

**ORDINANCE NO. 2017- 9**

**AN ORDINANCE THAT INCLUDES MULTIPLE CITY CODE AMENDMENTS:**

**CORRECTING THE SOUTH LOOP GENERIC STUDY FEES (15.220, 15.226);**

**UPDATING THE DEFINITION OF GARAGE AND ADDING THE DEFINITION OF TINY HOUSE (19.03);**

**UPDATING UNIFORM SIGN DESIGN STANDARDS (19.109);**

**UPDATING THE STANDARDS FOR SECONDARY FREE-STANDING SIGNS FOR COLLEGES AND K-12 SCHOOLS (19.125.02);**

**ADDING REFERENCE TO M.S. 144D FOR STATE LICENSED RESIDENTIAL CARE FACILITIES (21.209);**

**CLARIFYING THE BUILDING SETBACK ALONG STREETS FOR FLAG LOTS (21.301.02);**

**ADDING MINIMUM OFF-STREET PARKING STANDARDS FOR OPEN STORAGE WITHOUT A BUILDING, ALLOWING A PERCENTAGE OF COMPACT PARKING SPACES TO COUNT TOWARDS REQUIRED PARKING, UPDATING THE SINGLE-FAMILY AND TWO-FAMILY DRIVEWAY AND OFF-DRIVE PARKING STANDARDS AND CORRECTING TWO OFF-DRIVE PARKING AREA REFERENCE ERRORS (21.301.06);**

**CLARIFYING THE PROOF OF LIGHTING STANDARDS AND EXTENDING THE DATE FOR FINAL COMPLIANCE OF THE MINIMUM ILLUMINATION LEVELS (21.301.07);**

**CLARIFYING THE TEMPORARY STORAGE STANDARDS WITHIN THE ACCESSORY STRUCTURES SECTION (21.301.19);**

**UPDATING THE TYPES OF PROHIBITED DWELLINGS (21.302.26);**

**UPDATING THE APPLICATION PROCESS FOR ADMINISTRATIVE VARIANCES (21.502.01); AND**

**CHANGING THE TERM ACCESSORY STRUCTURE TO ACCESSORY BUILDING FOR CONSISTENCY THROUGHOUT THE CITY CODE.**

**THEREBY AMENDING CHAPTERS 2, 10, 12, 14, 15, 17, 19, AND 21 OF THE CITY CODE**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 2 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

**CHAPTER 2**

**ADMINISTRATION**

\*\*\*

**ARTICLE II. ADMINISTRATIVE CODE**

\*\*\*

**§ 2.10 APPLICANTS TO BE HEARD.**

(a) The hearing examiner shall hear variance applications, except as provided under subsection (b) of this section, where:

\*\*\*

- (2) The variance requested relates to driveway setbacks, garage setbacks, accessory ~~[structure]~~building setbacks or side or rear yard swimming pool setbacks;

\*\*\*

Section 2. That Chapter 10 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

**CHAPTER 10**

**ENVIRONMENTAL CONTROL**

\*\*\*

**ARTICLE IX. FIREWOOD**

\*\*\*

**§ 10.57 FIREWOOD STORAGE.**

Except as provided below in subsection (6) below, all firewood located upon a residential property shall be stored for use at that property and not for resale as follows.

\*\*\*

- (3) No firewood shall be stored within ten feet of any side or rear property line; except that if the wood is stored in an accessory ~~[structure]~~building, the accessory ~~[structure]~~building shall meet all zoning setback requirements.

\*\*\*

- (6) Exceptions:
  - (A) None of the above storage specifications shall apply to firewood stored within a home, garage or other approved accessory ~~[structure]~~building.

\*\*\*

Section 3. That Chapter 12 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

**CHAPTER 12**

**PUBLIC PEACE AND SAFETY**

\*\*\*

**ARTICLE II. PUBLIC NUISANCE PROPERTY CONDITIONS**

\*\*\*

**Division A. Public Nuisance Property Conditions**

\*\*\*

**§ 12.03 PROPERTY CONDITIONS CONSTITUTING A PUBLIC NUISANCE OR PUBLIC HEALTH NUISANCE.**

The following property conditions are declared to be nuisances affecting public peace, welfare and safety (“public nuisance” or “public health nuisance”):

