



**PLANNING COMMISSION MEETING**  
City Hall: 3750 Bridge NW  
**Wednesday, December 18, 2024 at 7:00 PM**

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**AGENDA**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **ADOPT AGENDA**
4. **APPROVE MINUTES**
  - A. Minutes 10.16.2024
5. **PUBLIC COMMENT**
6. **PUBLIC HEARINGS**
  - A. Cannabis Zoning Code Amendment – Public Hearing
  - B. 2024 Code Revisions
7. **REGULAR BUSINESS ITEMS**
8. **DISCUSSION BY PLANNING COMMISSIONERS**
9. **ADJOURNMENT**

**CITY OF ST. FRANCIS  
ST. FRANCIS, MN  
PLANNING COMMISSION MINUTES  
OCTOBER 16, 2024**

- 1. **Call to Order:** The Planning Commission meeting was called to order at 7:00 pm by Chairman Dustin Pavék.
- 2. **Roll Call:** Present were Dean Becker, Gail Genin, Dustin Hingos, Deb Humann, Marc McMullen, and Dustin Pavék.

Others in attendance: Jessica Rieland, Community Development Director; Beth Richmond, City Planner; and City Council Liaison Kevin Robinson.

- 3. **Adopt Agenda:** Motion by McMullen, second by Humann to approve the agenda. Motion carried 6-0.
- 4. **Approve Minutes:** Motion by Genin, second by Humann to approve the September 18, 2024 minutes. Motion carried 6-0.
- 5. **Public Comment:** None
- 6. **Public Hearing:**
  - a. Rum River Preserve PUD

City Planner Richmond reviewed the Staff report in regard to the Rum River Preserve PUD request.

Commissioner Becker noted that he did not see any proposed trails in the packet and suggested the City and developer ask the County to have a trail going north instead of west.

Public Hearing was opened at 7:23 p.m.

Stephanie Ewals, 5120 241st Avenue, came forward and shared that she is one of the applicants hoping to be on the end caps of the development with a drive-thru. She stated they signed a franchise agreement with Scooter’s Coffee two years ago and they were finally granted permission to move forward in the St. Francis area. She noted that Scooter’s is a family-owned business which is why they chose this company. She said that as a St. Francis resident, she would love to have this kind of small business in the City.

Public Hearing was closed at 7:25 p.m.

The Commission shared that in previous discussions, they were in favor of allowing a drive-thru with front parking at this site.

Commissioner Becker shared concerns with safety and traffic if there were to be more than one drive-thru.

Chairman Pavek shared his concern with having two drive-thrus and noted that it depends on the kinds of businesses. He said he would be concerned with having two drive-thrus with similar offerings which could both be busy at the same time.

Commissioner McMullen noted that six-foot screening landscaping can be dangerous as it can affect sight and he thinks this is too high. Richmond shared that the screening would be located on the north side. She stated there would be shorter vegetation at the front of the site.

Commissioner McMullen shared that he does not have an issue with the two drive-thrus.

Commissioner Humann said she trusts that this setup has been done before and done well in other locations.

Richmond shared that they can reach out to Anoka Staff to see how this setup has worked for them. She asked the Commission's thoughts on Phase 2 of the proposed drive-thru.

Commissioner Humann noted that there are other businesses in the City that have a similar setup, such as Subway.

Community Development Director Rieland shared that they want the orientation of the front of the buildings to be on Bridge Street.

Commissioner Hingos said his concerns are not with the parking, but with the additional drive-thrus. He noted that the Subway location is relatively pedestrian-friendly, while this does not appear to be. He stated he would like to see more information on some of the conditions that are attached to this PUD before they see it move forward.

Richmond noted that some of the conditions have already been met with these updated plans.

Commissioner Genin shared that she has concerns with traffic. She asked where the entrance for Phase 2 would be. She noted that if one of the end caps is a coffee shop in later phases, this would have a lot of morning traffic which could cause issues.

Richmond shared that they will be looking at traffic concerns as they continue to move through the phases to ensure that there is enough traffic circulation. She added that the applicant would also want there to be good circulation.

Rieland added that the Planning Commission does have the authority to recommend conditions to have a better idea of what future phases would look like.

Councilmember Robinson asked if there will be any competing businesses within this development. Grady Kinghorn, Kinghorn Construction, shared that the businesses will complement each other, but not compete.

