

**ITEM:** Review Miscellaneous Text Changes to Draft Land Development Code

---

**SUMMARY:**

The following Staff report is provided in response to the discussion at the March 18, 2010, Planning Commission Work Session. At that Planning Commission meeting, the Commission approved the following changes to the draft LDC:

- Accessory Uses and Structures – Some highlights of the suggested revisions, which were approved by the Commission on March 18, 2010.
  - Definitions have been added for arbor, attached deck, detached deck, pergola, shed, and workshop (Attachment #1)
  - Up to three accessory structures may be allowed on one lot, but only one detached garage is allowed.
  - Accessory dwelling unit provisions have been revised to state that each unit is included in the maximum allowable number of units as outlined in Table 2.7-1, and the property owner must reside on the property.
  - Revisions have been made to Section 2.9.15 (B) to reference standards for amateur radio antennas and satellite dishes in Section 2.10.4 (Attachment #2)
  - When a workshop is constructed as part of a detached garage, the workshop is included in the maximum square footage of 864 square feet. This regulation is intended to dissuade a property owner from building a detached garage to 864 square feet, and then adding a workshop that makes the structure even larger.
  - No comments from Boards, Commissions and other interest groups were received on Section 2.10.4 (J) relating to solar energy systems.
  - In revising the accessory use and structure regulations, Staff has one question to be resolved:
    - Should there be separate accessory use and structure requirements for residential, commercial, and industrial districts?

**RECOMMENDATION:**

Staff requests that the Commission review the new suggested language and provide direction to City Staff on this language.

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

**ATTACHMENTS:**

1. New definitions for Article 6
2. Revised Section 2.9.15 (B)
3. Revised Accessory Use and Structure requirements

# ATTACHMENT 1

## NEW DEFINITIONS FOR ARTICLE 6 LAND DEVELOPMENT CODE

### **Arbor**

A framework, typically made of latticework, supporting climbing plants.

### **Deck, Attached**

A deck structure attached to the principal structure, and intended for use during the summer months, but does not include a roof and/or walls.

### **Deck, Detached**

A freestanding deck that is an accessory use of the principal structure, intended for use during the summer months, but does not include a roof and/or walls.

### **Pergola**

A horizontal trellis or framework, supported on posts, that carries climbing plants and may form a covered walk.

### **Shed**

**A detached accessory building used primarily for storage purposes.**

### **Workshop**

A detached accessory building used for the creation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

## Article 2: ZONING DISTRICTS AND USE REGULATIONS

- 2068 (4) Maximize the use of existing and approved towers and buildings to  
2069 accommodate new wireless telecommunication antennas.
- 2070 **(B) Exemptions**
- 2071 The following telecommunication facilities and antennas, included but not limited  
2072 to, shall be exempt from these zoning requirements:
- 2073 (1) A single ground- or building-mounted receive-only radio or television  
2074 antenna, including any mast, for the sole use of the resident occupying a  
2075 residential parcel on which the radio or television antenna is located, with an  
2076 antenna height not exceeding 40 feet;
- 2077 (2) A ground- or building-mounted citizens band radio antenna, including any  
2078 mast, if the height (post and antenna) does not exceed 35 feet;
- 2079 (3) A ground-, building-, or tower-mounted antenna operated by a federally  
2080 licensed amateur radio operator as part of the Amateur Radio Service,  
2081 existing on July 17, 2000 subject to the requirements of Section 2.10.4(C),  
2082 Amateur Radio Antennas;
- 2083 (4) A ground- or building-mounted receive only radio or television satellite dish  
2084 antenna (TVRO) subject to the requirements of Section 2.10.4(I), Satellite  
2085 Dishes provided the dish is not located in the front yard of the parcel on  
2086 which it is located and provided the height of the dish does not exceed the  
2087 height of the ridgeline of the principal structure on the parcel;
- 2088 ~~(5) All citizens band radio antennas or antennas operated by a federally licensed~~  
2089 ~~amateur radio operator as part of the Amateur Radio Service which existed~~  
2090 ~~on July 17, 2000;~~
- 2091 ~~(5)~~ (5) Mobile services providing public information coverage of news events of  
2092 a temporary nature;
- 2093 ~~(7)~~ (6) Handheld devices such as cell phones, business-band mobile radios,  
2094 walkie-talkies, cordless telephones, garage door openers and similar devices  
2095 as determined by the city planner; and
- 2096 ~~(8)~~ (7) City-government-owned and –operated towers supporting receive and/or  
2097 transmit antennas, including supporting structures, for all public safety and  
2098 service purposes, ~~which existed on July 17, 2000.~~
- 2099 **(C) Towers in the R1-B, R2-B, R3-B, R4-B, AH-S, or CD-S Districts**
- 2100 The construction of commercial towers and antennas in a R1-B, R2-B, R3-B, R4-  
2101 B, AH-S, or CD-S district are prohibited, except as follows:
- 2102 (1) Towers supporting commercial antennas and conforming to all applicable  
2103 sections of this article shall be allowed as a conditional use, and only in the  
2104 following locations:
- 2105 (a) Church sites, when camouflaged as steeples or bell towers. Antennas  
2106 and all other associated structures shall also be camouflaged;
- 2107 (b) Park sites, when compatible with the nature of the park, provided  
2108 that the requirements of Section 2.9.15(F)(2) are met; and
- 2109 (c) Government, school, utility and institutional sites.

