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MEMBERS PRESENT: Tracy Davis, Jim Herreid, Alice Thomas, Suzie Nakasian, Richard Schulte and Steve Rholl

ABSENT: Greg Colby

ALSO PRESENT: Betsey Buckheit, City Engineer Katy Gehler, Community Development Director Brian O’Connell, City Planner Dan Olson, Recording Secretary Sandra Bremer

1) Call to Order and Approval of Agenda

Chair Davis called the meeting to order at 7:00 p.m.

**A motion was made by Rholl and seconded by Thomas to approve the agenda of March 4, 2010, as amended to add Items on Training of Open Meeting Law and Adjusting the Planning Commission schedule to accommodate the EDA Steering Committee. All in favor. Motion carried.**

2) Approval of Minutes

**A motion was made by Herreid and seconded by Schulte to approve the minutes for the work session of February 11, 2010, as amended on Page 1, In section 3.5.4(C)(1) first bullet to read “...of *plus or minus* five feet of the front setback...”; and in the third bullet to read : “...Side yard *setbacks* are calculated based on the *side yard setback of adjacent*...”; and in Table 3.2-1 the first bullet to read: : “...should be *at least* six feet...” All in favor. Motion carried.**

**A motion was made by Rholl and seconded by Thomas to approve the minutes of the special meeting of February 18, 2010, as amended on Page 2, 2<sup>nd</sup> paragraph, to read: “...detailed *comparison* on existing...” All in favor. Motion carried.**

**A motion was made by Herreid and seconded by Schulte to approve the work session minutes of February 25, 2010, as amended on page 1 Item 1, 6<sup>th</sup> paragraph, to read: “...discussed *as an issue* of how much...what the percentage of impervious surface should be *over and above the 25-30% of building area ratio already adopted*...” All in favor. Motion carried.**

3) Unfinished Business Action Items: None

4) New Business Action Items: None

5) Reports and Discussion Items:

a) Continue Review of Implementation Matrix and Draft Land Development Code

Gehler described how the lot coverage was established in relation to the stormwater utility fee.

There was discussion among the members regarding the information presented in the Staff report on the proposed stormwater ordinance regarding impermeable surfaces.

Gehler explained her approach regarding lot coverage issues and the performance standards that could be used. She noted that what is being proposed is that if there is grass on a lot now and the proposal is to put in a patio, the runoff would be limited to what was there prior to the patio being built so measures will have to be done to mitigate the additional runoff.

The members felt that this concept would need to be addressed or a reference to the stormwater ordinance be put in the LDC. There was discussion of enforcement of the regulations and how this is done.

The members felt that the proposed language in Section 3.6.5(E) would be adequate for lot coverage and then reference the stormwater ordinance for additional regulations. It was felt that a statement addressing the principle of the stormwater regulations could be included in the LDC. Staff will prepare some additional language and come back to the Commission for review.

It was suggested that a policy paper be prepared that could be handed to applicants so they would be aware of what is being required to educate the public. Gehler noted that as part of the MS4 permit that is required of the City, there is a requirement that informational sheets be prepared.

Regarding the home height requirements, there was discussion of the language proposed by Staff. There was a feeling that redevelopment of a lot in an existing neighborhood should be allowed and the question being discussed was how much higher than the existing homes should a new home be allowed. Some members felt that three story homes were too high but that a 2 ½ story home would be okay in most areas. Some members felt that a step back would make it easier to accept a higher home among single story homes.

It was agreed in the R1-B district there would be a maximum height established of not more than 2 ½ stories.

**A motion was made by Schulte and seconded by Nakasian to allow the infill of 2 story homes or 30 feet, whichever is greater, in N1-B. Yes votes by Herreid and Schulte. No votes by Rholl, Nakasian, Thomas and Davis. Motion failed.**

After much discussion it was agreed that the proposed language for 3.5.4(C)(2)(b) would be all right. It was agreed that in the R1-B and N1-B districts the five feet average applies in any area where the average is greater than 1 ½ stories. An exception would be

added that if the average of the adjacent homes is single story, a homeowner could construct a second story or build up to 30 feet in height, whichever is less.

Staff felt that in Section 2.10.2(H)(1) there should be a front yard setback for a garage. It was suggested that a 20 foot front yard setback be established for a detached garage. The members agreed that this should be added.

A member noted that there were many inconsistencies in 2.10. It was noted that the language in section 2.10.2(H)(1)(C) regarding nonconforming garages should be placed in the nonconforming section rather than in the setback area. It was felt by some that the organization of this section needs to be rewritten to make it easier to read. A revision to the language in 2.10.2 was given to Staff to review and bring back to the Commission for review.