Councilmember Robinson asked about a crosswalk in front of this development. He said the school students will likely be crossing the street in this area. He asked if the In-N-Out was supposed to have a right-in-right-out rather than a turn lane. Richmond

explained that she does not recall any discussion around a right-in-right-out in this area.

Mr. Kinghorn, Kinghorn Construction, came forward and gave a brief background of this project. He shared that he met with City Staff last week and they made the proposed changes to the original PUD. He outlined the changes they made based on their discussion with Staff. He shared that the reason they need the drive-thrus in this area is because businesses that had drive-thrus are more successful after COVID-19 and they want to make sure their tenants can survive.

Councilmember Robinson asked if there are two accesses to the development that was done in Anoka. Mr. Kinghorn said yes and explained there are accesses on Main Street and 7th Avenue.

Commissioner Becker asked if there were any issues at the Anoka development with pedestrians. Mr. Kinghorn said no.

Ms. Ewals shared that Scooter's Coffee's business model is to get their customers their coffee within 30 seconds of them getting to the menu board. She noted that this will help with traffic concerns as they will get people in and out so fast.

Mr. Kinghorn stated he was hoping to get feedback from the Commission on how they feel about this plan now that they have made these updates. He asked if they are interested in allowing more than one drive-thru.

Commissioner Hingos shared that he is in favor of only one drive-thru unless they can get more information on traffic flow and impacts.

Chairman Pavek said he would be okay with two drive-thrus since they would be complementary businesses that would likely have different peak hours of operation. He added that he likes the idea of the exit being changed to two lanes. Commissioners McMullen, Genin, and Humann agreed.

Commissioner Hingos shared that he would be in favor of moving forward with one drive-thru in each of the first two phases.

Commissioners McMullen, Humann, Becker, and Chairman Pavek were okay with all drive-thrus.

Commissioner Genin said she is okay with one drive-thru and has concerns about a second, but she is not saying no at this point.

Richmond explained that they can adjust the conditions of the PUD approval to say that three drive-thrus are appropriate on this site; however, this would likely lead to some changes in the St. Francis Forward Plan and the Comprehensive Plan to reflect this. She asked if there were any other thoughts or conditions the Commission would like to add.

Commissioner McMullen shared that he likes that they removed the other apartment complex from the plan as he did not see this as appropriate.

Richmond shared that Staff’s recommendations are the proposed conditions which were found in the Staff packet. She noted that there may be more changes that come out of the revised plan as this goes along.

Motion by McMullen, second by Humann, to recommend approval of the Rum River Preserve PUD with conditions and findings of fact by Staff. Motion carried 6-0.

**7. Regular Business Items**

None.

**8. Planning Commission Discussion**

None.

