



PLANNING COMMISSION MEETING
City Hall: 3750 Bridge NW
Wednesday, November 19, 2025 at 7:00 PM

AGENDA

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. ADOPT AGENDA**
- 4. APPROVE MINUTES**
 - A.** Planning Commission Minutes - September 17, 2025
- 5. PUBLIC COMMENT**
- 6. PUBLIC HEARINGS**
 - A.** 2025 Code Revisions
- 7. REGULAR BUSINESS ITEMS**
- 8. DISCUSSION BY PLANNING COMMISSIONERS**
- 9. ADJOURNMENT**

**CITY OF ST. FRANCIS
ST. FRANCIS, MN
PLANNING COMMISSION MINUTES
SEPTEMBER 17, 2025**

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

Others in attendance: Jodie Steffes, Community Development Specialist; Beth Richmond, City Planner; and City Council Liaison Kevin Robinson.

- 3. **Adopt Agenda:** Motion by McMullen, second by Hingos, to approve the amended agenda. Motion carried 5-0.
- 4. **Approve Minutes:** Motion by Genin, second by Becker, to approve the July 16, 2025, minutes. Motion carried 5-0.
- 5. **Public Comment:** None
- 6. **Public Hearing:**
 - a. Rezoning and Comprehensive Plan Amendment

City Planner Richmond reviewed the Staff report in regard to the rezoning and Comprehensive Plan Amendment request for 23671 St. Francis Boulevard NW.

McMullen shared that he will be abstaining from voting on this item as he is a client of the chiropractic office at this site.

Public Hearing was opened at 7:12 p.m.

Cynthia and Brian Opp, the applicants, came forward and shared that they own the commercial building at the southwest corner of Highway 47 and Ambassador Boulevard. She said they have operated their chiropractic business for over 20 years and purchased this building in 2013 to expand their clinic and lease the remaining space. She shared that they are requesting to rezone this property to a B-2 general business zoning so they can be a commercial, multi-tenant site consistent with the original zoning. She explained that this was originally zoned B-3 when they bought the building, and they crafted their plans for the future around this zoning. She shared that during their plans, they were informed that the property had been rezoned to I-1 industrial in 2020. She noted that they could get a medical use only ordinance amendment; however, this would limit them from being able to lease their additional office space to any other retail tenants. She said they have already lost qualified tenants because of this uncertainty. She explained that by allowing a mixed use of tenants, this would strengthen the tax base and stabilize this corner of Highway 47 and Ambassador, while also keeping jobs and services in town.

Michelle Anderson, 22861 Unity Street NW, Bethel, came forward and shared that she is the St. Francis Area Chamber of Commerce President and a local real estate agent. She shared that she has known the Opps for over 20 years, and their business is a staple in the City when it comes to community support and pride. She said she hopes that the Planning Commission takes this impact on the community into account when making its decision.

Public Hearing was closed at 7:18 p.m.

Hingos said he believes this change makes sense. He noted that corner lots are typically more in demand for businesses rather than industrial tenants.

Genin added that she believes it would be a benefit to the City to rezone this property.

McMullen said he has been a client of the Opps for a number of years. He said they are so involved with the community and sponsor almost every event that happens in St. Francis. He stated it would be a disaster to lose such a great business in the City.

Councilmember Robinson asked why this property was originally rezoned. Richmond shared that it was changed during the 2020 Comprehensive Plan re-guiding. She explained that this whole area was rezoned for industrial use. She added that there were public notices sent out as part of the Comprehensive Plan update and rezoning.

Councilmember Robinson shared that the City is very supportive of local businesses and wants to see them succeed.

Motion by Hingos, second by Genin, to recommend approval of the Comprehensive Plan Amendment to re-guide 23671 St. Francis Boulevard NW from Business Park/Light Industrial use to Commercial use with findings as identified by the Commissioners, having minimal impact on infrastructure increases, compatibility with surrounding uses, and aligning with general business use with future roadway expansions. Motion passed 4-0-1 (McMullen abstained).