\*\*\*

- (14) Uncompleted exterior construction and finishes (including, but not limited to, structures, additions, accessory ~~structures~~buildings, siding, fascia work, windows, roofing, driveways, sidewalks, decks, patios, pools and retaining walls) on a single-family or two-family site beyond one year after issuance of a permit or commencement of the construction project, whichever occurs first. A construction project is considered to commence when the first exterior evidence of the project is visible (for example, delivery of materials or removal of soil cover). In the case of demonstrated hardship due to sources beyond the control of the property owner (including, but not limited to, extreme weather conditions; reasonably unforeseen material, equipment or labor shortages; vandalism; or theft), the time allowed for exterior construction and finishes may be extended at the sole discretion of the Manager of Building and Inspection upon written appeal filed as soon as the need for an extension becomes known;

\*\*\*

Section 4. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

## CHAPTER 14

### LICENSES AND PERMITS

\*\*\*

#### ARTICLE VI. TIME-OF-SALE HOUSING EVALUATIONS AND MANUFACTURED HOME PARK REGULATIONS

\*\*\*

##### Division E. Manufactured Home Parks, Recreational Camping Areas, and Youth Camps

\*\*\*

##### § 14.539 PURPOSE.

The purpose of this Division E is to protect the public health, safety and the general welfare of the residents of and visitors to the city by accepting a delegation of authority from the State's Department of Health pursuant to M.S. § 145A.07, subd. 1, as it may be amended from time to time, for the inspection and regulation of manufactured home parks, recreational camping areas and youth camps within the city. The general objectives include:

\*\*\*

- (c) To safeguard life and property within the city from the hazards of fire and its spread by requiring manufactured home parks, recreational camping areas and youth camps to maintain, at a minimum: adequate unobstructed fire lanes; properly installed and maintained utility service lines and connections, separation between manufactured homes, tents, recreational camping vehicles, their accessory ~~structures~~buildings and attachments; visible street and unit identification; and emergency shelters;

\*\*\*

##### § 14.545 STANDARDS FOR HEALTH, SAFETY AND NUISANCE PREVENTION.

\*\*\*

- (c) *Manufactured home* and recreational vehicle spacing.
  - (1) Placement of structures.

\*\*\*

- (E) There must be an open space of at least ten feet between the sides of adjacent manufactured homes including their attachments and accessory ~~structures~~buildings, and at least three feet between manufactured homes when parked end to end. The space between manufactured homes may be used for parking of motor vehicles or other property provided such vehicle or other property be parked at least ten

feet from the nearest adjacent manufactured home position and does not block any fire lanes.

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

\*\*\*

- (q) *Additions and accessory ~~[structures]~~buildings.* The licensee shall not permit the placement of any additions, attachments or accessory ~~[structures]~~buildings in violation of the required spacing requirement set forth herein or the exterior setbacks for the property. No dwelling unit or habitable space other than that of a prefabricated structure specifically designed for manufactured home use or extension may be allowed to be added to any manufactured home unit. Only one accessory building may be permitted per unit site and must be located in the rear yard area and constructed of materials that are structurally sound and compatible to the manufactured home in color.

\*\*\*

Section 5. That Chapter 15 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

**CHAPTER 15**

**BUILDINGS AND STRUCTURES**

\*\*\*

**ARTICLE IX. LICENSES AND PERMITS**

\*\*\*

**Division A. General Provisions**

\*\*\*

**§ 15.201 COMPLETION OF WORK.**

- (a) Any person altering, repairing, remodeling or adding to the exterior portion of a single-family dwelling or two-family dwelling, including an attached or detached garage or accessory ~~[structure]~~building, shall complete all exterior work within one year from the date of issuance of the building permit. Completion of work includes completing the structure and exterior finishes (including, but not limited to, siding, windows, roofing, driveways, retaining walls, decks and patios). In the case of demonstrated hardship due to sources beyond the control of the property owner (including, but not limited to, extreme weather conditions; reasonably unforeseen material, equipment or labor shortages; vandalism; or theft), the time allowed for exterior construction and finishes may be extended for intervals up to 180 days at the sole discretion of the Manager of Building and Inspection upon written appeal filed as soon as the need for an extension becomes known, and prior to one year from the date of issuance of the building permit, in which case it expires. The applicant for such an extension must submit a letter to the City Building and Inspections Manager explaining the reason for the requested extension, and demonstrating justifiable cause for continuation of the building permit.