- 2432 (O) **Measurement of Tower Height**  
 2433 The height of a tower shall be determined by measuring the vertical distance from  
 2434 the tower's point of contact with the ground or rooftop structure to the highest point  
 2435 of the tower, including all antennas or other attachments. When towers are mounted  
 2436 upon other structures, the combined height of the structure and the tower must meet  
 2437 the height restrictions set forth in this article for the particular zoning district.
- 2438 (P) **Permit Review Procedure**  
 2439 Procedures for obtaining reviewing a permit are as follows:
- 2440 (1) It shall be unlawful for any person to erect, construct, place, re-erect,  
 2441 replace, or repair any tower without first making application for a zoning  
 2442 certificate prior to applying for a building permit.
- 2443 (2) If a conditional use permit is required for a requested tower, the  
 2444 requirements of **Section 5.5.9, Conditional Use Permit** shall apply. ~~In all~~  
 2445 ~~eases where a conditional use permit is required, site plan review will also~~  
 2446 ~~be required.~~
- 2447 (3) Site plan review will be required for all towers that are listed as a permitted  
 2448 use in the applicable zoning district. ~~If a conditional use permit is not~~  
 2449 ~~required, but the tower is to be located in a commercial or industrial zoning~~  
 2450 ~~district, site plan review shall be required, and this section shall apply.~~
- 2451 ~~(4) If a conditional use permit is not required, but the tower is to be located in a~~  
 2452 ~~commercial or industrial zoning district, site plan review shall be required,~~  
 2453 ~~and this section shall apply.~~
- 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. Examples of accessory uses include accessory dwelling units, detached garages,  
 2473 detached sheds, gazebos, swimming pools, hot tubs and spas, and courts for tennis and  
 2474 other recreational sports.

2475 2.10.2 General Provisions

2476 ~~(A)~~ Only one accessory structure (not including fencing) shall be allowed on any  
 2477 parcel in addition to a detached garage, except where a site is two times or more  
 2478 the minimum lot area required for a new parcel in the applicable zone; in such  
 2479 case, two accessory structures shall be permitted.

2480 ~~(B)~~(A) Fencing and walls shall will not be subject to the requirements of this section.  
 2481 Standards for fencing and walls are established in Section 3.3.1, Fencing and  
 2482 Walls.

2483 (B) An accessory use structure shall will be incidental to the primary-principal use of  
 2484 the site, and shall not negatively alter the character of the primary-principal use.

2485 (C) Small accessory structures such as arbors, benches, doghouses, garden  
 2486 decorations, pergolas, and firewood cribs are exempt from the provisions of this  
 2487 section, but cannot be located in public rights-of-way.

2488 (D) Accessory structures shall will only be constructed concurrent with or after the  
 2489 construction of the primary-principal structure-building on the same site.

2490 ~~(E)~~ Small accessory structures such as doghouses, benches, and garden decorations  
 2491 shall be exempt from the provisions of this section provided they do not occupy  
 2492 more than 12 square feet.

2493 ~~(F)~~(E) Accessory structures located on lots with stream or river frontage may be located  
 2494 between the public road and the principal structure, provided it is clearly  
 2495 demonstrated that physical conditions require such a location.

2496 ~~(G)~~ An accessory structure that is attached to the primary structure shall comply with  
 2497 the site development standards and all other development standards of the  
 2498 applicable zoning district. Any accessory structure shall be considered as an  
 2499 integral part of the principal building if it is located less than six feet from the  
 2500 principal building.

2501 ~~(H)~~(F) Uses and structures that are accessory to a conditional use permit for a principal  
 2502 use shall be permitted in accordance with this section, without requiring a  
 2503 conditional use permit amendment, unless specifically required as a condition of  
 2504 the conditional use permit approval.