Motion by Hingos, second by Becker, to recommend approval of the rezoning request to rezone 23671 St. Francis Boulevard NW from I-1 General Industrial to B-2 General Business with the findings as identified by the Commissioners, being consistent with the 2040 Comprehensive Plan. Motion passed 4-0-1 (McMullen abstained)

b. Dalton River Villas

Richmond reviewed the Staff report in regard to the Dalton River Villas project. She reviewed each variance request, as well as the request for the preliminary plat and CUP.

Public Hearing was opened at 7:38 p.m.

Juli Murillo, 23539 Ambassador Boulevard, came forward and shared that she was here during the developments across the river. She said that she was told during that process that the bluff would not be touched, yet she has neighbors who have completely cleared the riverbank. She stated that she has called the City and the police about this. She noted that no one is protecting this embankment. She said she has done everything in her power to try to protect this bank, and she has gotten no response. She added that she invited the Mayor to her home this week to show him what has been done in this

area. She asked who is going to be accountable for the riverbank with this project. She said that only adding back two trees per lot for this development does not fit with the area. She added that there are already so many vacant lots in the City that could be developed rather than clearing this area. She shared that one of her neighbors cut down an Ash tree with Emerald ash borer during the summer, and it resulted in a number of her trees dying as well. She asked who would be taking responsibility for what she deals with on a day-to-day basis, with the issues she sees from her neighbors not protecting the riverbank.

Tina Carrol, 23045 Ambassador Boulevard, came forward and shared that she agrees with Ms. Murillo that it is not enough to clear-cut this area and only replace two trees per lot. She noted that this is not preserving the ecosystem. She asked who would be paying to have these trees cut down. She also asked why they need to be 19 homes on this eight-acre parcel rather than having a few homes on larger lots to help preserve the embankment and the trees.

Public Hearing was closed at 7:51 p.m.

Hingos asked about the proper way for residents to raise concerns about clear-cutting in the riverbank area. Richmond explained that she will look into this further. She said the requirements in City Code match the requirements in the State rules as far as clear-cutting goes. She noted that it is her understanding that these rules would be enforced by the DNR. She added that these lots are not proposed to own land down to the riverbank.

Hingos asked how close to the riverbank these property lines will be. Richmond showed the property map, which shows how close the lot lines will be to the riverbank.

McMullen shared that in his experience, property owners do not care where the property line is and will cut down trees that are outside of their property lines if they want.

Becker asked if there would be an area of this property that would be City land. Richmond shared that the Council determined that this land would not be acceptable as parkland, and the applicant said he would retain ownership of this land.

Councilmember Robinson asked if they would be able to add some aerial photos of the foliage in the area before this comes before the Council. Richmond said yes.

Councilmember Robinson asked if the bluff is managed by the DNR. Richmond shared that the DNR is often responsible for what is below the high water line, and the bluff is above this. She said she will be having a conversation with the DNR Area Hydrologist to better understand whose responsibility this would be.

Becker asked if the cost of clearing the trees would be paid by the property owner. Richmond said yes.

Councilmember Robinson asked if it had been an issue before with property owners clearing the foliage along the riverbank, whether or not it was within their property lines. Community Development Specialist Steffes shared that they had an incident several years ago where someone clear-cut their lot; however, when they visited the property, they did not see clear-cutting beyond what the Code had mentioned. She

added that a number of the trees that were removed were diseased and needed to be removed. She shared that they raised this to the DNR, and they were not concerned.

Hingos asked if they would be able to table this request and ask Staff to bring forward more information at an upcoming meeting. He said he would like to wait on making a recommendation until they have heard back from the DNR Hydrologist. Richmond said yes.

Genin noted that while she understands the concern of what has happened in the past, they are being asked to consider the variance requests for setbacks, which are not on the side of the river. She said she believes they should allow Staff to deal with the issues with the trees separately.

Hingos asked if the City has the authority to give a variance for the County highway. Richmond shared that the City can give the variance and added that the County shared with her verbally that they do not have an issue with this request.

McMullen shared that he will not be supporting these recommendations as he would like answers to some of the questions asked this evening before moving forward. He said he would rather see this item tabled for more information.