It was noted that for the next meeting they would look at the PTA subdistrict and table the discussion of the NCF until later. It was felt that they were close to having the built residential district ready to deliver to the Council for their April work session for their input. Also members will meet with Staff to review the accessory structure issues that need to be reviewed and resolved.

It was noted that when this is presented to the Council, it is necessary to give an overview of this residential district and point out the areas where there may be some contentions.

b) Liaison reports: None

c) Remarks by Chair:

It was noted that there is training on March 23, 2010, for boards and commissions. Thomas, Rholl, Nakasian and Schulte agreed to attend.

d) Staff Update on Land Use Applications Received:

Staff noted that a public hearing will be held in the near future regarding minor revisions to the floodplain ordinance.

6) Adjournment:

The meeting was adjourned at 9:25 p.m.

Submitted by:

Sandra Bremer  
Recording Secretary

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MEMBERS PRESENT: Tracy Davis, Alice Thomas, Jim Herreid, and Richard Schulte

MEMBERS ABSENT: Suzie Nakasian, Steve Rholl, and Vacant Seat

ALSO PRESENT: Betsey Buckheit, City Planner Dan Olson, Recording Secretary Sandra Bremer

1) Continue review process for the draft Land Development Code

Chair Davis called the meeting to order at 7:00 p.m. and began the discussion of the Land Development Code where the Commission left off from the last meeting.

There was discussion of the language on page 119 (b) and clarifications were made. It was questioned if there are not four homes on a block and the lots are wide, there should be a distance designation on each side of the property instead of number of adjacent homes.

There was discussion on page 122 about (c) and what the proportion should be. The intent was to allow a two car garage and maintain a percentage of the home facing the front street but also to allow a three car garage if the home was large enough to accommodate it. It was agreed that staff would revise this language to meet the intent.

**A motion was made by Thomas and seconded by Herreid to delete (c) on page 121. Schulte voted no. Motion carried.**

**A motion was made by Thomas and seconded by Schulte delete (4) on page 121. Herreid voted no. Motion carried.**

Section 3.5.5

It was felt there needed to be a purpose statement for the PTA district. Thomas felt that this area and what might be built in the PTA could be so different from one structure to another that it would not serve well to have regulations for every scenario that could come up. She felt minimal regulations should be done and a stronger review process. Each structure type should have different review processes.

Olson felt that language could be written that in addition to Article 5 the following standards needed to be met and then list the standards that were felt as necessary.

Thomas felt that there needed to be a parking plan required for the college buildings.

It was agreed that (3) on page 123 would be deleted.

Thomas felt that there should be standards to address lighting coming from inside of a building to the outside. Staff will research to see if there is language that can be used to address this. She also questioned if there was language regarding the blocking of light. It was agreed to delete (C)(3) on page 123. She also questioned if there was a section regarding loading docks that may face residential uses. Staff will note where these issues are addressed in the LDC and review at the next meeting.

Staff was asked to define the terms adjacent and facing in regards to the PTA area. Is it referring to buildings facing the college zone?

It was agreed that the accessory structures needed to be reviewed in regards to built areas even if it means they would have to review it again with regards to the unbuilt areas of the city. The members were asked to read section 2.10 for discussion at the next meeting.

The meeting was adjourned at 9:05 p.m.

Submitted by:

Sandra Bremer  
Recording Secretary

**ITEM:** Continue Discussion of Draft Land Development Code – Section 2.10 (Accessory Uses)

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**SUMMARY:**

At the March 11, 2010, Planning Commission Work Session, the Commission agreed to discuss Section 2.10 of the draft Land Development Code (LDC) at their meeting on March 18, 2010. Attached for your review is the latest version of Section 2.10 (Attachment #1).

**SUBMITTED BY:** Dan Olson, City Planner

**ATTACHMENT:**

1. Section 2.10

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- 2454 | ~~(5)~~(4) The applicant shall provide, at the time of application, sufficient  
2455 | information to indicate the construction, installation, and maintenance of the  
2456 | antenna and tower will not create a safety hazard or damage to the property  
2457 | of other persons.
- 2458 | ~~(6)~~(5) Adjustment or replacement of the elements of an antenna already affixed  
2459 | to a tower or antenna shall not require a permit, provided that the  
2460 | replacement does not reduce the safety factor. The city planner shall issue a  
2461 | decision related to the zoning certificate application upon review of all  
2462 | required materials listed in this section and shall respond to the request in an  
2463 | expeditious and reasonable timeframe.
- 2464 | ~~(7) Conditional use permit applications, site plan review applications and~~  
2465 | ~~building permit applications shall be accompanied by payment of a fee as~~  
2466 | ~~established by resolution of the city council from time to time.~~

## 2467 | 2.10 Accessory Uses and Structures

### 2468 | 2.10.1 Purpose

2469 | This section authorizes the establishment of accessory uses and structures that are  
2470 | incidental and customarily subordinate to principal uses. The intent of this section is to  
2471 | allow a broad range of accessory uses while not creating adverse impacts on surrounding  
2472 | lands.

