a. Attached and detached private residential garages shall not exceed 840 square feet in size, except that the minimum square footage can be increased to 1,200 square feet, provided that the accessory structure does not exceed 80 percent of the above-ground square footage of the principal structure.
- b. All new and relocated residential homes shall be constructed with an accessory structure or garage meeting the minimum standards required in Section 10-72-09 Parking Supply Requirements. For one- and two-unit

dwelling units, said accessory structure shall have a minimum floor area of at least 440 square feet.

- c. Residential properties within the Urban Service Area may have one (1) detached accessory structure in addition to a private residential garage. The structure shall not to exceed 250 square feet in size. On properties that have no less than one half (½) acre of buildable land, the detached accessory structure, may be up to 500 square feet in size. This second detached accessory building shall not exceed 16 feet in height.
  - d. Residential properties with detached accessory structures that subsequently construct an attached accessory structure, shall deduct the square footage of the detached structure from the allowable square footage.
  - e. No accessory buildings shall be allowed on non-residential property in the urban service area.
  - f. Unless otherwise permitted, all detached accessory buildings shall not exceed 20 feet in height or the height of the principal structure, whichever is less.
3. General Standards and Conditions, All Districts.
- a. PUD Districts in rural areas: total accessory structure square footage shall not exceed 1,200 square feet per lot or as otherwise identified in the Development Agreement.
  - b. Temporary, hoop, carport, tarpaulin or similar types of non-permanent structures are not permitted.
  - c. Semi-trailers, truck boxes, rail boxes, box cars, and similar are prohibited.
  - d. Moving storage containers, Portable on demand storage (PODS) units or similar type units may be allowed with city approval for up to 30 days within an 18-month period.
  - e. No structures shall be located within a drainage, utility or any other publicly owned easement.

G. Setbacks.

1. Attached Buildings/Garages. An attached garage or accessory structure shall be considered an integral part of the principal building and shall conform to district setback requirements.
2. Detached Buildings:
  - a. Any detached accessory building shall be set back at least 10 feet from any principal structure or other detached accessory buildings on the same parcel.
  - b. Rural Service Area:
    - i. Lots Less Than One (1) Acre. Twenty-five (25) feet from the side and rear property lines.
    - ii. Lots One (1) Acre and Larger. Twenty-five (25) feet from the side and rear property lines.
    - iii. All detached accessory structures in the Rural Service Area shall be placed no closer to the front property line than the principal structure, except when the principal structure has a front yard setback of at least 150 feet. In that case, the detached accessory structure may be located

closer to the front property line than the principal structure, but shall maintain at least a 75 foot front yard setback off a City street and a 100 foot front yard setback off of a County or State road.

c. Urban Service Area:

- i. All Lots. No accessory building shall be located in front of the principal structure. Accessory buildings must maintain setbacks of five (5) feet from the side property line and 10 feet from the rear property line.
- ii. Street Side Yard. Detached accessory structures shall be located no closer than 20 feet from a street side yard on corner lots, provided the structure does not have access to the public right-of-way on the side yard.
- iii. ~~Except in Commercial and Industrial Districts, all detached accessory buildings shall maintain a 10-foot setback to the principal structure and other detached accessory buildings on the parcel.~~

#### 10-68-20. Recreational camping vehicle, utility trailer, boat, unlicensed vehicle, storage and parking.

- A. It is unlawful for any person to park or store a recreational camping vehicle, utility trailer, boat or unlicensed vehicle (operable) in the required setback area of any property.
- B. Properties which are less than nine (9) acres in size and are zoned for or used for residential purposes, shall be limited to a maximum of three (3) Recreational Camping Vehicles, Utility Trailers, Boats or Unlicensed Vehicles (operable), or a combination thereof, stored outside of an accessory structure or attached garage.
  1. All such vehicles must be parked on an approved parking ~~pad or~~ surface. The approved parking surface shall apply to the entire area beneath, and extending 12 inches around the perimeter of the recreational camping vehicles, utility trailer, boat or unlicensed vehicle (operable).
  2. The total outside storage area for the permitted recreational vehicles shall be limited to a maximum of 500 square feet in size.
  3. All such vehicles shall be stored behind the front plane of the principal building. All such vehicles shall be located at least 5 feet from any interior side or rear property line, at least 20 feet from any corner side property line, and not within a drainage and utility easement.
- C. A maximum of one (1) unlicensed vehicle (operable) shall be allowed on any property within a Residential District. This vehicle shall be parked according to the regulations listed in Section 10-72-02.

#### 10-68-24. Swimming pools.

B. Construction:

1. Standards.

- a. The construction of swimming pools and spas shall conform to all applicable provisions of the Uniform Building Code, and all other State or Federal regulations concerning such construction.
- b. A building permit is required for swimming pools greater than 24" in depth and exceeding 5,000 gallons.