Hingos said he would like follow-up information from the DNR Hydrologist.

Motion by Hingos, second by Genin, to recommend approval of the lot width, front setback, and impervious surface variances with conditions and findings as presented by Staff. Motion passed 4-1 (McMullen).

Motion by Genin, second by Hingos, to recommend approval of the CUP for construction of a public road within the Urban Rum River Management District with conditions and findings as presented by Staff. Motion passed 4-1 (McMullen).

Motion by Hingos, second by Genin, to recommend approval of the preliminary plat for the Dalton River Villas project with conditions and findings as presented by Staff. Motion passed 4-1 (McMullen).

7. Regular Business Items

None.

8. Planning Commission Discussion

None.

9. Adjournment:

Motion by Becker, second by McMullen, to adjourn the meeting. Motion passed 5-0

The meeting was adjourned at 8:12 p.m.

Website Link to Packets and Minutes for the Planning Commission:

<https://www.stfrancismn.org/meetings>

Recorded by: Kate Thunstrom

DATE APPROVED:

DRAFT



PLANNING COMMISSION AGENDA REPORT

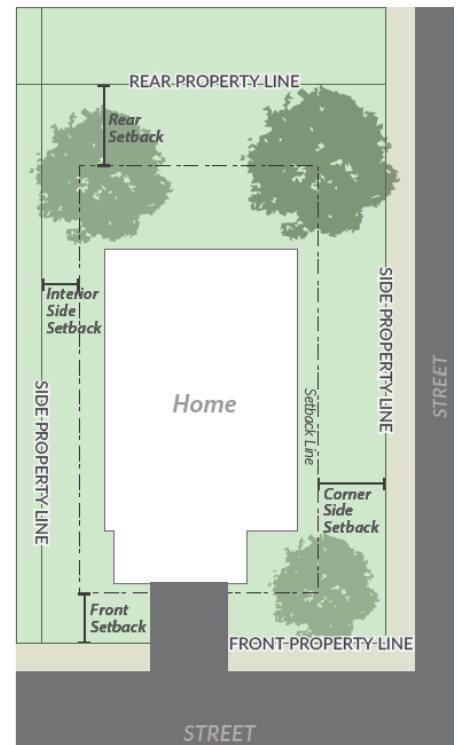
TO: St. Francis Planning Commission
FROM: Beth Richmond, Planner
SUBJECT: 2025 Code Revisions
DATE: 11-12-2025 for 11-19-2025 meeting

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 most of the divisions within Chapter 10 Zoning. Each requested revision is summarized below, and the proposed redlines are attached.

ZONING CODE REVISIONS

- **Definitions: Property Line, Setback, Yard** – Staff is proposing to update the definitions of property line, setback, and yard to clarify when each applies. A graphic is proposed to clarify typical lot setbacks and how they are applied, including front, interior side, corner side, and rear setbacks. The proposed definitions for property line, setback, and yard are as follows:
 - **Property line:** A boundary line of any lot held in single or separate ownership except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.
 - **Setback:** The required minimum horizontal distance between a structure and property line, ordinary high-water mark, top of bluff, street, or right-of-way easement. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided hereinafter.
 - **Yard:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as



otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

- **Cannabis** – Several minor changes are proposed to the City’s cannabis language to reflect changes made during the 2025 legislative session. A new use, lower potency hemp edible wholesale, is being introduced as a permitted use in the BPK and I-1 districts. This was a new use established during the 2025 legislative session. Staff is proposing to allow this use consistent with how wholesale establishments and cannabis manufacturing uses are allowed in the City today. Staff is also proposing to clarify that the 500-foot buffer between day cares and a cannabis retail business specifically applies to child care centers, rather than in-home day cares.
- **Landscape Alterations** –MN Rules 6105.1440 specifies that, for land within the urban Rum River Management Overlay District, restrictions on landscape alterations apply only within the building setback areas identified in City Code. Currently, City Code requires landscape alteration restrictions on land within 150 feet of the Rum River, which is larger than the building setbacks for the urban district. Staff is proposing to update the landscape alterations language in Section 10-53-08 to adhere to this Rule in order to eliminate current conflicts between identified building setbacks and areas where landscape alteration is restricted.
- **Accessory Building** – Staff is proposing to change the terminology in this section from “accessory structure” to “accessory building” in order to clarify that the requirements apply to buildings, rather than structures (i.e. detached decks, fences, etc.). Staff is also proposing to remove the requirement for a zoning permit for accessory buildings less than 200 square feet in area.
- **Parking in Residential Districts** – Staff is proposing to correct two typos in Section 10-72-02 to clarify that the R1 District should be treated the same as the R2 and R3 districts when it comes to parking vehicles on private property.
- **Residential Driveway Performance Standards** – Staff is proposing to add language to Section 10-72-11 that will specify that permits are required for all driveways. This language already exists in Section 10-72-03, however, Staff has found that many residential property owners only check Section 10-72-11 when constructing a driveway and therefore miss the requirement for a permit until the driveway is already under construction or has already been completed.
- **Securities** – Staff is proposing to update this language to reflect current City practice. The City currently allows a security in the form of a letter of credit, rather than requiring the first \$10,000 of 15%, whichever is greater, to be supplied in cash.
- **Wall Signs in B-1 District:** Staff is proposing to update the area requirements for wall signs in the B-1 District to match those of the B-2 and BPK Districts. This includes

incorporating a cap on the maximum square footage for wall signs on large walls of 75 square feet, plus 5% of the wall area in excess of 500 square feet.

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

10-22-14 P.

Property line: A boundary line of any lot held in single or separate ownership except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

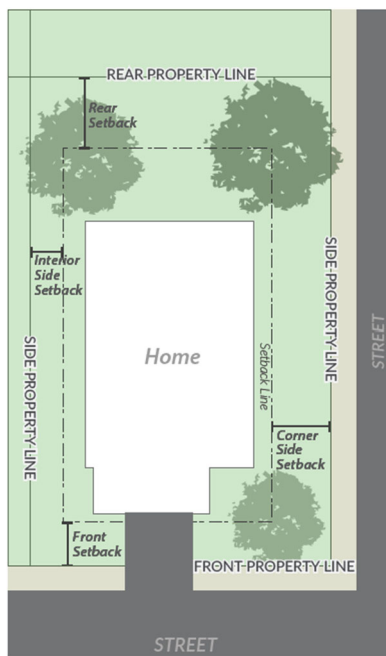
Property line, front: The property line which is along an existing or dedicated street. In the case of a corner lot, the front lot line shall be the shortest dimension along a public street or as designated by the Zoning Administrator based on the practical front yard of the property as determined by such factors as the existing or proposed building configuration of the property and taking into consideration the characteristics of surrounding properties. separating a lot from the street right-of-way along the lot frontage.

Property line, rear: The property line opposite and most distant from the front property line. lot frontage which connects the side property lines. If the rear property line is less than 10 feet in length or if the lot forms a point at the rear, the rear property line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front property line.

Property line, side: Any boundary of a lot which is not a front or rear property line. Property lines extending away from the lot frontage, which connects the front and rear property lines.

10-22-16 S.

Setback: The required minimum horizontal distance between a structure and property lot line, ordinary high-water mark, top of bluff, street, or right-of-way easement. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided hereinafter.



Setback, bluff: The minimum horizontal distance between a structure and the top of bluff line.

~~Setback, front:~~ The minimum horizontal distance between a structure and the front property line.

~~Setback, ordinary high water level (OHW):~~ The minimum horizontal distance between a structure and the Ordinary High Water mark.

Setback, perimeter: The minimum horizontal distance between structure(s) and the most exterior property lines of a PUD or similarly planned development regardless of the existence of lot divisions within the development itself.

~~Setback, rear:~~ The minimum horizontal distance between a structure and the rear property line.

~~Setback, side:~~ The minimum horizontal distance between a structure and the side property line.