### 2473 | 2.10.2 General Provisions

- 2474 | ~~(A) Only one accessory structure (not including fencing) shall be allowed on any~~  
2475 | ~~parcel in addition to a detached garage, except where a site is two times or more~~  
2476 | ~~the minimum lot area required for a new parcel in the applicable zone; in such~~  
2477 | ~~case, two accessory structures shall be permitted.~~
- 2478 | ~~(B)~~(A) Fencing and walls shall not be subject to the requirements of this section.  
2479 | Standards for fencing and walls are established in **Section 3.3.1, Fencing and**  
2480 | **Walls.**
- 2481 | ~~(C)~~(B) An accessory use structure shall be incidental to the primary-principal use of the  
2482 | site, and shall not negatively alter the character of the primary-principal use.
- 2483 | ~~(D)~~(C) Accessory structures shall only be constructed concurrent with or after the  
2484 | construction of the primary-principal structure-building on the same site.
- 2485 | ~~(E)~~(D) Small accessory structures such as doghouses, benches, and garden decorations  
2486 | shall be exempt from the provisions of this section provided they do not occupy  
2487 | more than 12 square feet.
- 2488 | ~~(F)~~(E) Accessory structures located on lots with stream or river frontage may be located  
2489 | between the public road and the principal structure, provided it is clearly  
2490 | demonstrated that physical conditions require such a location.
- 2491 | ~~(G)~~(F) An accessory structure that is attached to the primary-principal structure-building  
2492 | shall comply with the site development standards and all other development  
2493 | standards of the applicable zoning district. Any accessory structure shall be  
2494 | considered as an integral part of the principal building if it is located less than six  
2495 | feet from the principal building.
- 2496 | ~~(H)~~(G) Uses and structures that are accessory to a conditional use permit shall be  
2497 | permitted in accordance with this section, without requiring a conditional use  
2498 | permit amendment, unless specifically required as a condition of the conditional  
2499 | use permit approval.

2500 | ~~(D)~~ An accessory structure detached from the primary-principal structure building  
 2501 | shall comply with the following standards, unless otherwise stated in this section  
 2502 | and the use-specific standards of Section 2.10.4:

2503 | **(1) Setbacks**

- 2504 | (a) An accessory structure shall not be located within a front yard.
- 2505 | (b) Accessory structures for nonresidential uses may be located any place  
 2506 | to the rear of the principal building, subject to the building code and  
 2507 | the fire code regulations, except where prohibited by other sections of  
 2508 | this LDC.
- 2509 | (c) An accessory structure shall maintain a front yard setback of at least  
 2510 | 20' and side and rear setbacks of at least five feet, except that an  
 2511 | existing non-conforming detached residential garage may be replaced  
 2512 | or expanded to a distance of at least three feet to the interior side or  
 2513 | rear yard property line. On corner lots, accessory structures shall  
 2514 | maintain at least a 10' setback from the property line along the street  
 2515 | be subject to the street yard setbacks.
- 2516 | (d) An accessory structure shall maintain at least a five-foot separation  
 2517 | from other accessory structures and the principal building.

2518 | **(2) Size and Height Limits**

- 2519 | ~~(a) Unless otherwise state, the maximum height of a detached accessory~~  
 2520 | ~~structure shall be ten feet with the exception of detached garages.~~
- 2521 | (a) Detached sheds on residential properties shall not be larger than 140  
 2522 | square feet, and not exceed nine feet in height at the peak.
- 2523 | (b) No detached garage used or intended for the storage of vehicles on a  
 2524 | residential property shall exceed 864 square feet nor shall any access  
 2525 | door or other opening exceed the height of 12 feet.
- 2526 | (c) Detached garages shall not exceed 18 feet in height, or 24 feet in  
 2527 | height if the structure includes an accessory dwelling unit.
- 2528 | (d) In no case shall the height of the accessory structure exceed the  
 2529 | maximum height of the principal structure except by approval of a  
 2530 | conditional use permit.