\*\*\*

**ARTICLE XI: GENERIC STUDY FEES**

\*\*\*

**§ 15.220 DEFINITIONS.**

The following words and terms, when used in this Article XI, shall have the following meanings, unless the context clearly indicates otherwise.

**AUAR or Alternative Urban Areawide Review.** A type of environmental assessment to determine impacts on the environment over a defined area to address substantially the same issues as the EAW and EIS process as defined in M.S. § 4410.3610.

\*\*\*

**§ 15.226 SOUTH LOOP.**

(a) To support the AUAR, transportation, and environmental district studies, the fee is 65% of the building permit fee for projects benefitting from the studies. ~~[The portion of total cost for each of the components of the South Loop generic study is as follows:~~

- ~~(1) Transportation. 73%;~~
- ~~(2) Environmental. 19%; and~~
- ~~(3) Indirect source permit. 8%.~~

~~(b) The generic study fees shall be determined as follows:~~

- ~~(1) A project benefitting from the transportation component of the generic study. 48% of the building permit fee;~~
- ~~(2) A project benefitting from the environmental component of the generic study. 12% of the building permit fee; and~~
- ~~(3) A project benefitting from the indirect source permit component of the generic study. 5% of the building permit fee.~~

~~When a project benefits from two or more components of the study it will be charged cumulative fees based on the schedule above.]~~

\*\*\*

Section 6. That Chapter 17 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

**CHAPTER 17**

**STREETS AND RIGHTS-OF-WAY**

\*\*\*

**ARTICLE III. MASTER STREET NAMING AND NUMBERING SYSTEM**

\*\*\*

**Division A. General Provisions**

\*\*\*

**§ 17.60.02 LOCATION.**

The assigned street address number must be posted as follows:

\*\*\*

- (2) On the rear of the principal building or on an accessory ~~[structure]~~building located to the rear of the property, in those cases where there is a public access road to the rear of the property;

\*\*\*

Section 7. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

**CHAPTER 19**

**ZONING**

\*\*\*

**ARTICLE I. GENERAL PROVISIONS**

\*\*\*

## Division B. Definitions

\*\*\*

### § 19.03 DEFINITIONS.

The following words and terms when used in Chapters 19 and 21 shall have the following meanings unless the context clearly indicates otherwise.

\*\*\*

***GARAGE, PRIVATE.*** A building or portion of a building used by the tenants of the building or buildings on the premises which is designed primarily for the storage of motor vehicles including, but not limited to, automobiles, trucks, motorcycles and mopeds and has a finished opening greater than 6 feet in width. A carport is considered to be a garage for the purpose of zoning regulations.

\*\*\*

***TINY HOUSE.*** A structure under 1,040 square feet, on wheels or sited on the ground (no trailer), and designed and intended for temporary or permanent residential use by a single family (excluding manufactured homes and recreational vehicles).

\*\*\*

## Division C. Lots, Building and Obstructions

\*\*\*

### § 19.04.01 ZONING LOTS.

For zoning purposes including, but not limited to[-] determining structure setbacks, accessory ~~[structure]~~building limitations and impervious surface coverage, a "lot" may be composed of multiple adjacent properties under common ownership or control that are used together as one site. To qualify as a zoning lot, all properties therein must have one common tax or property identification number, see § 22.11.1.

\*\*\*

## ARTICLE X. SIGN REGULATIONS

\*\*\*

### Division C: General Regulations

\*\*\*

### § 19.109 UNIFORM SIGN DESIGN.

\*\*\*

(b) Requirements.

- (1) *Properties required to have a uniform sign design.* A uniform sign design is required for:
  - (A) A single tenant building, project or development where there is more than one building; and
  - (B) All multiple tenant buildings, projects or developments;
  - ~~[(C) Any building, project or development where there is more than one sign on an elevation;~~
  - ~~and~~
  - ~~(D) Any building, project or development where there is signage on more than one elevation.]~~

\*\*\*

### § 19.125.02 SIGNS FOR COLLEGE CAMPUSES AND SCHOOLS (K-12).

\*\*\*

(b) *Identification signs.* Identification signs shall be located on the site of the use and shall comply with the following standards:

- (1) *Freestanding Identification signs for college campuses.* Schools (K-12) follow standards within respective sign district.