10-22-21 Y.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front: The area extending along the full ~~width~~length of the lot lying between the front property line and the nearest line of the principal building. ~~a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more streets, both yards shall be considered front yards.~~

Yard, rear: A yard extending across the full width of the lot lying between the rear ~~property~~lot line of the lot and the nearest line of the principal building.

Yard, required: That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

Yard, side: A yard between the side property line ~~of the lot~~ and the nearest line of the principal building and extending from the front yard to the rear yard.

10-23-11 L.

Lower potency hemp edible wholesale: A business licensed to purchase and sell lower-potency hemp edible products to and from other licensed cannabis and hemp businesses. These businesses may also import and export lower-potency hemp edibles.

10-44-02 Uses

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
Industrial					
Brewery, winery, or distillery	PS	PS	PS	PS	
Cannabis delivery				P	
Cannabis and hemp manufacturing			P	P	
Cannabis transportation				P	
Cannabis wholesale			P	P	
Construction contractor yard				P	
Lower potency hemp edible wholesale			<u>P</u>	<u>P</u>	
Makespace or studio			PS		
Manufacturing, heavy				PS	
Manufacturing, light			P	P	
Manufacturing, storage, and testing of explosives and component parts of instruments used therewith, along with the installation and use of all equipment and buildings necessary therefore, all subject to state and federal regulations pertaining thereto					P
Mining, sand, and gravel extraction					I
Open or outdoor service, sale, or rental				C	
Open and outdoor storage				C	
Scrap or salvage yard				C	
Self-storage facility				C	
Storage and sale of machinery and equipment			C	P	
Storage, utilization, or manufacture of materials or products which could decompose by demolition; refuse and garbage disposal; crude oil; bulk fuel; gasoline, or other liquid storage				C	
Warehouse facility			P	P	
Wholesale establishment			P	P	

10-53-08 Landscape Alterations

A. Landscape Alterations. [The landscape alteration provisions established in Minnesota Rules, Pt. 6105.0150 and in this Section shall apply to the following lands:](#)

1. [Lands in the rural Rum River Management District located within 150 feet of the normal high water mark and ~~lands~~ 30 feet landward of the bluffline shall follow the landscape alterations provisions in Minnesota Rules, Pt. 6105.0150.](#)
- ~~1.2.~~ [Lands in the urban Rum River Management District located within the required setbacks for the Urban Overlay District established in Section 10-53-06 Land Use District Provisions.](#)

10-63-03 Cannabis Retail

- B. 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/child care center](#)
 - 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.
- C. 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.

10-68-04 Accessory ~~Structure~~ Building

- 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 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~~ building in the Rural Service Area, the property owner shall execute a home occupation awareness form. Said form shall certify that the detached accessory ~~structure~~ building 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~~ buildings, except for the following:
 - 1. Exterior building standards in provision E below; and
 - 2. Area, number, and height limitations listed in provision F.1 and 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-buildings](#) shall comply with the following area, number and height limitations:

1. Rural Service Area.
 - a. Attached accessory [structures-buildings](#) 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 [structurebuilding](#).
 - b. All new and relocated residential homes shall be constructed with an accessory [buildingstructure](#) or garage meeting the minimum standards required in Section 10-72-09 Parking Supply Requirements. Said accessory [structure-building](#) shall have a minimum floor area of at least 440 square feet.
 - c. Detached accessory [structures-buildings](#) shall be limited as follows:

Lot Size	Accessory BuildingStructure Limits	
Less than 1 acre	Total detached square footage	600 SF
	Maximum number of detached buildings	1
	NO POLE BUILDINGS ALLOWED	
	Maximum sidewall height	10 feet
1 acre but less than 2.5 acres	Total detached square footage	1,200 SF
	Maximum number of detached buildings	1
	POLE BUILDINGS ALLOWED	
	Maximum sidewall height	12 feet
2.5 acres but less than 5 acres	Total detached square footage	2,500 SF
	Maximum number of detached buildings	2
	POLE BUILDINGS ALLOWED	
	Maximum sidewall height	14 feet
5 acres but less than 10 acres	Total detached square footage	4,000 SF
	Maximum number of detached buildings	2
	POLE BUILDINGS ALLOWED	
	Maximum sidewall height	16 feet
10 acres and larger	Total detached square footage	5,000 SF
	Maximum number of detached buildings	2
	POLE BUILDINGS ALLOWED	
	Maximum sidewall height	18 feet