2531 | **(3) Maximum Number, Coverage, and Size**

- 2532 | Up to two accessory buildings may be permitted on a single lot. For the  
 2533 | purposes of this subsection, accessory building includes accessory dwelling  
 2534 | units, detached garages, detached storage/utility sheds, gazebos, decks,  
 2535 | swimming pools, hot tubs, spas, and courts for tennis or other recreational  
 2536 | sports.
- 2537 | ~~(a) Accessory buildings shall not occupy more than 25 percent of the rear~~  
 2538 | ~~yard.~~
- 2539 | ~~(b) Accessory buildings subject to the maximum number and coverage~~  
 2540 | ~~requirements of paragraphs (a) and (b) above include accessory~~  
 2541 | ~~dwelling units, detached garages, detached storage/utility sheds,~~  
 2542 | ~~gazebos, and similar structures, decks, swimming pools, hot tubs, and~~  
 2543 | ~~spas, and tennis or other recreational sports.~~

- 2544 ~~(e) The maximum site coverage for all structures on a parcel shall~~
- 2545 ~~comply with the requirements of the applicable zoning district.~~
- 2546 ~~(d) Detached sheds on residential properties shall not be larger than 140~~
- 2547 ~~square feet.~~
- 2548 ~~(e) No private garage used or intended for the storage of vehicles on a~~
- 2549 ~~residential property shall exceed 864 square feet nor shall any access~~
- 2550 ~~door or other opening exceed the height of 12 feet.~~

2551 2.10.3 Permitted Accessory Uses

2552 (A) The symbols used in Table 2.10-1 are defined as follows:

2553 (B) Permitted Uses (P)

2554 A “P” in a cell indicates that the accessory use or structure is allowed by-right in  
2555 the respective zoning district subject to compliance with the use-specific standards  
2556 set forth in the final “use-specific standards” column of Table 2.10-1.

2557 (C) Conditional Uses (C)

2558 A “C” in a cell indicates that the accessory use or structure is allowed as a  
2559 conditional use in the respective zoning district subject to compliance with the use-  
2560 specific standards set forth in the final “additional requirements” column of Table  
2561 2.10-1 and approval of a conditional use permit in accordance with Section 5.5.9,  
2562 Conditional Use Permit.

2563 (D) Prohibited Uses

2564 A cell with a “-” or a blank cell indicates that the listed use type is prohibited in  
2565 the respective zoning district.

2566 (E) Use-Specific Standards

2567 The “use-specific standards” column of Table 2.10-1 cross-references standards  
2568 that are specific to an individual use type and are applicable to that use in all  
2569 districts unless otherwise stated in the use-specific standards.

2570 (F) Unlisted Uses

2571 If an application is submitted for an accessory use or structure that is not listed in  
2572 Table 2.10-1, the city planner is authorized to classify the new or unlisted use, with  
2573 consultation from appropriate city departments, into an existing use type that most  
2574 closely fits the new or unlisted use. If no similar use determination can be made,  
2575 the city planner shall refer the use to the planning commission, who may initiate an  
2576 amendment to the text of this LDC to clarify where and how the use should be  
2577 permitted.

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Table 2.10-1: Permitted Accessory Uses and Structures															
Use Category and Use Type  * Discontinued Zoning District P = Permitted Use C = Conditional Use	Base Zoning Districts								Special Base Zoning Districts			Floating Zoning Districts		Use-Specific Standards in Section:	
	R1-B	R2-B*	R3-B*	R4-B	N1-B*	N2-B	C1-B	C2-B	I1-B*	AH-S	CD-S	PI-S	NC-F		ED-F
Accessibility Ramps	P	P	P	P	P		P	P	P	P	P	P	P	P	2.10.4 (A)
Accessory Dwelling Units	P	--	--	--	P		--	--	--	--	--	--	P	--	2.10.4 (B)
Amateur Radio Towers	P	P	P	P	P		P	P	P	P	P	P	P	P	2.10.4(C)
<u>Crop Raising</u>															
Detached Garages	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Detached Storage/Utility Sheds, Gazebos, and other Similar Structures	P	P	P	P	P		--	P	P	P	P	P	P	P	2.10.4 (D)
Home Businesses [1]	P	--	--	P	P		--	--	--	P	--	--	P	--	2.10.4 (E)
In-Home Day Care	P	--	--	--	P		--	--	--	P	--	--	P	--	2.10.4 (F)
Keeping of Chickens (on less than five acres)	P	P	P	P	P		--	--	--	P	--	--	--	--	2.10.4 (G)
Outdoor Wood Fire Boilers/Furnaces	--	--	--	--	--		--	--	--	C	--	--	--	--	2.10.4 (H)
Patio Covers, Porches, and Decks	P	P	P	P	P		--	--	--	P	--	--	P	--	2.10.4 (I)
Playsets	P	P	P	P	P		P	P	--	P	P	P	--	--	
Satellite Dishes	P	P	P	P	P		P	P	P	P	P	P	P	P	2.10.4(J)
Solar Energy Systems	P	P	P	P	P		P	P	P	P	P	P	P	P	2.10.4 (K)
Swimming Pools, Hot Tubs, and Spas	P	P	P	P	P		--	--	--	P	P	P	P	--	2.10.4 (L)
Tennis and Other Recreational Courts	P	P	P	P	P		--	--	--	P	P	P	P	--	2.10.4 (M)
Small Wind Energy Turbines <sup>3</sup>															2.10.4 (N)
Medium Wind Energy Turbines															2.10.4 (N)
Large Wind Energy Turbines															2.10.4 (N)
Note: [1] Home business that employs people who do not reside at the home may be permitted with a conditional use permit.															