\*\*\*

- (D) Primary identification sign standards.
  - (i) One primary identification sign shall be allowed per arterial street frontage. If located along the same street frontage, primary identification signs ~~[shall]~~ must be spaced a minimum of 1,000 feet apart and spaced a minimum of 300 feet apart from secondary identification signs.
  - (ii) The allowable sign face area shall be 100 square feet. The sign face shall include any area devoted to changeable copy, electronic graphic or video display.
  - (iii) The maximum height shall be 20 feet.
  - (iv) The sign shall be set back a minimum of ten feet from any planned public street right-of-way.
- (E) Secondary identification sign standards.
  - (i) Two secondary identification signs shall be allowed. If located along the same street frontage, secondary identification signs must be spaced a minimum of 300 feet apart from another secondary or primary sign.
  - (ii) The allowable sign face area shall be 50 square feet. Changeable copy, electronic graphic or video display is prohibited.
  - (iii) The maximum height shall be ten feet.
  - (iv) The sign shall be setback a minimum of ten feet from any planned public street right-of-way.

\*\*\*

Section 8. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

## CHAPTER 21

### ZONING AND DEVELOPMENT

\*\*\*

#### ARTICLE II: DISTRICTS AND USES

\*\*\*

#### Division B: Residential Zoning Districts

\*\*\*

##### § 21.203 RESIDENTIAL ZONING DISTRICTS.

\*\*\*

(b) *General standards.* Development in all Residential Zoning Districts must comply with the following standards:

\*\*\*

(6) *Accessory ~~[structures]~~ buildings and garages.* See § 21.301.19 for applicable standards.

\*\*\*

#### Division H: Uses

\*\*\*

##### § 21.209 USE TABLES.

\*\*\*

(c) *Residential Zoning Districts.*

<i>Use Type</i>	<i>Zoning District</i>	<i>References; See Listed Section</i>
-----------------	------------------------	---------------------------------------

	<i>R-1</i>	<i>R- 1A</i>	<i>RS-1</i>	<i>R-3</i>	<i>R-4</i>	<i>RM-12</i>	<i>RM-24</i>	<i>RM-50</i>	<i>RM-100</i>	
<b>RESIDENTIAL</b>										

\*\*\*

<b>Congregate Living</b>											
State licensed residential care facility serving 6 or fewer persons	P	P	P	P	P	P	P	P	P	P	21.302.23; M.S. <u>144D</u> , 245A.11, 245D, 462.357
State licensed residential care facility serving 7 or more persons					C	C	C	C	C	C	21.302.06, 21.302.23; M.S. <u>144D</u> , 245A.11, 245D, 462.357

\*\*\*

**ARTICLE III: DEVELOPMENT STANDARDS**

\*\*\*

**Division A: General Standards**

\*\*\*

**§ 21.301.02 STRUCTURE PLACEMENT.**

\*\*\*

- (d) Residential District setbacks.
  - (1) Residential structure setbacks in residential districts.

<b>Zoning District</b>	<b>Along Streets**</b>	<b>Rear</b>	<b>Side Not Along Streets</b>
	<b>Minimum</b>	<b>Minimum</b>	<b>Minimum</b>
R-1, RS-1	30 feet or as required in subsection (3) below, whichever is greater*. Setbacks also subject to the exception in subsection (4) below.	30 feet 5 feet for garages and accessory <del>[structures]</del> buildings not connected to water or sanitary sewer service	10 feet 5 feet for garages and accessory <del>[structures]</del> buildings not connected to water or sanitary sewer service
R-1A	75 feet or as required in subsection (3) below, whichever is greater*. Setbacks	75 feet 5 feet for garages and accessory <del>[structures]</del> buildings not	30 feet 5 feet for garages and accessory <del>[structures]</del> buildings not connected to water or sanitary sewer service



	also subject to the exception in subsection (4) below.	connected to water or sanitary sewer service	
R-3	30 feet*	30 feet	10 feet
R-4, RM-12, RM-24, RM-50	40 feet*	30 feet 10 feet for garages and accessory <del>[structures]</del> buildings not connected to water or sanitary sewer	10 feet plus 0.25 feet for each foot in height over 30 feet
RM-100	10 feet or width of required public easement*	20 feet 10 feet for garages and accessory <del>[structures]</del> buildings not connected to water or sanitary sewer	10 feet plus 0.25 feet for each foot in height over 30 feet
<p><b>Note:</b></p> <p>* No portion of an accessory <del>[structure]</del>building may be closer to the property line adjacent to a public street than the principal structure.</p> <p>** On flag lots, the minimum setback along a street is measured from where the minimum lot width of 80 feet begins.</p>			

\*\*\*

**§ 21.301.06 PARKING AND LOADING.**

\*\*\*

(c) *Design.*

\*\*\*

(2) Other land uses.