2505 ~~(I)~~(G) An accessory structure detached from the primary-principal structure-building  
 2506 shall will comply with the following standards, unless otherwise stated in this  
 2507 section and the use-specific standards of Section 2.10.4:

2508 (1) Setbacks

2509 (a) An accessory structure shall will not be located within a front yard.

2510 ~~(b)~~ Accessory structures for nonresidential uses may be located any  
 2511 place to the rear of the principal building, subject to the building  
 2512 code and the fire code regulations, except where prohibited by other  
 2513 sections of this LDC.

2514 ~~(c)~~(b) An accessory structure shall will maintain a front yard setback of at  
 2515 least 20' and side and rear setbacks of at least five feet, except that  
 2516 an existing non-conforming detached residential garage may be  
 2517 replaced or expanded to a distance of at least three feet to the interior  
 2518 side or rear yard property line. On corner lots, accessory structures  
 2519 shall will maintain at least a 10' setback from the property line along  
 2520 the street be subject to the street yard setbacks.

2521 | ~~(d)~~(c) An accessory structure shall maintain at least a five-foot separation  
2522 | from other accessory structures and the principal building.

2523 | **(2) Size and Height Limits**

2524 | (a) ~~Unless otherwise state, With the exception of sheds and detached~~  
2525 | ~~garages,~~ the maximum height of a detached accessory structure ~~shall~~  
2526 | ~~will~~ be ten feet ~~with the exception of detached garages.~~

2527 | (b) Detached sheds on residential properties shall not be larger than 140  
2528 | square feet, and cannot exceed nine feet in height at the peak.

2529 | ~~(b)~~(c) No detached garage used or intended for the storage of vehicles on a  
2530 | residential property shall exceed 864 square feet nor shall any access  
2531 | door or other opening exceed the height of 12 feet.

2532 | ~~(e)~~(d) Detached garages ~~shall~~will not exceed 18 feet in height, or 24 feet  
2533 | in height if the structure includes an accessory dwelling unit.

2534 | ~~(d)~~—~~In no case shall the height of the accessory structure exceed the~~  
2535 | ~~maximum height of the principal structure except by approval of a~~  
2536 | ~~conditional use permit.~~

2537 | **(3) Maximum Number and Building Area Ratio, Coverage, and Size**

2538 | (a) Up to ~~three two~~ accessory ~~buildings-structures~~ may be permitted on a  
2539 | single lot, ~~but only one of those detached structures may be a garage.~~

2540 | (b) Detached garages are included in the building area ratio requirements  
2541 | in Table 3.2-1.

2542 | ~~(b)~~—~~Accessory buildings shall not occupy more than 25 percent of the~~  
2543 | ~~rear yard.~~

2544 | ~~(c)~~—~~Accessory buildings subject to the maximum number and coverage~~  
2545 | ~~requirements of paragraphs (a) and (b) above include accessory~~  
2546 | ~~dwelling units, detached garages, detached storage/utility sheds,~~  
2547 | ~~gazebos, and similar structures, decks, swimming pools, hot tubs,~~  
2548 | ~~and spas, and tennis or other recreational sports.~~

2549 | ~~(d)~~—~~The maximum site coverage for all structures on a parcel shall~~  
2550 | ~~comply with the requirements of the applicable zoning district.~~

2551 | ~~(e)~~—~~Detached sheds on residential properties shall not be larger than 140~~  
2552 | ~~square feet.~~

2553 | ~~(f)~~—~~No private garage used or intended for the storage of vehicles on a~~  
2554 | ~~residential property shall exceed 864 square feet nor shall any access~~  
2555 | ~~door or other opening exceed the height of 12 feet.~~

2556 | **2.10.3 Permitted Accessory Uses**

2557 | (A) **The symbols used in Table 2.10-1 are defined as follows:**

2558 | ~~(B)~~**(1) Permitted Uses (P)**

2559 | A “P” in a cell indicates that the accessory use or structure is allowed by-right in  
2560 | the respective zoning district subject to compliance with the use-specific standards  
2561 | set forth in the final “use-specific standards” column of Table 2.10-1.