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2581 2.10.4 Standards for Specific Accessory Uses and Structures

2582 The following requirements apply to the specific types of accessory uses and structures  
2583 listed, in addition to the requirements of Section 2.10.2, General Provisions, as applicable.

2584 (A) Accessibility Ramps

2585 Ramps that provide access to buildings for the disabled are permitted in all zoning  
2586 districts and may encroach in all setbacks but shall not encroach on a public  
2587 sidewalk, right-of-way, or street.

<sup>3</sup> Staff noted in their draft regulations that all wind turbines will be conditional uses. The advisory group should discuss in what districts the various scales of wind turbines might be appropriate.

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**(B) Accessory Dwelling Units**

This section is intended to allow the creation of accessory dwelling units on existing lots in residential zoning districts that already contain one legally created dwelling unit under the following provisions:

- (1) There shall be a minimum lot area of 8,000 square feet.
- (2) An accessory dwelling unit may be created by the:
  - (a) Conversion of an attic, basement, garage, or other previously uninhabited portion of a residential structure;
  - (b) Addition of a separate unit onto an existing residential structure;
  - (c) Construction of a separate structure on a lot in addition to an existing dwelling (See Figure 2-4<sup>4</sup>); or
  - (d) A manufactured home, recreational vehicle, or other moveable habitable space that does not comply with the building code shall not be used as a second unit. A modular unit placed on a permanent foundation may be used as an accessory dwelling unit in compliance with this section.



*Figure 2-4: This image shows detached garages (facing onto an alley prior to the completion of the homes on the opposing street) with some two-story garages that accommodate an accessory dwelling unit.*

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**(3) Accessory Dwelling Unit Development Standards**

- (a) Only one accessory dwelling unit shall be permitted on a lot.
- (b) Accessory dwelling units shall be exempt from the minimum lot size or any density calculations in the applicable zoning district.

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<sup>4</sup> There was a question regarding how this provision would stop the construction of a second 800 square foot dwelling unit on a lot. The answer is it would not. Some communities are okay with the construction of these “granny cottages” or small-scale units as a separate structure while others limit the accessory dwelling units to those attached to a detached garage or constructed as an attachment to the existing dwelling. The advisory group should discuss if this is appropriate in Northfield.

- 2610 (c) An accessory dwelling unit shall contain separate kitchen and
- 2611 bathroom facilities.
- 2612 (d) An attached accessory dwelling unit shall have an entrance separate
- 2613 from the primary-principal dwelling.
- 2614 (e) An accessory dwelling unit shall not exceed 800 square feet or 25
- 2615 percent of the floor area of the primary-principal dwelling, whichever
- 2616 is greater.
- 2617 (f) One accessible off-street parking space shall be provided for each
- 2618 accessory dwelling unit in addition to the off-street parking spaces
- 2619 required for the primary-principal dwelling in Section 3.8, Off-Street
- 2620 Parking. Each accessory dwelling unit shall be constructed so as to
- 2621 be compatible with the existing primary-principal dwelling, as well as
- 2622 the surrounding neighborhood in terms of design, form, height,
- 2623 materials, and landscaping.
- 2624 (g) A detached accessory dwelling unit shall be separated from the
- 2625 primary-principal dwelling by a minimum distance of ten feet.
- 2626 (4) An accessory dwelling unit may be rented if it complies with the Northfield
- 2627 Municipal Code, chapter 14.