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 garagestructure does not exceed 80 percent of the above-ground square footage of the principal structurebuilding.
- b. All new and relocated residential homes shall be constructed with an accessory structure-building 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-building 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 buildingstructure in addition to a private residential garage. The buildingstructure shall not ~~to~~ exceed 250 square feet in size. On properties that have ~~no less than at least~~ one half (½) acre of buildable land, the detached accessory buildingstructure, may be up to 500 square feet in size and 16 feet in height. ~~This second detached accessory building shall not exceed 16 feet in height.~~
- d. Residential properties with detached accessory structures-buildings that subsequently construct an attached accessory structurebuilding, shall deduct the square footage of the detached structure-building 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 buildingstructure 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 buildingstructures 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 buildingsstructures 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-building 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 [buildingsstructures](#) in the Rural Service Area shall be placed no closer to the front property line than the principal [buildingstructure](#), except when the principal [buildingstructure](#) has a front yard setback of at least 150 feet. In that case, the detached accessory [buildingstructure](#) may be located closer to the front property line than the principal [buildingstructure](#), 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:
 - iv. All Lots. No accessory building shall be located in front of the principal [structurebuilding](#). Accessory buildings must maintain setbacks of five (5) feet from the side property line and 10 feet from the rear property line.
 - v. Street Side Yard. Detached accessory [buildingsstructures](#) shall be located no closer than 20 feet from a street side yard on corner lots, provided the [buildingstructure](#) does not have access to the public right-of-way on the side yard.

10-72-02 Application of Off-Street Parking Regulations

The regulations and requirements set forth in this Ordinance shall apply to the required and non-required off-street parking facilities in all use districts.

- A. Truck Parking. It is unlawful to park a truck (other than a truck of 12,000 gross vehicle rated weight or less), a truck tractor, semi-trailer, bus, construction equipment, construction trailers, or manufactured home within residential districts (RR, R1, R2, and R3) of the City that are zoned and/or used for residential purposes, except for the purpose of loading or unloading the same, and then only during such time as is reasonably necessary for such activity.
- B. Parking in Residential Districts. It is unlawful to park a vehicle in the yard of any property in the RR, [R1](#), R2, and R3 Districts except on parking surface adjacent to a driveway. In the RR district, an approved parking surface is required. In the [R1](#), R2, or R3 districts, the parking surface shall be constructed of bituminous, concrete, or pavers. Such parking pads shall be considered an expansion of a driveway and require the issuance of a driveway permit pursuant to Section 10-72-11. Properties in the RR district may receive a waiver from the surfacing requirements as stated in Section 10-72-11.