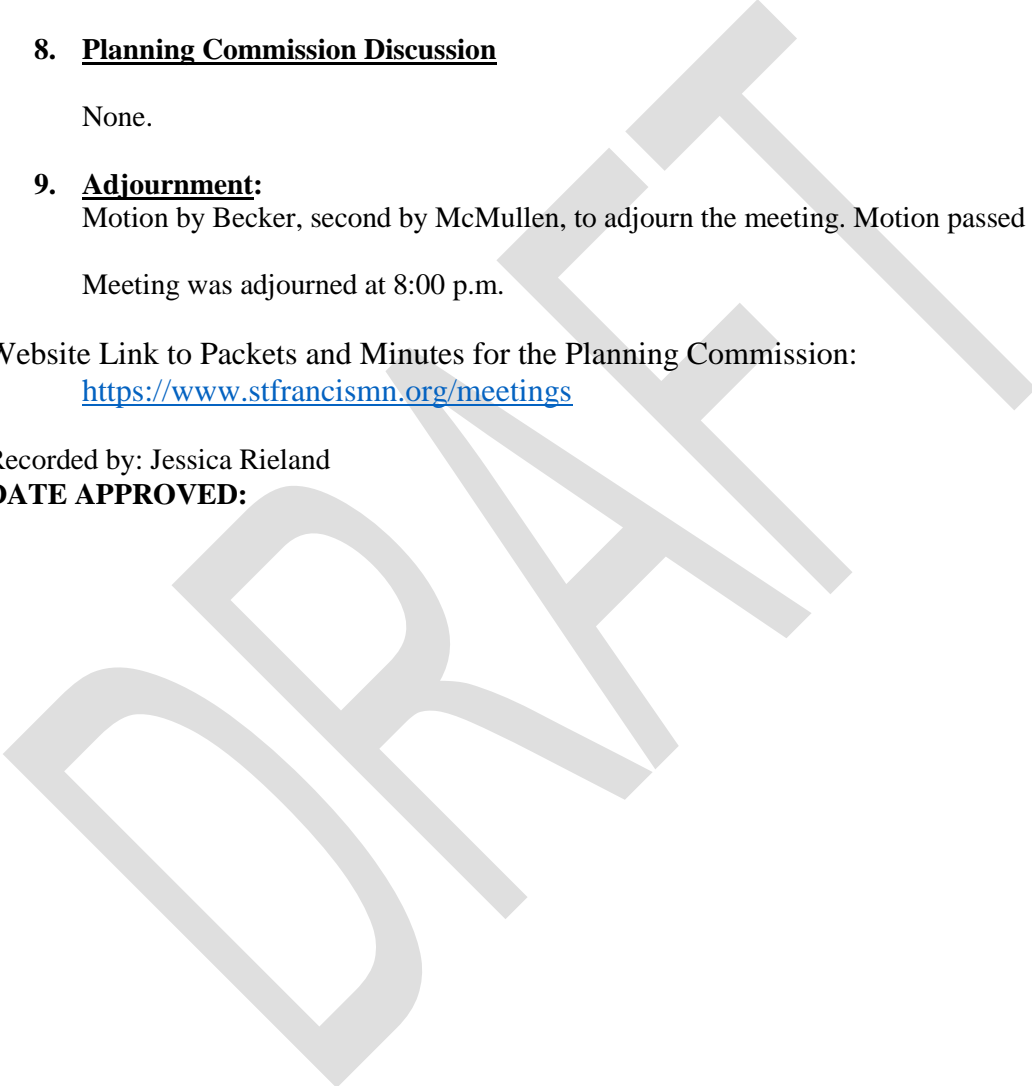
**9. Adjournment:**

Motion by Becker, second by McMullen, to adjourn the meeting. Motion passed 6-0

Meeting was adjourned at 8:00 p.m.

Website Link to Packets and Minutes for the Planning Commission:  
<https://www.stfrancismn.org/meetings>

Recorded by: Jessica Rieland  
**DATE APPROVED:**





# PLANNING COMMISSION AGENDA REPORT

**TO:** St. Francis Planning Commission

**FROM:** Beth Richmond, Planner

**SUBJECT:** Cannabis Zoning Code Amendment – Public Hearing

**DATE:** 12-8-2021 for 12-15-2021 meeting

**OVERVIEW:**

In 2023, the Minnesota Legislature approved a new law to expand the legalization of THC and certain types of cannabis products, as well as to permit different types of cannabis businesses. The new legislation is fairly comprehensive and established a new specialized statewide regulating authority for this matter – the Office of Cannabis Management (OCM). This office will assist cities with registration and the regulation of cannabis through zoning.

The state’s cannabis legislation, which can be found in Chapter 342 of the State Statutes, provides local units of government certain authority to regulate cannabis businesses, including the authority to adopt reasonable restrictions on the time, place, and manner of such businesses, reviewing license requests, registering cannabis businesses, and adopting other regulations related to cannabis businesses. It also creates 16 cannabis and hemp license types. The OCM is responsible for issuing licenses for cannabis businesses, however, local governments will be asked to certify whether an application complies with local zoning ordinances before a license is issued. Cities will need to examine their zoning regulations and make amendments to the existing city code in order to accommodate these uses, possibly creating new definitions, standards, and interpretations.

The City Council held a worksession on this topic on October 28<sup>th</sup> and provided direction to Staff for the development of cannabis regulations. Based on this discussion and the model ordinance provided by OCM, Staff drafted ordinance language for amendments to the City Code and the Zoning Code. Amendments to the City Code pertain to business regulations for cannabis businesses including local registration, compliance with State Statutes, and consequences of business mismanagement. The first reading of the City Code amendments was considered at the December 2<sup>nd</sup> City Council meeting. Additional information from this meeting can be found beginning on page 151 of the December 2, 2024 City Council [packet](#) which is available on the City’s website.

