

DRAFT

ORDINANCE # 221, 2nd Series

**AN ORDINANCE REVISING SECTIONS 11.02, 11.20, 11.21, 11.31, 11.38, 11.51 OF
CHAPTER 11 LAND USE REGULATION
IN CITY CODE**

**IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF BECKER
MINNESOTA:**

Section 11.02, Chapter 11, is hereby amended to read as follows:

SEC. 11.02. DEFINITIONS. The following terms, as used in this Chapter, shall have the meanings stated:

1. **"Accessory Building"** – A building or portion of the main building which is located on the same lot as the main building and the use of which is customarily incidental and subordinate to the principal use of the main building. Accessory Buildings are considered Accessory Structures. *Ordinance 76 2nd Series, Adopted May 19th, 2003, Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
2. **"Accessory Structure"** - A structure which is customarily incidental and subordinate to, the principal use of a property, and which is located on the same lot as the principal structure. Attached garages are considered accessory structures in City of Becker limits. *Source: Ordinance 200, 2nd Series, Effective Date: February 26, 2018*
3. **"Accessory Use"** - - A use naturally and normally incidental to, subordinate to, and auxiliary and ancillary to the principal permitted use of the property. *Source: Ordinance No. 93-8 Effective Date: 11-7-93, Source Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
4. **"Advertising Sign"** - A sign which directs attention to a business, commodity, service, activity, or product which is produced, sold, or provided for, on the premise upon which the sign is located. *Source: Ordinance No. 94-1 Effective Date: 1-30-94*
5. **"Agriculture"** - The cultivation of the soil and all activities incident thereto, except that said term shall not include the raising and feeding of hogs, sheep, goats, cattle, poultry, or fur bearing animals.
6. **"Alley"** - A public right of way thoroughfare, other than a street, road, crosswalk or easement, providing a secondary means of access to abutting properties. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018.*
7. **"Applicant"** – The owner, owners, or legal representative of lot who makes application to the City for action affecting the lot owned thereby. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*

8. **“Application”** – The documents and written material by which the “applicant” justifies a request for a building permit, a zoning amendment, a conditional use permit, a variance, an appeal, or other request for approval, relief or consideration, which must include all information on forms approved by the Zoning Administrator and which must adhere to all City of Becker Codes and Ordinances. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
9. **“Assisted Living Facility”** – A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provided for the aged or infirm, or any other reasonably independent person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction. Assisted living facilities have private rooms that are not shared by non-related persons. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
10. **"Automobile Repair-Minor"** - Minor repair, incidental body and fender work, painting and upholstering service, replacement of parts and engine service to passenger vehicles and trucks not exceeding three-quarter ton capacity.
11. **"Automobile Repair-Major"** - General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, and painting.
12. **"Automobile Wrecking or Junkyard"** - A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used or second hand material of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron, other metals, or articles from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage, or abandonment. This shall not prohibit the keeping of unlicensed motor vehicles within a garage or other structure in a residential district.
13. **“Barber and Beauty Shops”** - Any building or portion thereof in which personal services are performed which require a license from the Board of Barber and

Cosmetologist Examiners (Chapter 154, Minnesota Statutes) including without limitation, barbers, cosmetologists, estheticians, and manicurists. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*

14. **"Basement"** - A story partly underground but having at least 1/2 of its height above the highest level of the adjoining ground. A basement shall be counted as a story except that a basement, the ceiling of which does not extend for more than five (5) feet above curb level or above the highest level of the adjoining ground shall not be counted as a story.
15. **"Block"** - An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake, public property, natural amenity, or rail line or intended for use as a boundary. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
16. **"Bond"** – Any form of security including a cash deposit, suretybond, collateral, property, or instrument of credit in an amount and form satisfactory to the City of Becker. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
17. **"Buffer Strip"** - A strip of land containing trees, shrubs, or other plantings for the purpose of providing a visual break between different land uses.
18. **"Building"** - Any structure for the shelter, support, or enclosure of persons, animals, chattels, or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.
19. **"Buildable Area"** – Any site, lot, parcel or any portion thereof that does not contain designated flood plain, wetlands or areas in excess of twenty-five (25) percent slope. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
20. **"Building Height"** - A distance to be measured from the mean curb level along the front lot line or from the mean ground level for all that portion of the structure having frontage on a public right of way, whichever is higher, to the top of the highest point of the structure including parapets, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, to the uppermost point on a round or other arch type roof, or to the highest ridge line on a pitched or hip roof. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
21. **"Comprehensive Plan"** - Compilation of a policy statement containing objectives, standards, and maps for building the physical and social aspects of the City as well as the economic development factor of both public and private means of the municipality and its environs, as defined in the Minnesota Land Use Planning Act, Minn. Stat. Chapter 462. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
22. **"Concept Plan"** – A plan for a subdivision or development of land, brought by the petitioner to the pre-application meeting, that shows in general terms the proposed land