10-72-11 Residential Driveway Performance Standards

- A. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the City.
- B. Permit Required. All proposed driveway and private drive connections to a City street shall require a permit.
- ~~B.C.~~ Driveways that access roads that have a paved surface shall be surfaced with bituminous, concrete pavement, concrete pavers, or other similar material as approved by the Zoning Administrator and shall extend from the existing paved surface to the principal structure in the urban service area, or a minimum of fifty (50) feet in the rural service district, unless a longer length is needed to control erosion.
- ~~C.D.~~ Controlling Erosion. All driveways shall be constructed in a manner which controls erosion. Driveways with moderate slopes (greater than 4%) which drain towards a paved street shall extend the bituminous, concrete pavement, concrete pavers or other similar hard surface to the crest of the hill. Drainage swales shall be utilized adjacent to the driving surface to control stormwater runoff.
- ~~D.E.~~ Driveways that access roads that have a gravel surface shall meet the rural driveway standard set forth herein. Driveways shall be constructed to minimize erosion by utilizing drainage swales adjacent to the driving surface to control stormwater runoff.
- ~~E.F.~~ No residential driveway shall be less than ten (10) feet in width or exceed twenty-four (24) feet in width at the point where it adjoins the street. The driveway shall not exceed a width of twenty-four (24) feet for a distance of at least five (5) feet behind the street, at which point the driveway may exceed twenty-four (24) feet in width.
- ~~F.G.~~ Number allowed. Residential lots within the urban service district shall be limited to one driveway access to a public street. Residential lots within the rural service area may have two driveway accesses, provided that the driveways have at least one hundred (100) foot separation and the secondary driveway is intended to serve an accessory structure.
- ~~G.H.~~ Secondary driveways which access paved roads shall be surfaced with bituminous, concrete, or pavers from the edge of the constructed public roadway to the property line, at minimum. All other rural driveway standards shall be met.
- ~~H.I.~~ Driveways of any type surface shall maintain at least a three-foot side yard adjacent property lines in residential districts.
- ~~I.J.~~ Two single family residences may share a driveway provided both parcels have adequate frontage, easements are recorded, both property owners agree to maintenance and dissolution agreements, and the driveway meets the minimum fire and safety standards. No more than two single family residences may share a driveway. For the purposes of setbacks, the two parcels shall be counted as one, while the agreement is in effect.
- ~~J.K.~~ No residential driveway access shall be allowed onto a designated collector or arterial street, unless the Planning and Zoning Commission finds that no other practical alternative exists and the Council approves said access.
- ~~K.L.~~ No driveway shall obstruct drainage utility access, or impair public safety. When necessary, the lot owner shall install a culvert of adequate size and type, as determined by the City Engineer.
- ~~L.M.~~ Driveways shall not have a slope of greater than ten (10) percent.

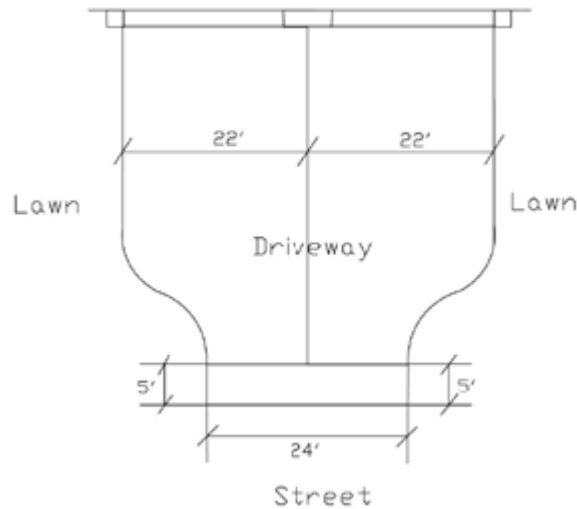
M.N. Rural Driveway Standard. Driveways shall be of a design that will provide reasonable access for emergency service vehicles and meet all fire and public safety standards. At a minimum, the driveway shall have at least a 10 foot wide driving surface with a driveway base that is suitable to support the City's largest piece of firefighting apparatus. Gravel driveways in the rural service district shall have a minimum class 5 aggregate thickness of eight (8) inches compacted. Obstructions adjacent to and directly over the driveway, including, but not limited to; tree branches, shrubs, landscaping materials, etc. shall be removed to provide a fourteen (14) feet clear height.

N.O. The property owner shall be responsible for the maintenance in safe condition of all driveways leading to his or her property, including the portions of sidewalks used as part of said driveways.

O.P. In lieu of two separate townhome driveways, one shared driveway may be utilized subject to the following conditions:

1. The shared driveway shall not exceed twenty-four (24) feet in width at the point it adjoins the street.
2. Townhome driveways shall be required and maintained by a property owner association.

Figure 10-72-2 Driveway Standards



P.Q. Town homes and multi-family dwellings under the ownership and/or control of a property owner association shall be maintained, repaired, and replaced under the cost of property owner association. Said association shall maintain a capital improvement program for the driveways under its ownership.