\*\*\*

(C) *Parking space and drive aisle dimension requirements.* Off-street surface parking spaces and drive aisles must meet the following dimension requirements:

\*\*\*

(iii) ~~[Compact spaces may be provided, however, compact spaces will not be counted toward the minimum required number of off-street parking spaces]~~Up to 20 percent of the total number of required spaces may be for compact cars and have a minimum stall size of 8 feet by 16 feet for 90-degree angle parking. For spaces that are not 90-degree angle, the most recent Institute of Transportation Engineers (ITE) standards will be applied as determined by the issuing authority.

Compact parking may be counted toward required parking if the following conditions are met:

(aa) The parking area must have a total size of at least 50 stalls;

- (bb) Compact parking spaces must be distributed throughout the parking lot, target employee parking areas, and not have generally preferential locations to discourage use by non-compact cars; and
- (cc) Compact parking spaces must be clearly identified by signs in accordance with the Minnesota Manual of Uniform Traffic Control Devices and notification on the pavement, with a minimum of one sign per every four compact spaces and pavement notification in each spot.

\*\*\*

(d) *Number of off-street parking spaces required.*

(1) The minimum number of off-street parking spaces provided within a development must meet the provisions of this subsection (d), varying by land use as provided in the following table. If more than one land use is present on a site, the required parking is determined by adding together the required number of parking spaces for each use.

If the number of off-street parking spaces results in a fraction, each fraction of one-half or more will constitute another space required. A lesser number of constructed off-street parking spaces may be allowed through flexibility measures (see subsection (e) below). The requirements for off-street surface parking space dimensions are set forth in subsection (c) above.

<b><i>Minimum Off-Street Parking Requirements</i></b>
---

\*\*\*

<b>NONRESIDENTIAL</b>
-----------------------

\*\*\*

<b>Industrial</b>	General manufacturing/ industrial	1 space per 500 square feet of gross floor area, plus 1 additional off-street parking space for each 2,500 square feet of outside storage area as determined by the issuing authority
	Warehousing, storage	1 space per 1,000 square feet of gross floor area, plus 1 additional off-street parking space for each 2,500 square feet of outside storage area
	<u>Open storage without a building on site</u>	<u>1 space for each 2,500 square feet of outside storage area</u>

\*\*\*

(h) Parking structures.

\*\*\*

(2) Screening and design requirements.

\*\*\*

- (C) *Structured parking space dimensions.* Parking spaces and drive aisles in structured parking must meet the following dimension requirements:

\*\*\*

- (iii) ~~[Compact spaces may be provided, however, compact spaces will not be counted toward the minimum required number of off-street parking spaces]~~ Up to 20 percent of the total number of required spaces may be for compact cars and have a minimum stall size of 8 feet by 16 feet for 90-degree angle parking. For spaces that are not 90-degree angle, the most recent Institute of Transportation Engineers (ITE) standards will be applied as determined by the issuing authority.

Compact parking may be counted toward required parking if the following conditions are met:

(aa) The parking area must have a total size of at least 50 stalls;

(bb) Compact parking spaces must be distributed throughout the parking lot, target employee parking areas, and not have generally preferential locations to discourage use by non-compact cars; and

(cc) Compact parking spaces must be clearly identified by signs in accordance with the Minnesota Manual of Uniform Traffic Control Devices, with a minimum of one sign per compact space.

\*\*\*

- (i) Single-family and two-family residential driveways and off-street parking.

\*\*\*

(3) Driveway dimensions.

\*\*\*

- (C) Maximum driveway width for single-family sites with a garage over 30 feet in width.

\*\*\*

- (iv) The width of the driveway ~~[beyond]~~ between 100 and 150 feet from its intersection with the property line must not exceed the width of the garage it serves.