use, density, circulation, natural characteristics, and typical development of the area to be developed, as well as adjacent affected properties, and traffic. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*

23. **"Conditional Use"** - A use, which because of its unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location a "Conditional Use Permit" may be granted.
24. **"Conservation Easement"** - Those places on a lot or development that are identified for the purpose of protecting certain elements or the land and/or natural vegetation. Plant life may be removed from a conservation easement if a plant or tree is dead, dying, diseased, or poses a threat to health, safety, and/or welfare. Small vegetation and underbrush may be removed at any time to aid in the creation of usable spaces for trails, paths, picnic shelters, and the like. Evergreen trees eight (8) feet or less, in height, and deciduous trees with a caliper measurement of less than four (4) inches may also be removed to aid in the creation of the usable spaces for trails, paths, picnic shelters, and the like, but must be done in a matter cause as little removal and/or damage as possible. Any individual or entity seeking to remove such trees shall have the approval of the Department of Community Development staff prior to the removal of said trees. The City of Becker may be permitted to do limited work in Conservation Easements only at the direction of the City Council. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
25. **"Convenience Store"** – An establishment where food stuffs, patent medicines, periodicals, and other similar items of household convenience are kept for retail sale to the public. Differentiated from a grocery store by its building size of not more than 10,000 square feet. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
26. **"Corner Lot"** - A lot situated at the junction of and fronting on two (2) or more streets.
27. **"Court"** - An open unoccupied space bounded on two (2) or more sides by the exterior walls of a building or buildings on the same lot.
28. **"Covenants"** – Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. Unless specifically agreed to, covenants are not enforceable by the Planning Commission or its designees. However, they are enforceable in civil court by interested or affected parties. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
29. **"Cul-de-sac"** – A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018.*

30. **"Curb Level"** - The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this Chapter.
31. **"Data Center"** – A facility composed of a large networked group of computers, servers and storage that businesses or other organizations use as remote storage or to organize, process, store, manage and distribute large amounts of data. Facilities also house operations staff, IT equipment of various types and support infrastructure. Data Centers may also include facilities that are necessary for house operations staff to be on a site 24 hours a day, 7 days a week. *Ordinance 193 2nd Series, Effective Date: October 9, 2017*
32. **"Depth of Lot"** - The mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.
33. **"Depth of Rear Yard"** - The mean horizontal distance between the rear line of the principal building and the rear lot line.
34. **"District"** - A section of the City for which the regulations governing the height, area, use of buildings, and premises are the same.
35. **"Dwelling (R-1)"** - A building designed for or occupied exclusively by one family.
36. **"Dwelling (R-2)"** - A building designed for or occupied by up to four (4) families.
37. **"Dwelling (R-3)"** - A building designed for multiple family units.
38. **"Dwelling Unit"** - A building or portion of a building including complete kitchen facilities, permanently installed, which are arranged, designed, used, or intended for use exclusively as living quarters for one family. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*
39. **"Easement"** - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
40. **"Essential Chimney / Funnel Type Structures."** – Tall, vertical, essential structures, used in a variety of commercial, manufacturing and industrial processes, that acts as a discharge point to byproducts, such as steam, produced by said processes. *Ordinance 193 2nd Series, Effective Date: October 9, 2017*
41. **"Essential Services"** - The phrase "essential service" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wire mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar

equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commission for the public health, safety or general welfare.