**(C) Amateur Radio Antennas**

The construction/erection of towers supporting amateur radio antennas shall be a permitted use in all zoning districts subject to the following requirements:

- 2629 (1) Such towers shall be allowed only in the rear yard of residential properties,
- 2630 unless the property owner can show that there is insufficient space within
- 2631 the rear yard to erect the tower and any related guy wires within the rear
- 2632 yard. In such case, the property owner may erect the tower in ~~another~~the
- 2633 side yard that has space to accommodate the tower.
- 2634 (2) Such tower shall not exceed 70 feet in height, except by conditional use
- 2635 permit.
- 2636 (3) Such tower shall conform to the accessory structure setback for the district
- 2637 in which it is located, except that if the property owner can show that there
- 2638 is not sufficient space on the property to erect the tower and any related guy
- 2639 wires, such tower or guy wires may be located no less than one foot from
- 2640 property lines.
- 2641 ~~(4)~~ Amateur radio support structures (towers) shall be installed in accordance
- 2642 with the instructions furnished by the manufacturer of the tower model. An
- 2643 antenna mounted on a tower may be modified and changed at any time so
- 2644 long as the published allowable load on the tower is not exceeded and the
- 2645 structure of the tower remains in accordance with the manufacturer's
- 2646 specifications.
- 2647
- 2648

**(D) Detached Storage/Utility Sheds, Gazebos, and Other Similar Structures**

All accessory structures other than fences, porches, decks, and detached garages shall be subject to the following standards:

- 2649
- 2650 (1) An accessory structure intended as a workshop or studio for artwork, crafts,
- 2651 light hand manufacturing, or hobbies, is subject to the following standards:
- 2652
- 2653
- 2654

- 2655 (a) The use of an accessory structure as a studio shall be limited to:
- 2656 noncommercial hobbies or amusements, maintenance of the ~~primary~~
- 2657 ~~principal~~ structure or setbacks, artistic endeavors, including painting,
- 2658 photography, or sculpture, or for other similar purposes. Any use of
- 2659 an accessory workshop for any commercial activity shall comply with
- 2660 **Section 2.10.4 (E), Home Businesses;** and
- 2661 (b) A workshop footprint shall not occupy an area larger than 25 percent
- 2662 of the building footprint of the ~~primary-principal~~ residence; except
- 2663 where a workshop is combined with a garage.

**(2)** All other accessory structures shall be permitted in the rear yard, unless otherwise permitted in this section, ~~and shall be subject to the maximum lot coverage and size requirements of Section 2.10.2 (1) (3).~~

**(E) Home Businesses**

The following standards for home businesses are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home business, or the surrounding neighborhood, where allowed by this section:

**(1) Permitted Home Businesses**

The following uses, and other uses determined by the city planner to be similar in nature and impact, may be approved by the city planner in compliance with this section.

- 2676 (a) Art and craft work including, but not limited to ceramics, painting,
- 2677 photography, and sculpture;
- 2678 (b) Tailors;
- 2679 (c) Office-only uses, including, but not limited to, an office for an
- 2680 architect, attorney, consultant, counselor, insurance agent, planner,
- 2681 tutor, or writer;
- 2682 (d) Licensed massage therapy and physical therapy;
- 2683 (e) Mail order businesses may be allowed where there is no stock-in-
- 2684 trade on the site; and
- 2685 (f) Pet grooming may be conducted as a home business within the R1-B
- 2686 and N1-B zoning districts when in compliance with this section, and
- 2687 with zoning certificate approval; provided that no pet involved in the
- 2688 pet grooming home business shall be kept overnight on the premises.

**(2) Prohibited Home Businesses**

The following are business activities that are prohibited as home businesses:

- 2691 (a) Animal hospitals and boarding facilities;
- 2692 (b) Automotive and other vehicle repair and service;
- 2693 (c) Construction contractor facilities and storage (an office-only use is
- 2694 allowed in compliance with **Section 2.10.4 (E) (1)** above) and other
- 2695 outdoor storage;
- 2696 (d) Dismantling, junk, or scrap yards;
- 2697 (e) Fitness/health facilities;
- 2698 (f) Medical clinics, laboratories, or doctor's offices;

- 2699 (g) Personal services as defined in **Section 2.8, Use Definitions**;
- 2700 (h) Parking on, or dispatching from the site any vehicle used in  
2701 conjunction with an automobile wrecking or towing service, or with a  
2702 taxi or similar passenger or delivery service, whether based on the  
2703 site or elsewhere;
- 2704 (i) On-site sales;
- 2705 (j) Uses that require explosives or highly combustible or toxic materials;
- 2706 (k) Welding and machine shop operations;
- 2707 (l) Wood cutting businesses; or
- 2708 (m) Other similar uses as determined by the city planner.