At the December 18<sup>th</sup> meeting, the Planning Commission is tasked with reviewing the proposed amendments to the Zoning Code pertaining to cannabis businesses, holding a public hearing, and providing a recommendation to the City Council.

**PROPOSED ZONING STANDARDS:**

Staff is proposing to add language to the Zoning Code to define each cannabis use, establish how and where each use will be allowed in the City, and create standards for cannabis retail and lower potency hemp edible retail uses.

***Definitions***

In order to regulate the new cannabis uses, definitions must be added that clarify the types of businesses being regulated. These definitions include:

**Cannabis cultivation:** A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

**Cannabis delivery:** A cannabis business licensed to purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

**Cannabis and hemp manufacturing:** A business which involves the compounding, processing, packaging, or treatment of cannabis and/or hemp products.

**Cannabis retail:** A retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusiness with a retail operations endorsement, medical combination business operating a retail location, excluding lower-potency hemp edible retailers.

**Cannabis transportation:** A cannabis business licensed to transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

**Cannabis wholesale:** A cannabis business licensed to purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from other licensed cannabis businesses.

**Lower-potency hemp edible retail:** A licensed establishment where lower-potency hemp edible products are sold to individual consumers.

***Zoning Districts***

Cities may not ban cannabis or hemp businesses, and must allow the various types of cannabis uses within the City in some fashion. The OCM provided guidance that cities should generally look to allow cannabis businesses in zoning districts where similar uses are allowed. For example, allowing cannabis retail in the same zoning districts where retail uses are allowed today.

Tables 10-42-1 and 10-44-1 in the Zoning Code are proposed to be updated to incorporate cannabis uses. Cannabis uses, including retail, delivery, manufacturing, transportation, wholesale, and cultivation are proposed in different areas of the City, including the agricultural districts and the business and industrial districts. The table below shows where each use is

proposed to be allowed, and whether the use will be permitted with standards (PS) or permitted by right (P).

Use Type	Zoning District					
	A-1	A-2	B-1	B-2	BPK	I-1
Cannabis retail			PS	PS		
Lower potency hemp edible retail			PS	PS		
Cannabis delivery						P
Cannabis and hemp manufacturing					P	P
Cannabis transportation						P
Cannabis wholesale					P	P
Cannabis cultivation, outdoor	P	P				
Cannabis cultivation, indoor						P

***Use-Specific Standards***

Cities are allowed to create standards to set “reasonable restrictions” on the time, place, and manner of cannabis uses. Staff is proposing to establish use-specific standards for cannabis retail and lower potency hemp edible retail uses as described below.

Cannabis retail

State law allows cities to establish buffers around certain uses in order to keep sufficient spacing between these uses and locations where cannabis may be sold. Cities may require the maximum spacing allowed, buffering of a lesser amount, or no buffer at all. The City is proposing to implement the maximum buffer distances allowed from the following uses:

- 1,000 feet: K-12 school
- 500 feet: Day care
- 500 feet: Residential treatment facility
- 500 feet: Attraction within a public park that is regularly used by minors

Hours of operation for cannabis retail uses are proposed to be limited to 8:00am to 10:00pm Monday through Saturday and 10:00am to 9:00pm on Sunday. These hours of operation are in line with state requirements and are similar to the hours of operation established for liquor sales.

Lower potency hemp edible retail

Proposed standards for lower potency hemp edible retail uses include permitting sales of edibles in a municipal liquor store, permitting the sale of hemp beverages, and ensuring that any edible sales follow the requirements from the OCM.

**ACTION TO BE CONSIDERED:**

Planning Commission is tasked with holding the public hearing for the proposed cannabis amendments to the Zoning Code. Following the public hearing, the Planning Commission should discuss the proposed regulations and provide a recommendation to the City Council.



Suggested Motion:

Move to recommend approval of the Zoning Code amendments pertaining to cannabis and hemp businesses as proposed by Staff.

**ATTACHMENT:**

1. Draft Cannabis Ordinance – Zoning Code

**ORDINANCE NO. 3XX**

**CITY OF ST. FRANCIS  
ANOKA COUNTY**

**AN ORDINANCE AMENDING THE ZONING CODE TO ALLOW CANNABIS USES –  
1<sup>ST</sup> READING**

THE CITY COUNCIL OF THE CITY OF ST. FRANCIS, ANOKA COUNTY, MINNESOTA,  
ORDAINS:

Changes in the following sections are denoted with an underline for new text or a ~~strikethrough for deleted language~~. Renumbering shall occur as needed when sections are added or deleted.