- (v) The width of a driveway beyond 150 feet is not restricted in size

\*\*\*

- (5) *Off-drive parking areas.* The construction of new or the expansion of existing off-drive parking area must comply with the following standards and is allowed only when the cumulative total width of all driveways on site is 26 feet or less. See Figure 21.301.06(i)(12)(A) below:

\*\*\*

- (C) The off-drive parking area must meet the setbacks as set forth in subsection (i) ~~(9)~~ 10 below except that a portion of an off-drive parking area may encroach into the required 20 foot front setback area as it transitions to full width. For sites with a principal building setback of less than 36 feet, off-drive parking area may begin to transition to full width at a 45-degree angle between five feet and 17 feet back from the property line adjacent to the street. For sites with a principal building setback of 36 feet or greater, off-drive parking area may begin to transition to full width at a 45-degree angle between ten feet and 22 feet back from the property line adjacent to the street. Off drive parking areas with a setback along any street of 150 feet are not restricted in size.

- (D) The off-drive parking area must be an approved surface as set forth in subsection (i) ~~(7)~~ 8 below;

\*\*\*

**§ 21.301.07 EXTERIOR LIGHTING.**

\*\*\*

(b) *Lighting plan.* Except for single- and two-family dwellings, no exterior lighting may be installed prior to approval of a lighting plan by the issuing authority. Modifying approved lighting, including lamp or fixture substitution, requires issuing authority approval. All plans must be signed by a registered electrical engineer or a lighting certified (LC) professional certified by the National Council on Qualifications for the Lighting Professions. The lighting plan must include the following information and attachments:

\*\*\*

(4) An accurate site plan indicating the location of property lines and all existing and proposed land improvements including, but not limited to, buildings, parking lots, aisles and driveways, streets, walkways and accessory ~~[structures]~~buildings;

\*\*\*

(c) *Lighting standards.* In addition to the following specific requirements, all exterior lighting must comply with the standards set forth in this section.

\*\*\*

(11) *Proof of lighting.* A parking lot used exclusively for daylight use ~~[and]~~ or secured to prohibit nighttime use is exempt from the lighting requirements subject to installation of all conduit and material, other than the lighting and lighting supports, subject to approval by the issuing authority.

\*\*\*

(i) *Date for final compliance.* Notwithstanding any of the above, all site lighting within the city must be in compliance with the minimum illumination levels at ground level as specified in this section no later than December 31, ~~[2018]~~2020, unless the site or portion thereof meets one of the following exemptions:

\*\*\*

(4) The site or portion thereof is mapped and scheduled for acquisition by January 1, ~~[2020]~~2022, by a federal, state or local government agency. In the event that only a portion of the site is mapped, only that portion is exempt from compliance;

(5) The site is planned for redevelopment prior to January 1, ~~[2020]~~2022, as evidenced by an approved preliminary development plan; or

\*\*\*

**§ 21.301.19 ACCESSORY ~~[STRUCTURES]~~BUILDINGS.**

\*\*\*

(d) Maximum height.

<b>Zoning District</b>	<b>Structure Type</b>	<b>Maximum Height</b>	<b>Special Regulations</b>
Single-Family Districts R-1, R-1A, RS-1	Accessory <del>[structures]</del> <u>buildings</u> , excluding garages	15 feet measured from the lowest exterior point to the highest point of the roof and in no event may the overall height exceed the height of the dwelling.	
	Garages	See § 21.301.10 for applicable standards and in no event may	(1) The overall height of any garage door opening, measured from the

		the overall height exceed the height of the dwelling.	floor to the trim covering the door header, may not exceed 8 feet. (2) Where the height of a side wall exceeds 10 feet from the floor of the garage to the top of the side wall, the side and rear setbacks of the garage must be increased 1 inch for each inch of side wall height over ten feet.
All other districts	Accessory <del>structures</del> buildings	16 feet measured from the lowest exterior point to the highest point of the roof.	