**(3) Operating Standards**

2709 Home businesses shall comply with all of the following operating standards:  
2710

- 2711 (a) The operator of a home business in a rental unit shall be able to  
2712 demonstrate that the property owner has authorized the use of the unit  
2713 for a home business;
- 2714 (b) The home business shall be clearly secondary to the full-time use of  
2715 the property as a residence;
- 2716 (c) Home business activities shall not occupy more than 25 percent of the  
2717 gross floor area of the dwelling unit;
- 2718 (d) A garage or other enclosed accessory structure may not be used for a  
2719 home business;
- 2720 (e) The use shall not require any exterior modification to the structure  
2721 not customarily found in a dwelling;
- 2722 (f) There shall be no advertising signs other than one sign, not exceeding  
2723 four square feet in area, and only if attached flush to a wall of the  
2724 structure;
- 2725 (g) Activities conducted and equipment or material used shall not change  
2726 the fire safety or occupancy classifications of the premises. The use  
2727 shall not employ the storage of explosive, flammable, or hazardous  
2728 materials beyond those normally associated with a residential use;
- 2729 (h) No home business activity shall create dust, electrical interference,  
2730 fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous  
2731 materials, vibration, or other hazards or nuisances as determined by  
2732 the city planner;
- 2733 (i) There shall be no window display or outdoor storage or display of  
2734 equipment, materials, or supplies associated with the home business;
- 2735 (j) A home business shall have no on-site employees other than full-time  
2736 residents of the dwelling; except that up to two non-resident  
2737 employees may be allowed with a conditional use permit approval;
- 2738 (k) The home business shall be operated so as to not require more than  
2739 eight vehicle trips per day of clients, customers, visitors, and/or  
2740 service visits to the residence. On-site presence of clients or  
2741 customers shall be limited to one client or family at a time, and only  
2742 between the hours of 9:00 a.m. and 8:00 p.m.;

2743 (l) There shall be no motor vehicles used or kept on the premises, except  
2744 residents' passenger vehicles, and/or one pickup truck, van, or similar  
2745 vehicle not exceeding 1.5 ton carrying capacity. The home business  
2746 shall not involve the use of commercial vehicles for delivery of  
2747 materials to or from the premises in a manner different from normal  
2748 residential usage, except for FedEx, UPS, or USPS-type home  
2749 deliveries/pick-ups; and

2750 (m) No utility service to the dwelling shall be modified solely to  
2751 accommodate a home business, other than as required for normal  
2752 residential use.

2753 (4) Small-scale commercial wood and metal working may be authorized by a  
2754 conditional use permit as a home business, provided that the planning  
2755 commission may attach conditions to the conditional use permit approval  
2756 limiting hours of operation, noise levels, and/or any other aspect of the  
2757 operation, to ensure compatibility with on-site and adjacent residential uses.

2758 (F) **In-Home Day Care**

2759 (1) The in-home day care has all of the appropriate licenses from the state.

2760 (2) There shall be a minimum setback of 300 feet between an in-home day care  
2761 and another in-home day care use.

2762 (3) At least two off-street parking spaces shall be provided exclusively for  
2763 dropping off and picking up children in addition to the parking requirements  
2764 established for the primary-principal dwelling unit in Section 3.8, Off-Street  
2765 Parking.

2766 (G) **Keeping of Chickens**

2767 (1) Property owners are permitted to raise and keep chickens on all properties of  
2768 five acres or more in size without complying with the requirements of this  
2769 section.

2770 (2) For properties that are less than five acres, the keeping of four chickens is  
2771 permitted provided that:

2772 (a) The principal use of the lot is a single-family dwelling;

2773 (b) No person shall keep any rooster;

2774 (c) The chickens shall be provided with a covered enclosure and must be  
2775 kept in the covered enclosure or a fenced enclosure at all times; and

2776 (d) No enclosure shall be located closer than 25 feet to any residential  
2777 structure on an adjacent lot.

2778 (H) **Outdoor Wood Fire Boilers or Furnaces**

2779 (1) **Zoning Certificate Required**

2780 A zoning certificate shall be required prior to the installment or erection of  
2781 an outdoor wood boiler or furnace.

2782 (2) **Development Standards**

2783 (a) Outdoor wood boilers or furnaces shall only be permitted as an  
2784 accessory use on lots with a minimum lot area of five acres.

2785 (b) Outdoor wood furnaces shall be set back:

- 2786 (i) A minimum of 200 feet from all lot lines;
- 2787 | (ii) A minimum of 300 feet from the boundaries of all recorded
- 2788 subdivisions with lots less than five acres in size; and
- 2789 | (iii) A minimum of 500 feet from all residential dwellings not located
- 2790 on the property where the outdoor wood furnace will be situated.