**Section 1.** Section 10-23-00 Use Definitions of the St. Francis Code of Ordinances is hereby amended to read as follows:

**10-23-03 C.**

**Cannabis cultivation:** A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

**Cannabis delivery:** A cannabis business licensed to purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

**Cannabis and hemp manufacturing:** A business which involves the compounding, processing, packaging, or treatment of cannabis and/or hemp products.

**Cannabis retail:** A retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusiness with a retail operations endorsement, medical combination business operating a retail location, excluding lower-potency hemp edible retailers.

**Cannabis transportation:** A cannabis business licensed to transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

**Cannabis wholesale:** A cannabis business licensed to purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from other licensed cannabis businesses.

**10-22-10 L.**

**Lower-potency hemp edible retail: A licensed establishment where lower-potency hemp edible products are sold to individual consumers.**

**Section 2.** Table 10-42-1 Principal Use Table – Business and Industrial Districts of the St. Francis Code of Ordinances is hereby amended to read as follows:

**10-42-02 Principal Uses in Agriculture Districts**

A. Table 10-42-1 Principal Use Table – Agriculture Districts

Use Type	Zoning District		
	A-1	A-2	UR
<b>Natural Resources or Agriculture</b>			
<u>Cannabis cultivation, outdoor</u>	<u>P</u>	<u>P</u>	

**Section 3.** Table 10-44-1 Principal Use Table – Business and Industrial Districts of the St. Francis Code of Ordinances is hereby amended to read as follows:

**10-44-02 Principal Uses in Business Districts**

A. Table 10-44-1 Principal Use Table – Business and Industrial Districts

Use Type	Zoning District				
	B-1	B-2	BPK	I-1	I-2
<b>Retail Sales or Service</b>					
<u>Cannabis retail</u>	<u>PS</u>	<u>PS</u>			
<u>Lower potency hemp edible retail</u>	<u>PS</u>	<u>PS</u>			
<b>Industrial</b>					
<u>Cannabis delivery</u>				<u>P</u>	
<u>Cannabis and hemp manufacturing</u>			<u>P</u>	<u>P</u>	
<u>Cannabis transportation</u>				<u>P</u>	
<u>Cannabis wholesale</u>			<u>P</u>	<u>P</u>	
<b>Natural Resources or Agriculture</b>					
<u>Cannabis cultivation, indoor</u>				<u>P</u>	

**Section 4.** Section 10-63-03 of the St. Francis Code of Ordinances is hereby added to read as follows:

**10-63-03. Cannabis Retail**

A. Minimum distance requirements

1. The City of St. Francis shall prohibit the operation of a cannabis retail business within a door-to-door span of:

- a. 1,000 feet of a K-12 school
  - b. 500 feet of a day care
  - c. 500 feet of a residential treatment facility
  - d. 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
2. Pursuant to Minn. Stat. 462.367 subd. 14, nothing in provision A.1 above shall prohibit an active cannabis retail business or a cannabis retail business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
- B. Hours of operation. Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8:00 a.m. and 10:00 p.m. Monday through Saturday and 10:00 a.m. to 9:00 p.m. on Sunday.

**Section 5.** Section 10-63-05 of the St. Francis Code of Ordinances is hereby added to read as follows:

**10-63-05. Lower-Potency Hemp Edible Retail**

- A. The sale of lower-potency edibles is permitted in a municipal liquor store.
- B. The sale of lower-potency hemp beverages is permitted in places that meet requirements of this Section.
- C. Lower-potency hemp edibles shall be sold as directed by the MN State Office of Cannabis Management.

**Section 6.** This Ordinance shall take effect and be enforced from and after its passage and publication according to law.

Approved and adopted by the City Council of the City of St. Francis this 6<sup>th</sup> day of January, 2025.