2. Utility Lines. It is unlawful for any person to build, construct, situate or install any swimming pool or spa beneath any overhead utility line or easement nor over any underground utility line or service or easement.
3. Setback Requirements. It is unlawful for any person to build, construct, situate or install any swimming pool or spa within 10 feet ~~of any side~~ of any side or rear lot line, nor within six (6) feet of any principal structure, nor closer to the front lot line than the principal structure except as hereinafter provided:
  - a. On residential parcels which contain a lot area of one (1) acre or more, a swimming pool or spa may be constructed closer to the front lot line than the principal structure, provided that such swimming pool or spa is constructed to meet the minimum set back of the District within which it is to be located.
  - b. No swimming pool or spa shall be located within twenty (20) feet of any portion of any on-site sewer system or any private water supply.

#### 10-71-03. Waste, refuse, junk, and recyclable material

##### D. Abandoned, Unlicensed, or Inoperable Vehicles.

1. Passenger automobiles and trucks not currently licensed by the State, or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in excess of 30 days shall be stored inside of a building or removed.
2. ~~and a~~ All other materials stored outside in violation of City Code provisions are considered refuse or junk and shall be regulated in the manner provided for by the Chapter 8 of the City Code, Public Protection.

#### 10-73-02. Fences

Fences shall be permitted in all yards subject to the following:

##### D. District Standards:

1. In the RR, R-1, R-2, and R-3 Districts, fencing shall be restricted to a height of six (6) feet for side and rear yards and a height of four (4) feet within the front yard setback. All fences shall be residential in nature such as wrought iron, vinyl, split-rail, or board and picket. Fencing extending beyond the front- or street-facing façade of any structure shall be ornamental in character and may not be chain link. Barbed wire, electric, and other agricultural fences may be used in the RR District in conjunction with a legally permitted use in Section 10-68-142 Keeping of Animals or Fowl.
2. In the A-1, A-2, and UR Districts, all fencing for non-agricultural purposes shall be no taller than six (6) feet in height.
3. In the B-1 and B-2 Districts, fencing is not allowed between the principal structure and any public right-of-way. Fences shall be no greater than six (6) feet in height. Fences no greater than four (4) feet in height may be permitted with a Conditional Use Permit in front of the principal structure.
4. In the BPK, I-1, and I-2 Districts, fences shall be no greater than eight (8) feet in height. Fences greater than four (4) feet in height shall not be placed in the front yard. Fences greater than eight (8) feet in height may be permitted with a Conditional Use Permit when meeting all district setbacks.

5. Fences up to sixteen (16) feet in height may be allowed in any district provided the fence is used as an enclosure for a tennis or sport facility.
6. Erosion control fences are permitted in all districts in conjunction with a permitted activity.
7. It is unlawful for any person to erect or maintain a barbed wire fence upon his or her property, which fence is less than six (6) feet above the ground and within three (3) feet of a sidewalk or public right-of-way except in those areas in which the owners are permitted to keep, stable or board animals under the provisions of the City Code.

## Proposed City Code Updates – For PC Reference Only

### 4-6-4. License

- A. License Required. No person, firm or corporation shall operate a rental dwelling unit without first having obtained a license to do so from the City as provided for in this Ordinance.
  1. Rental Licenses are subject to and shall follow the Business Regulation and Licensing Ordinance of City Code, Chapter 6.
  2. Each license shall be good for two (2) years and expire on January 31 on the second year after issuance, except as otherwise described in Section 4-6-12~~3~~ regarding the process for the first renewal.
  3. License renewals for the following years shall be filed on or before January 15 prior to the license expiration date.
  4. A license shall not become valid until a complete application is received, the required fee is paid and inspections or re-inspections are completed as necessary.
  5. Rental dwelling licenses shall not be transferable to another person, organization or to another rental dwelling.
  6. Every person holding a rental dwelling licenses shall give notice in writing to the City within ten (10) business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. The notice shall include the name and address of the person succeeding the ownership or control of the licensed dwelling or dwellings.

### 7-4-5. On-street recreational vehicle parking

It is unlawful for any person to leave or park a recreational camping vehicle, utility trailer, or boat (as defined in Section ~~10-16-5-D~~ **10-23-16**) on or within the limits of any street or right-of-way for a continuous period in excess of twenty-four (24) hours. Provided, however, that during such twenty-four (24) hour period, such vehicle shall not be occupied as living quarters.

### 8-2-1. General provisions

- ~~H. Exception. This Section shall not apply to premises on which only one unlicensed or inoperable motor vehicle is stored.~~

### 8-2-2. Abatement of exterior public nuisances and other violations

- B. Application. This Section shall apply to the abatement of the refuse, junk, nuisances, and other violations maintained exterior to the principal structure as identified in:
  1. Refuse as identified in Section 8-2-1-B-1.
  2. Junk as defined in Section 8-2-1-B-2.

3. Outside storage of materials and all other materials deemed to create a general public nuisance as described in Section 8-2-1-B-3.
4. Public nuisances enumerated in Section 8-2-6.
5. Zoning issues to be remedied by Section ~~10-3-9-C-3~~ 10-31-09 Enforcement.