**(3) Permitted and Prohibited Fuels**

- 2792 (a) Fuel burned in any new or existing outdoor wood furnace shall be
- 2793 only natural untreated wood, wood pellets, corn products, biomass
- 2794 pellets, or other listed fuels specifically permitted by the
- 2795 manufacturer’s instructions such as fuel oil, natural gas, or propane
- 2796 backup.
- 2797 (b) The following fuels are strictly prohibited in new or existing outdoor
- 2798 wood furnaces:
  - 2799 (i) Grass clippings and other landscaping or vegetative refuse;
  - 2800 (ii) Wood that has been painted, varnished or coated with similar
  - 2801 material and/or has been pressure-treated with preservatives and
  - 2802 contains resins or glues as in plywood or other composite wood
  - 2803 products.
  - 2804 | (iii) Rubbish or garbage, including but not limited to food wastes, food
  - 2805 packaging, or food wraps.
  - 2806 | (iv) Any plastic materials, including but not limited to nylon, PVC,
  - 2807 ABS, polystyrene or urethane foam, and synthetic fabrics, plastic
  - 2808 films and plastic containers.
  - 2809 | ~~(iii)~~(v) Rubber, including tires or other synthetic rubber-like
  - 2810 products.
  - 2811 | ~~(iv)~~(vi) Any other items not specifically allowed by the
  - 2812 manufacturer or this section.

**(I) Patio Covers, Porches, and Decks**

- 2814 (1) Screened porches or other porch types that are enclosed by walls and a roof
- 2815 shall be considered a part of the principal structure and subject to the
- 2816 setback and other site development standards of the applicable zoning
- 2817 district.
- 2818 (2) Porches and stoops may encroach into setback and build-to-line
- 2819 requirements in accordance with **Section 3.1.5 (F), Allowed Encroachments**
- 2820 **into Setbacks.**

**(J) Satellite Dishes**

2822 Ground- or building-mounted satellite dish antennas with a diameter of less than  
2823 one meter are permitted provided that they are located in the rear or side yards, to  
2824 the maximum extent feasible, and that they do not exceed the height of the  
2825 | ridgeline of the primary-principal building on the parcel.

**(K) Solar Energy Systems**

- 2827 (1) Solar energy systems that are attached to a roof but that do not project more
- 2828 than three feet from the roof surface shall be permitted without a zoning
- 2829 certificate.

2830 (2) Solar energy systems located that project more than three feet from a roof  
2831 and are visible from the public right-of-way may be permitted if approved as  
2832 a conditional use permit.

2833 (3) Stand-alone solar energy systems shall only be permitted in the rear yard  
2834 and shall be subject to the maximum coverage standards of Section  
2835 2.10.2(I)(3).

2836 (L) **Swimming Pools, Hot Tubs, and Spas**

2837 (1) No swimming pool, hot tub, or spa shall be constructed, altered, or  
2838 renovated without first obtaining a zoning certificate (See Section  
2839 5.4.3, Type 1 Review Procedure (City Planner)).

2840 (2) Swimming pools, hot tubs, and spas shall be constructed so as to avoid  
2841 hazard or injury to any person. While under construction, the swimming  
2842 pool area shall be fenced with security barriers.

2843 (3) No portion of a swimming pool, hot tub, spa, related deck, or related  
2844 appurtenance shall be located beyond the front building setback line nor  
2845 within any public or private utility and/or drainage easement or ingress or  
2846 egress easement, and they shall also meet the following minimum setbacks:

2847 (a) Interior side or rear property line: five feet.

2848 (b) Corner side property line: 15 feet.

2849 (4) All private swimming pools, hot tubs, and spas shall be surrounded at all  
2850 times by a barrier that is designed to be insurmountable and impenetrable by  
2851 young children. The city hereby adopts, by reference, the United States  
2852 Consumer Product Safety Commission’s guidelines for safety barriers for  
2853 swimming pools to apply to all swimming pools (permanent or temporary),  
2854 hot tubs, and spas.

2855 (M) **Tennis and Other Recreational Courts**

2856 Noncommercial outdoor tennis courts and courts for other sports, including  
2857 basketball and racquetball, accessory to a residential use shall comply with the  
2858 following requirements:

2859 (1) No court shall be located within a required setback, or within five feet of a  
2860 lot line;

2861 (2) Court fencing shall comply with Section 3.3.1, Fencing and Walls; and

2862 (3) Court lighting shall require a zoning certificate approval, and shall not  
2863 exceed a maximum height of 20 feet, measured from the court surface. The  
2864 lighting shall be directed downward and shall only illuminate the court.

2865 (N) **Wind Energy Turbines (WET)**

2866 (NOTE: Wind turbines for residential, commercial and  
2867 industrial properties will be discussed after the LDC is  
2868 adopted.)