SEAL

CITY OF ST. FRANCIS

By: \_\_\_\_\_  
Joseph Muehlbauer, Mayor

\_\_\_\_\_  
Attest: Jenni Wida, City Clerk

DRAFTED BY:  
**HKGi**  
800 Washington Ave. N., Suite 103  
Minneapolis, MN 55401



# PLANNING COMMISSION AGENDA REPORT

**TO:** St. Francis Planning Commission  
**FROM:** Beth Richmond, Planner  
**SUBJECT:** 2024 Code Revisions  
**DATE:** 12-11-2024 for 12-18-2024 meeting

## **OVERVIEW**

The City completed a full zoning code update in April 2021. Following that update, Staff has worked to make necessary housekeeping revisions on an annual basis. These revisions typically reflect current concerns, state legislative directives, changes to modern or best practices, or issues and/or clarifications that Staff has identified as needed over the past year. This year, Staff is proposing several housekeeping revisions for Planning Commission and City Council consideration. These revisions include changes to several chapters of the City Code including Zoning Code (Chapter 10), Building Regulations and Permits (Chapter 4), Right-of-Way/Traffic/Parking/Streets (Chapter 7), and Public Protection (Chapter 8). Each requested revision is summarized below. The proposed changes are attached.

## **CODE REVISIONS – ZONING**

- **Business and Industrial District Lot Dimensions** – Currently, the lot dimensions table for the business and industrial zoning districts does not list the I-2 District and instead lists the I-1 District twice. Staff is proposing to fix this typo in the table. Changes to the lot dimensions listed in the table are not needed.
- **Child Care Center** – Staff is proposing to update the use-specific standards for child care centers to be consistent with Minnesota Statutes 462.357. Staff is also proposing to remove the off-street parking regulations for child care centers from the use-specific standards as similar regulations are already listed in the parking table in Section 10-72-09. Removing the parking requirements from the use-specific standards eliminates conflicting provisions.
- **Accessory Structure.** Staff is proposing to make three changes to the use-specific standards for accessory structures to clarify how this use is regulated. The proposed changes include specifying that a building permit is required for structures that are 200 square feet or greater in size, exempting school uses from the exterior building standards and the area, number, and height limitations for accessory structures, and clarifying that any accessory building must be set back at least 10 feet from any other structure. These changes are proposed as a result of applications and requests from property owners during the last year.

- **Recreational camping vehicle, utility trailer, boat, unlicensed vehicle, storage and parking.** On properties smaller than 9 acres in size, Staff is proposing to clarify that vehicles must be parked on an approved parking pad or surface. Standards for placement of these vehicles are also proposed. These standards require that the vehicle must be stored behind the front plane of the principal building, outside of any drainage and utility easement, at least 5 feet from any interior side or rear property line, and at least 20 feet from any corner side property line.
- **Swimming Pools** – Staff is proposing to correct a typo in the code from “of.anysiqe” to “of any side” in Section 10-68-24.B.
- **Waste, Refuse, Junk, and Recyclable Material** – Staff is proposing to adjust the title of this section to more accurately describe the regulations contained within. Adjustments to provision D Abandoned, Unlicensed, or Inoperable Vehicles are proposed to clarify that inoperable vehicles must not be stored outdoors for longer than 30 days. These changes also clarify that all other materials stored outdoors in violation of the Code are regulated through Chapter 8 of the City Code.
- **Fences** – In the provision discussing barbed wire, electric, and agricultural fences, an updated reference to Section 10-68-12 Keeping of Animals or Fowl is needed.

**CODE REVISIONS – CHAPTERS 4, 7, AND 8**

Note that the following changes are located within Chapters 4 (Building Regulations and Permits), 7 (Right-of-Way/Traffic/Parking/Streets), and 8 (Public Protection) of the City Code. These sections do not require a public hearing or Planning Commission review, but are included here for Commissioners’ reference.

- **Rental Housing Licensing** – Chapter 4 contains regulations for rental housing licensing. Staff is proposing to update a reference in Section 4-6-4.
- **On-Street Recreational Vehicle Parking** – Staff is proposing to update a reference in Section 7-4-5.
- **Refuse, Junk, and Nuisances** – Staff is proposing to remove language in Section 8-2-1 referencing unlicensed or inoperable vehicles in order to be consistent with the proposed changes in Section 10-71-03 as described above. Staff is also proposing to update a reference in Section 8-2-2.

**ACTION TO BE CONSIDERED**

Staff is requesting that the Planning Commission hold a public hearing and review the proposed changes to the Zoning Code. Staff recommends that the Planning Commission act to recommend approval of the changes to the City Council.

Suggested Motion:

1. Move to recommend approval of the revisions to the City's Zoning Code as presented by Staff.

**ATTACHMENTS**

- Draft Code Language



## 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.