2562	<b><u>(C)(2)</u> Conditional Uses (C)</b>
2563	A “C” in a cell indicates that the accessory use or structure is allowed as a
2564	conditional use in the respective zoning district subject to compliance with the use-
2565	specific standards set forth in the final “additional requirements” column of <b>Table</b>
2566	<b>2.10-1</b> and approval of a conditional use permit in accordance with <b>Section 5.5.9,</b>
2567	<b>Conditional Use Permit.</b>
2568	<b><u>(D)(3)</u> Prohibited Uses</b>
2569	A cell with a “-” or a blank cell indicates that the listed use type is prohibited in
2570	the respective zoning district.
2571	<b><u>(E)(4)</u> Use-Specific Standards</b>
2572	The “use-specific standards” column of <b>Table 2.10-1</b> cross-references standards
2573	that are specific to an individual use type and are applicable to that use in all
2574	districts unless otherwise stated in the use-specific standards.
2575	<b><u>(F)(B)</u> Unlisted Uses</b>
2576	If an application is submitted for an accessory use or structure that is not listed in
2577	<b>Table 2.10-1,</b> the city planner is authorized to classify the new or unlisted use, with
2578	consultation from appropriate city departments, into an existing use type that most
2579	closely fits the new or unlisted use. If no similar use determination can be made,
2580	the city planner shall refer the use to the planning commission, who may initiate an
2581	amendment to the text of this LDC to clarify where and how the use should be
2582	permitted.
2583	

2584

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
<b>Accessory Uses</b>															
Crop Raising	P	P	P	P	P										
Accessory Dwelling Units	P	P-	-	-	P		--	--	--	--	--	P	--	2.10.4 (B)	
Home Businesses [1]	P	-	P-	P	P		--	--	--	P	--	P	--	2.10.4 (E)	
In-Home Day Care	P	-	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)	
<b>Accessory Structures</b>															
Accessibility Ramps	P	P	P	P	P		P	P	P	P	P	P	P	2.10.4 (A)	
Amateur Radio Towers	P	P	P	P	P		P	P	P	P	P	P	P	2.10.4(C)	
Detached Garages	P	P	P	P	P	P	P	P	P	P	P	P	P		
Detached <del>Storage/Utility</del> Sheds, Gazebos, and other Similar Structures	P	P	P	P	P		--	P	P	P	P	P	P	2.10.4 (D)	
Outdoor Wood Fire Boilers/Furnaces	--	--	--	--	--		--	--	--	C	--	--	--	2.10.4 (H)	
Patio Covers, Porches, and <del>Detached</del> 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	2.10.4(J)	
Solar Energy Systems	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.

2585

2586 2.10.4 Standards for Specific Accessory Uses and Structures

2587 The following requirements apply to the specific types of accessory uses and structures  
2588 listed, in addition to the requirements of Section 2.10.2, General Provisions, as applicable.

<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.

2589  
2590  
2591  
2592  
2593  
2594  
2595  
2596  
2597  
2598  
2599  
2600  
2601  
2602  
2603  
2604  
2605  
2606  
2607  
2608  
2609  
2610  
2611

**(A) Accessibility Ramps**

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

**(B) Accessory Dwelling Units**

This section is intended to allow the creation of accessory dwelling units (see [Figure 2-4](#)) 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) 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.~~

~~(e)(b)~~



*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. This image shows an accessory dwelling unit above a detached garage.*

<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.

2612  
2613  
2614  
2615  
2616  
2617  
2618  
2619  
2620  
2621  
2622  
2623  
2624  
2625  
2626  
2627  
2628  
2629  
2630  
2631  
2632  
2633  
2634  
2635  
2636  
2637  
2638  
2639  
2640  
2641  
2642  
2643  
2644  
2645  
2646  
2647  
2648  
2649  
2650  
2651  
2652  
2653  
2654  
2655

~~(3)~~(2) **Accessory Dwelling Unit Development Standards**

- (a) Only one accessory dwelling unit shall be permitted on a lot, and shall be included in the maximum number of allowable dwelling units on a property as shown in Table 2.7-1.
- ~~(a)~~(b) There shall be a minimum lot area of 8,000 square feet.
- ~~(b)~~ Accessory dwelling units shall be exempt from the minimum lot size or any density calculations in the applicable zoning district.
- (c) An accessory dwelling unit shall contain separate kitchen and bathroom facilities.
- ~~(d)~~ An attached accessory dwelling unit shall have an entrance separate from the primary dwelling.
- ~~(e)~~ An accessory dwelling unit shall not exceed 800 864 square feet in size and 24 feet in height, and is subject to the building area ratio requirements in Table 3.2-1: Residential District Site Development Standards, or 25 percent of the floor area of the primary dwelling, whichever is greater.
- ~~(e)~~ One accessible off-street parking space shall be provided for each accessory dwelling unit in addition to the off-street parking spaces required for the primary-principal dwelling in Section 3.8, Off-Street Parking.
- ~~(f)~~ Each ~~An~~ accessory dwelling unit shall be constructed so as to be compatible with the existing primary-principal dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping.
- ~~(g)~~ A ~~detached~~ accessory dwelling unit shall be separated from the primary-principal dwelling by a minimum distance of ten feet.
- ~~(4)~~(3) An accessory dwelling unit may be rented if it complies with the Northfield Municipal Code, chapter 14, but the owner of the principal building on the property must reside on the property.