Q.R. Financial Surety. Driveways that will exceed 600 feet in length and are not combined with another permit (i.e., principal structure) will require a financial surety in the amount 150% of the estimated construction cost in the form of a cash escrow or Irrevocable Letter of Credit in a form as approved by the City Attorney.

10-82-09 Securities

The applicant shall provide security for the performance of the work described and delineated on the approved grading plan involving the Stormwater Pollution Prevention Plan related remedial work as

listed in the City's fee schedule. This security must be available prior to commencing the project. The form of the securities must be;

- A. Currency. The ~~first \$10,000 (in U.S. currency) or 15 percent, whichever is greater, of this financial security must be by cash deposit to the City~~ financial security shall be provided as a letter of credit in a form approved by the City Attorney.
- B. Deposit. Deposit, either with the City, a responsible escrow agent, or trust company, at the option of the City, money, negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges that the funds are on deposit and guaranteed for payment. The type of security must be of a type acceptable to the City.
- C. Financial Security. The City may request a greater financial security, if the City considers that the development site is especially prone to erosion or the resource to be protected is especially valuable.
- D. Maintaining the Financial Security. If at any time during the course of the work the security falls below 50 percent of the required deposit, the applicant shall make another deposit in the amount necessary to restore the cash deposit to the required amount.
 - 1. If the applicant does not bring the financial security back up to the required amount within seven (7) days after notification by the City that the amount has fallen below fifty (50) percent of the required amount the City may:
 - a. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
 - b. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.
- E. Proportional Reduction of the Financial Security. When more than half of the development's exposed soil area achieves final stabilization, the City may reduce the total required amount of the financial security by half, if recommended by the City Engineer.
- F. Action Against the Financial Security. The City may act against the financial security if any of the conditions listed below exist. The City shall use funds from this security to finance remedial work undertaken by the City, a private contractor hired by the City, or to reimburse the City for all direct costs incurred in the process of remedial work including, but not limited to, staff time, consultant time, and attorney's fees.
 - 1. The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of final stabilization.
 - 2. The applicant fails to conform to the grading plan and/or the Stormwater Pollution Prevention Plan as approved by the City.
 - 3. The permanent stormwater control measures required by this Part fail within one (1) year of site final stabilization.
 - 4. The applicant fails to reimburse the City for corrective action taken under this Part.
- G. Returning the Financial Security. Any unspent amount of the financial security deposited with the City for faithful performance of the Stormwater Pollution Prevention Plan and any Stormwater Pollution Prevention Plan related remedial work may be released one full year after the completion of the installation of all stormwater pollution control measures as shown on the grading and/or Stormwater Pollution Prevention Plan and establishment of final stabilization.

10-91-05 District Regulations

H. B-1 District:

1. All signs not requiring permits as set forth in this Division.
2. One (1) monument sign per development, not to exceed 32 square feet in sign area and six (6) feet in height shall be permitted. The monument sign shall not be placed outside the applicable subdivision or development.
3. One (1) freestanding sign per lot is permitted. The total area of the freestanding sign shall not exceed 64 square feet for lots with a lot width of 100 feet or more and 36 square feet for lots with a lot width of less than 100 feet. The maximum height of a freestanding sign shall be 20 feet.
4. For legally established institutional uses, one (1) freestanding sign per street frontage shall be permitted. The freestanding sign shall not exceed 60 square feet in sign area and 10 feet in height.
5. One (1) wall sign per street frontage shall be permitted according to the following: The total area of all wall signs on any wall of a building shall not exceed 15 percent of the wall area of that wall when said wall area does not exceed 500 square feet. When said surface area exceeds 500 square feet, then the total area of such wall sign shall not exceed 75 square feet plus five (5) percent of the wall area in excess of 500 square feet, provided that the maximum sign area for any wall sign shall be 300 square feet. Wall area shall be computed individually for each tenant in a multi-tenant building based on the exterior wall area of the space that tenant occupies.
6. One (1) sign displaying electronic, scrolling text-based messages provided that the electronic message board component of any sign is no greater than 40 square feet in area.
7. One (1) window sign per window provided each sign does not occupy more than 75 percent of the window area.