(e) *Maximum size.*

<b>Zoning District</b>	<b>Parcel Size</b>	<b>Maximum Size</b>	<b>Special Regulations</b>
Single-Family Districts R-1, R-1A, RS-1	15,000 square feet or less	1,120 sq. ft. for garages and accessory <del>structures</del> buildings combined; however, the combined area may not exceed the ground floor area of the permanent four season living area plus 120 sq. ft.	(1) Notwithstanding the maximum size provisions, each single-family dwelling may have a garage structure with a total floor area of up to 600 feet. (2) Exception for tuck under garages. In those instances where all garage space and accessory storage space on a site is attached to and located below floor area used for permanent 4 season living area, there is no limit on the amount of garage floor area. In these instances, the total floor area of all detached accessory buildings is limited to 120 square feet.
	Greater than 15,000 square feet	1,120 sq. ft. plus an amount of floor area equal to 5% of lot area above 15,000 sq. ft., up to a maximum of 2,000 sq. ft. for garages and accessory <del>structures</del> buildings combined; however, the combined area may not exceed the ground floor area of the permanent 4 season living area plus 120 sq. ft.	

- (1) Second level storage area within garages and accessory ~~structures~~ buildings, with six-foot or greater clearance, is counted toward the maximum garage and accessory ~~structure~~ building floor area.

\*\*\*

(h) Other structures.

- (1) Tents, canopies and similar temporary structures for the purpose of housing motor or recreational vehicles or storage are prohibited.
- (2) Fish houses must be stored in the rear yard of a residential property no closer than five feet from property lines.
- (3) Temporary storage units or containers may be stored on ~~the~~ any property and must meet the following requirements:
  - (i) The use of such containers is limited to ~~for~~ no more than 30 days per year, per site. For major construction projects or hardship situations, the Environmental Health Division Manager or designee is permitted to grant an extension to the time period.
  - (ii) Units or containers must be stored on ~~or adjacent to~~ a hard surfaced driveway or parking lot. The temporary units or containers may not block traffic circulation.

- (iii) Units or containers must maintain a minimum five-foot setback from abutting properties and may not be stored within the clear view triangle (see § 21.301.08(f)(3)(C) for clear vision triangle illustration). [The Environmental Health Division Manager or designee is permitted to grant an extension to the time period for hardship situations.]
- (iv) Semi-truck trailers and cargo containers for temporary storage are limited to commercial or industrial used land and must meet the requirements above.
- (4) The storage of temporary buildings or structures, including but not limited to, manufactured homes, accessory buildings, tiny houses, and temporary family health care dwellings is prohibited.

\*\*\*

## Division B: Use Standards

\*\*\*

### § 21.302.03 ACCESSORY DWELLING UNITS.

\*\*\*

#### (b) Standards.

\*\*\*

- (15) *Single-family dwelling standards.* Accessory dwelling units in combination with their associated single-family dwelling unit must conform to all city code requirements for single-family dwellings, including, but not limited to, setback, height, impervious surface, motor vehicle, recreational vehicle and accessory [structure]building standards.

\*\*\*

### § 21.302.10 MANUFACTURED HOME PARK.

\*\*\*

#### (c) Standards.

\*\*\*

- (9) Accessory [structures]buildings. Each manufactured home owner is allowed to install one detached accessory [structure]building, subject to the following requirements:
  - (A) There must be a separation of at least ten feet between an accessory [structure]building and the nearest manufactured home not occupied by the user of the accessory [structure]building, including its attachments.
  - (B) No portion of an accessory [structure]building may be closer to an internal manufactured home park street or general parking lot than the associated manufactured home.
  - (C) No portion of an accessory [structure]building may be closer to a public street than the associated manufactured home.

\*\*\*

### § 21.302.13 HOME BUSINESSES.

\*\*\*

#### (d) Standards.

- (5) Use of accessory [structures]buildings or garages.
  - (A) Type I home businesses may not use or be located in accessory [structures]buildings or garages.
  - (B) As provided in subsection (b) below, the City Council may approve Type II home business activities in accessory [structures]buildings or garages if it finds that the proposed activities would not alter the residential character of the neighborhood if performed within an accessory [structures]buildings or garage.

\*\*\*

- (7) *Separate entrances.* The space devoted to or used by the home business must not have its own separate entrance and must be completely contained within the principal residential dwelling unit so as to have no exterior visibility. Any entrance leading to the space devoted to or used by the home business must also lead to the remainder of the home.
  - (A) *Exception.* Type II home businesses permitted by the City Council to operate from an accessory ~~[structures]~~buildings or garage are exempt from this provision.