**(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:

- (1) Such towers shall be allowed only in the rear yard of residential properties, unless the property owner can show that there is insufficient space within the rear yard to erect the tower and any related guy wires within the rear yard. In such case, the property owner may erect the tower in ~~another~~the side yard that has space to accommodate the tower.
- (2) Such tower shall not exceed 70 feet in height, except by conditional use permit.
- (3) Such tower shall conform to the accessory structure setback for the district in which it is located, except that if the property owner can show that there is not sufficient space on the property to erect the tower and any related guy wires, such tower or guy wires may be located no less than one foot from property lines.

2656 | ~~(4)~~ Amateur radio support structures (towers) shall be installed in accordance  
2657 | with the instructions furnished by the manufacturer of the tower model. An  
2658 | antenna mounted on a tower may be modified and changed at any time so  
2659 | long as the published allowable load on the tower is not exceeded and the  
2660 | structure of the tower remains in accordance with the manufacturer's  
2661 | specifications.

2662 |  
2663 | **(D) Detached ~~Storage/Utility~~ Sheds, Gazebos, and Other Similar Structures**

2664 | All accessory structures other than fences, porches, detached decks, and detached  
2665 | garages shall be subject to the following standards:

2666 | (1) An accessory structure intended as a workshop or studio for artwork, crafts,  
2667 | light hand manufacturing, or hobbies, is subject to the following standards:

2668 | (a) The use of an accessory structure as a studio shall be limited to:  
2669 | noncommercial hobbies or amusements, maintenance of the primary  
2670 | principal structure or setbacks, artistic endeavors, including painting,  
2671 | photography, or sculpture, or for other similar purposes. Any use of  
2672 | an accessory workshop for any commercial activity shall comply  
2673 | with **Section 2.10.4 (E), Home Businesses**; and

2674 | (b) A workshop footprint shall not occupy an area larger than 25 percent  
2675 | of the building footprint of the primary-principal residence; except  
2676 | where a workshop is combined with a detached garage. In that  
2677 | circumstance, a workshop is included in the maximum square  
2678 | footage of 864 square feet for a detached garage.

2679 | **(2)** ~~All other accessory structures shall be permitted in the rear yard, unless~~  
2680 | ~~otherwise permitted in this section, and shall be subject to the maximum lot~~  
2681 | ~~coverage and size requirements of Section 2.10.2 (1) (3).~~

2682 | **(E) Home Businesses**

2683 | The following standards for home businesses are intended to provide reasonable  
2684 | opportunities for employment within the home, while avoiding changes to the  
2685 | residential character of a dwelling that accommodates a home business, or the  
2686 | surrounding neighborhood, where allowed by this section:

2687 | ~~(1) Permitted Home Businesses~~

2688 | ~~The following uses, and other uses determined by the city planner to be~~  
2689 | ~~similar in nature and impact, may be approved by the city planner in~~  
2690 | ~~compliance with this section.~~

2691 | ~~(a) Art and craft work including, but not limited to ceramics, painting,~~  
2692 | ~~photography, and sculpture;~~

2693 | ~~(b) Tailors;~~

2694 | ~~(c) Office only uses, including, but not limited to, an office for an~~  
2695 | ~~architect, attorney, consultant, counselor, insurance agent, planner,~~  
2696 | ~~tutor, or writer;~~

2697 | ~~(d) Licensed massage therapy and physical therapy;~~

2698 | ~~(e) Mail order businesses may be allowed where there is no stock in-~~  
2699 | ~~trade on the site; and~~

2700 | ~~(f) Pet grooming may be conducted as a home business within the R1-B~~  
2701 | ~~and N1-B zoning districts when in compliance with this section, and~~  
2702 | ~~with zoning certificate approval; provided that no pet involved in the~~  
2703 | ~~pet grooming home business shall be kept overnight on the premises.~~

2704 | **(2)(1) Prohibited Home Businesses**

2705 | The following are business activities that are prohibited as home businesses:

- 2706 | (a) Animal hospitals and boarding facilities;
- 2707 | (b) Automotive and other vehicle repair and service;
- 2708 | (c) Construction contractor facilities and storage (an office-only use is
- 2709 | allowed ~~in compliance with Section 2.10.4 (E) (1) above~~) and other
- 2710 | outdoor storage;
- 2711 | (d) Dismantling, junk, or scrap yards;
- 2712 | ~~(e) Fitness/health facilities;~~
- 2713 | ~~(f)(e)~~ Medical clinics, ~~or~~ laboratories, ~~or doctor's offices;~~
- 2714 | ~~(g) Personal services as defined in Section 2.8, Use Definitions;~~
- 2715 | ~~(h)(f)~~ Parking on, or dispatching from the site any vehicle used in
- 2716 | conjunction with an automobile wrecking or towing service, or with
- 2717 | a taxi or similar passenger or delivery service, whether based on the
- 2718 | site or elsewhere;
- 2719 | ~~(i) On site sales;~~
- 2720 | ~~(j)(g)~~ Uses that require explosives or highly combustible or toxic
- 2721 | materials;
- 2722 | ~~(k)(h)~~ Welding and machine shop operations;
- 2723 | ~~(l)(i)~~ Wood cutting businesses; or
- 2724 | ~~(m)(j)~~ Other similar uses as determined by the city planner.

2725 | **(3)(2) Operating Standards**

2726 | Home businesses shall comply with all of the following operating standards:

- 2727 | (a) The operator of a home business in a rental unit shall be able to
- 2728 | demonstrate that the property owner has authorized the use of the
- 2729 | unit for a home business;
- 2730 | (b) The home business shall be clearly secondary to the full-time use of
- 2731 | the property as a residence;
- 2732 | (c) Home business activities shall not occupy more than 25-50 percent
- 2733 | of the gross floor area of the dwelling unit;
- 2734 | ~~(d) A detached garage or other enclosed accessory structure may not be~~
- 2735 | ~~used for a home business;~~
- 2736 | ~~(e)(d)~~ The use shall not require any exterior modification to the structure
- 2737 | not customarily found in a dwelling;
- 2738 | ~~(f)(e)~~ There shall be no advertising signs other than one sign, not
- 2739 | exceeding four square feet in area, and only if attached flush to a
- 2740 | wall of the structure;

- 2741 | ~~(g)~~(f) Activities conducted and equipment or material used shall not  
 2742 | change the fire safety or occupancy classifications of the premises.  
 2743 | The use shall not employ the storage of explosive, flammable, or  
 2744 | hazardous materials beyond those normally associated with a  
 2745 | residential use;
- 2746 | ~~(h)~~(g) No home business activity shall create nuisances as described in  
 2747 | Section 3.3.4 Performance Standards ~~dust, electrical interference,~~  
 2748 | ~~fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous~~  
 2749 | ~~materials, vibration, or other hazards or nuisances beyond those~~  
 2750 | normally associated with a residential use, as determined by the city  
 2751 | planner;
- 2752 | ~~(i)~~(h) There shall be no window display or outdoor storage or display of  
 2753 | equipment, materials, or supplies associated with the home business;
- 2754 | ~~(j)~~(i) A home business shall have no on-site employees other than full-  
 2755 | time residents of the dwelling; except that up to two non-resident  
 2756 | employees may be allowed with a conditional use permit approval;
- 2757 | ~~(k)~~(j) The home business shall be operated so as to not require more than  
 2758 | eight vehicle trips per day of clients, customers, visitors, and/or  
 2759 | service visits to the residence. On-site presence of clients or  
 2760 | customers shall be limited to one client or family at a time, and only  
 2761 | between the hours of 9:00 a.m. and 8:00 p.m.;
- 2762 | ~~(l)~~(k) There shall be no motor vehicles used or kept on the premises,  
 2763 | except residents' passenger vehicles, and/or one pickup truck, van, or  
 2764 | similar vehicle not exceeding 1.5 ton carrying capacity. The home  
 2765 | business shall not involve the use of commercial vehicles for  
 2766 | delivery of materials to or from the premises in a manner different  
 2767 | from normal residential usage, except for FedEx, UPS, or USPS-  
 2768 | type home deliveries/pick-ups; and
- 2769 | ~~(m)~~(l) No utility service to the dwelling shall be modified solely to  
 2770 | accommodate a home business, other than as required for normal  
 2771 | residential use.
- 2772 | ~~(4)~~(3) Small-scale commercial wood and metal working, or similar uses as  
 2773 | determined by the city planner, may be authorized by a conditional use  
 2774 | permit as a home business, provided that the planning commission may  
 2775 | attach conditions to the conditional use permit approval limiting hours of  
 2776 | operation, noise levels, and/or any other aspect of the operation, to ensure  
 2777 | compatibility with on-site and adjacent residential uses.
- 2778 | **~~(F)~~—In-Home Day Care**
- 2779 | ~~(1)~~ The in-home day care has all of the appropriate licenses from the state.
- 2780 | ~~(2)~~ There shall be a minimum setback of 300 feet between an in-home day care  
 2781 | and another in-home day care use.
- 2782 | ~~(3)~~ At least two off-street parking spaces shall be provided exclusively for  
 2783 | dropping off and picking up children in addition to the parking requirements  
 2784 | established for the primary principal dwelling unit in Section 3.8, Off-Street  
 2785 | Parking.

2786 | ~~(G)~~(F) **Keeping of Chickens**

- 2787 | (1) Property owners are permitted to raise and keep chickens on all properties of  
 2788 | five acres or more in size without complying with the requirements of this  
 2789 | section.
- 2790 | (2) For properties that are less than five acres, the keeping of ~~four~~six ~~adult~~  
 2791 | chickens is permitted provided that:
- 2792 | (a) The principal use of the lot is as ~~a single or two family~~ dwelling;  
 2793 | (b) No person shall keep any rooster;  
 2794 | (c) The chickens shall be provided with a covered enclosure and must  
 2795 | be kept in the covered enclosure or a fenced enclosure at all times;  
 2796 | and  
 2797 | (d) No enclosure shall be located closer than 25 feet to any residential  
 2798 | structure on an adjacent lot.

2799 | ~~(H)~~(G) **Outdoor Wood Fire Boilers or Furnaces**

2800 | **(1) Zoning Certificate Required**

2801 | A zoning certificate shall be required prior to the installment or erection of  
 2802 | an outdoor wood boiler or furnace.

2803 | **(2) Development Standards**

- 2804 | (a) Outdoor wood boilers or furnaces shall only be permitted as an  
 2805 | accessory use on lots with a minimum lot area of five acres.
- 2806 | (b) Outdoor wood furnaces shall be set back:
- 2807 | (i) A minimum of 200 feet from all lot lines;
- 2808 | (ii) A minimum of 300 feet from the boundaries of all recorded  
 2809 | subdivisions with lots less than five acres in size; and
- 2810 | (iii) A minimum of 500 feet from all residential dwellings not located  
 2811 | on the property where the outdoor wood furnace will be situated.
- 2812 | (c) The boiler or furnace shall have a permanent chimney that extends at  
 2813 | least 15 feet above the ground surface.
- 2814 | (d) Only boilers or furnaces certified by the U.S. Environmental  
 2815 | Protection Agency as Phase 2 qualified models are allowed.
- 2816 | **(3) Permitted and Prohibited Fuels**
- 2817 | (a) Fuel burned in any new or existing outdoor wood furnace shall be  
 2818 | only natural untreated wood, wood pellets, corn products, biomass  
 2819 | pellets, or other listed fuels specifically permitted by the  
 2820 | manufacturer’s instructions such as fuel oil, natural gas, or propane  
 2821 | backup.
- 2822 | (b) The following fuels are strictly prohibited in new or existing outdoor  
 2823 | wood furnaces:
- 2824 | (i) Grass clippings and other landscaping or vegetative refuse;
- 2825 | (ii) Wood that has been painted, varnished or coated with similar  
 2826 | material and/or has been pressure-treated with preservatives and

2827 contains resins or glues as in plywood or other composite wood  
2828 products.

2829 | (iii) Rubbish or garbage, including but not limited to food wastes, food  
2830 packaging, or food wraps.

2831 | (iv) Any plastic materials, including but not limited to nylon, PVC,  
2832 ABS, polystyrene or urethane foam, and synthetic fabrics, plastic  
2833 films and plastic containers.

2834 | ~~(iii)~~(v) Rubber, including tires or other synthetic rubber-like  
2835 products.

2836 | ~~(iv)~~(vi) Any other items not specifically allowed by the  
2837 manufacturer or this section.

2838 | ~~(H)~~(H) **Patio Covers, Porches, and Decks**

2839 (1) Screened porches or other porch types that are enclosed by walls and a roof  
2840 shall be considered a part of the principal structure and subject to the  
2841 setback and other site development standards of the applicable zoning  
2842 district.