\*\*\*

**§ 21.302.26 PROHIBITED DWELLINGS.**

- (a) *Purpose.* The following standards are intended to protect the public health, safety, and general welfare of the community by prohibiting types of dwellings.
- (b) *Applicability.* The following may not be used as a residence or dwelling whether temporary or permanent or as a shelter or enclosure for living or sleeping by human occupants: a basement or cellar without a habitable story above grade~~[-];~~ garage~~[-];~~ tent, except in an authorized campground~~[-];~~ recreational vehicle~~[-];~~ except in a duly licensed manufactured home park~~[-];~~ ~~[ø]~~ accessory building; motor vehicle; tiny house; temporary family health care dwelling; or other temporary structure not attached to a foundation or other structure and served by municipal sewer and water.
- (c) *Temporary housing in response to a disaster.* Notwithstanding any other provisions of this code, a manufactured home may be temporarily placed on a lot that contained a single-family or two-family residential dwelling that has been destroyed, damaged, or made uninhabitable by wind, rain, fire, or other natural or manmade disaster pursuant to the following conditions:
  - (1) *Term.* Under no circumstance may a manufactured home be allowed to be placed on such a lot for longer than 90 days.
  - (2) *Permit.*
    - (A) A permit to temporarily place a manufactured home on a residential lot may be granted by the issuing authority upon a finding that the applicant's home has been damaged to such a degree that it is uninhabitable and that placement of such temporary dwelling would not cause a hazard or be a nuisance to the neighborhood.
    - (B) If an application to temporarily place a manufactured home on a residential lot is denied by the issuing authority, the applicant may place the request on the next practical City Council agenda. The City Council may grant the permit if it finds that the applicant's home has been damaged to such a degree that it is uninhabitable and that placement of such temporary dwelling would not cause a hazard or be a nuisance to the neighborhood.

\*\*\*

**ARTICLE V: ADMINISTRATION AND NONCONFORMITY**

\*\*\*

**Division A: Approvals and Permits**

\*\*\*

**§ 21.501.01 FINAL SITE AND BUILDING PLANS.**

\*\*\*

- (b) *Where required.* Except where final development plans have been approved (see city code § 21.501.03), final site and building plan approval is required in all zoning districts prior to the issuance of any permit for a new building, building addition, parking lot expansion or site characteristic modification with the following exceptions:
  - (1) Single-family detached dwellings and their accessory ~~[structures]~~buildings and site characteristics, including garages, do not require final site and building plan approval; and
  - (2) Accessory ~~[structures]~~buildings and site characteristics, including garages, for two-family dwellings do not require final site and building plan approval.

\*\*\*

**§ 21.501.13 NEIGHBORHOOD UNIT DEVELOPMENTS.**

\*\*\*

(d) Procedures.

\*\*\*

(2) *Application content.* Applications for an amendment to a Neighborhood Unit Development must consist of an application for a conditional use permit and revised final site plan for a Neighborhood Unit Development. If the amendment requires platting, a concurrent application for a preliminary plat in accordance with the requirements of Chapter 22 of this code is required. The preliminary plat, together with the documents required by this Section, constitute the final site plan. The final site plan approved by the City Council will be the document controlling those aspects of site development regulated by this section.

\*\*\*

(B) *Final site plan.* In addition to documents required by Chapter 22 for application for approval of preliminary plats, the applicant must submit final site plans which include the following:

\*\*\*

(iii) A survey showing the location of all structures, accessory ~~structures~~ buildings, driveways, parking areas, swimming pools and similar features on all abutting properties.

\*\*\*



**Division B: Application Processes and Fees**

\*\*\*

**§ 21.502.01 APPLICATION PROCESSES AND FEES.**

\*\*\*

(c) *Application processes and fees.*

<i>Application Process</i>	<i>Review and Decision Making Authority</i>					<i>Notice</i>		<i>Fee</i>
	<i>DRC</i>	<i>ST</i>	<i>HE</i>	<i>PC</i>	<i>CC</i>	<i>N</i>	<i>Mail</i>	

\*\*\*

<b>Variations</b>
-------------------

\*\*\*

Administrative variance		R	<u>PH</u> R		[PH] DM	N	200	\$220*
-------------------------	--	---	----------------	--	------------	---	-----	--------

\*\*\*

Passed and adopted this 1<sup>st</sup> day of May, 2017.

/s/ Gene Winstead  
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson  
Secretary to the Council

/s/ Melissa J. Manderschied  
City Attorney