2843 (2) Porches and stoops may encroach into setback and build-to-line  
2844 requirements in accordance with **Section 3.1.5 (F), Allowed Encroachments**  
2845 **into Setbacks.**

2846 | ~~(J)~~(I) **Satellite Dishes**

2847 Ground- or building-mounted satellite dish antennas with a diameter of less than  
2848 one meter are permitted provided that they are located in the rear or side yards, to  
2849 the maximum extent feasible, and that they do not exceed the height of the  
2850 ridge line of the primary-principal building on the parcel.

2851 | ~~(K)~~(J) **Solar Energy Systems**

2852 (1) Solar energy systems that are attached to a roof but that do not project more  
2853 than three feet from the roof surface shall be permitted without a zoning  
2854 certificate.

2855 (2) Solar energy systems located that project more than three feet from a roof  
2856 and are visible from the public right-of-way may be permitted if approved as  
2857 a conditional use permit.

2858 (3) Stand-alone solar energy systems shall only be permitted in the rear yard  
2859 and shall be subject to the maximum coverage standards of **Section**  
2860 **2.10.2(I)(3).**

2861 | ~~(K)~~(K) **Swimming Pools, Hot Tubs, and Spas**

2862 (1) No swimming pool, hot tub, or spa shall be constructed, altered, or  
2863 renovated without first obtaining a zoning certificate (See **Section**  
2864 **5.4.3, Type 1 Review Procedure (City Planner).**

2865 (2) Swimming pools, hot tubs, and spas shall be constructed so as to avoid  
2866 hazard or injury to any person. While under construction, the swimming  
2867 pool area shall be fenced with security barriers.

2868 (3) No portion of a swimming pool, hot tub, spa, related deck, or related  
2869 appurtenance shall be located beyond the front building setback line nor

- 2870 within any public or private utility and/or drainage easement or ingress or  
 2871 egress easement, and they shall also meet the following minimum setbacks:
- 2872 (a) Interior side or rear property line: five feet.
  - 2873 (b) Corner side property line: 15 feet.
- 2874 (4) All private swimming pools, hot tubs, and spas shall be surrounded at all  
 2875 times by a barrier that is designed to be insurmountable and impenetrable by  
 2876 young children. The city hereby adopts, by reference, the United States  
 2877 Consumer Product Safety Commission’s guidelines for safety barriers for  
 2878 swimming pools to apply to all swimming pools (permanent or temporary),  
 2879 hot tubs, and spas.

2880 ~~(M)~~(L) **Tennis and Other Recreational Courts**

2881 Noncommercial outdoor tennis courts and courts for other sports, including  
 2882 basketball and racquetball, accessory to a residential use shall comply with the  
 2883 following requirements:

- 2884 (1) No court shall be located within a required setback, or within five feet of a  
 2885 lot line;
- 2886 (2) Court fencing shall comply with **Section 3.3.1, Fencing and Walls**; and
- 2887 (3) Court lighting shall require a zoning certificate approval, and shall not  
 2888 exceed a maximum height of 20 feet, measured from the court surface. The  
 2889 lighting shall be directed downward and shall only illuminate the court.

2890 ~~(N)~~(M) **Wind Energy Turbines (WET)**

2891 (NOTE: Wind turbines for residential, commercial and  
 2892 industrial properties will be discussed after the LDC is  
 2893 adopted.)

2894 **2.11 Temporary Uses and Structures**

2895 **2.11.1 Purpose**

2896 This section allows for the establishment of certain temporary uses and structures of  
 2897 limited duration, provided that such uses or structures do not negatively affect adjacent  
 2898 properties, and provided that such uses or events are discontinued upon the expiration of a  
 2899 set time period. Temporary uses and structures shall not involve the construction or  
 2900 alteration of any permanent building or structure.

2901 **2.11.2 Table of Allowed Temporary Uses and Structures**

2902 **Table 2.11-1** summarizes allowed temporary uses and structures and any general or  
 2903 specific standards that apply. Temporary uses or structures not listed in the table are  
 2904 prohibited.

Table 2.11-1: Temporary Uses and Structures			
Temporary Use or Structure	Allowable Duration (per site)	Permit Required	Additional Requirements
Construction Dumpster	Until issuance of a certificate of occupancy	No	<b>2.11.4 (A)</b>
Construction Trailer	Until issuance of a certificate of occupancy	Zoning Certificate (Type 1 Review)	<b>2.11.4 (B)</b>