42. **"Family"** - One or more persons related by blood, marriage or adoption, including foster children or a group of not more than five (5) persons some or all of whom are not related by blood, marriage, or adoption, living together and maintaining a common household, but not including sororities, fraternities, or other similar organizations.
43. **"Flood"** - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
44. **"Flood Plain"** - Those areas adjoining a water course which have been or hereafter may be covered by the regional flood.
45. **"Floor Area, Ground"** - The area within the exterior walls of the main building or structure excluding the garage as measured from the outside walls at the ground level.
46. **"Frontage"** - The width of a lot or a building site measured on a line separating it from a public street or right-of-way. For the purpose of this Chapter the frontage shall be defined as that side which contains the main entry way for the building.
47. **"Group Usable Open Space"** - Land area and facilities specifically designed and developed for recreational or social activities of individuals or groups excluding required setback areas. In addition to those areas and facilities designed and developed for the private use of residents of individual dwelling units.
48. **"Home Occupation"** - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof or have any exterior evidence of such secondary use except for one (1) one foot by two foot (1' x 2') neutrally colored sign attached to the house, garage, or mailbox post. This occupation shall be carried out primarily by members of the family residing in the dwelling. The equivalent of one full time employee may be employed for the home occupation. Any sales on the premises must be secondary in nature to the primary purpose of the occupation. Products used or produced in the home occupation shall be delivered by single rear axle straight trucks or similar delivery vehicles normally used to serve residential neighborhoods. *Source: Ordinance 57, 2nd Series, effective: April 3, 2001*
- 48.49. **"Impervious Surface"** – A surface that does allow water to permeate or pass through into the natural soil. Including, but not limited to, buildings, driveways and parking areas, sidewalks, patios, covered decks, retaining walls, tennis and basketball courts, and other structures. For the purposes of this chapter improved surfaces, including but not limited to, class V, crushed stone, crushed gravel, or unit pavers, shall be considered impervious surface.

~~49.~~50. **"Interim Use"** - A temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it. *Ordinance 139 2nd Series, effective August 10, 2009*

~~50.~~51. **"Junk Yard"** - (See Automobile Wrecking).

~~51.~~52. **"Kennel, Commercial"** - Any lot where four or more dogs over six months of age are owned, kept, boarded, bred and/or offered for sale. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*

~~52.~~53. **"Kennel, Private"** - Any lot where four or more dogs over six months of age are owned or kept for private enjoyment. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*

~~53.~~54. **"Loading Space"** - A space accessible from a street, alley, or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

~~54.~~55. **"Lot"** - One (1) unit of a recorded plat, subdivision, or registered land survey, occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Chapter and having frontage on a public street.

~~55.~~56. **"Lot Area"** - The lot area is the land area within the lot lines.

~~56.~~57. **"Lot Coverage"** - That portion of a lot covered with structures and ~~hard~~ impervious surfaces. ~~such as parking, loading, and storage.~~

~~57.~~58. **"Lot-Interior"** - A lot other than a corner lot.

~~58.~~59. **"Lot Line"** - The lines bounding a lot as defined herein. When a lot line abuts on a street, avenue, park, or other public property, such line shall be known as a streetline.

~~59.~~60. **"Lot Line Rear"** - That boundary of a lot line which is most distant from and is, or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

~~60.~~61. **"Lot-Through"** - An interior lot having frontage on two (2) streets.

~~61.~~62. **"Lot-Width"** The width of a lot is its own mean width measured at right angles to its mean depth.

~~62-63.~~ **"Mining"** - The excavation of earth materials for the purpose of sale. *Source: Ordinance No. 93-8 Effective Date: 11-7-93*

~~63-64.~~ **"Manufactured Home"** - Any dwelling unit used or constructed to permit its transportation upon public streets or highways, including self propelled or non-self-propelled vehicles designed in a manner to permit long term occupancy as a dwelling place for one or more persons, having no foundation other than wheels, jacks, or skirtings.

~~64-65.~~ **"Manufactured Home Park"** - Any site or tract of land upon which three (3) or more occupied mobile homes are located regardless of the charge or absence of charge for accommodations. *Source: Ordinance No. 94-6, Effective Date: 9-26-94*

~~65-66.~~ **"Motel-Hotel"** A building or group of buildings used primarily for the temporary residence of motorists or travelers. *Source: Ordinance No. 93-8, Effective Date: 11-7-93"*

~~66-67.~~ **"Municipal Facility Sign"** - A sign that promotes the use and awareness of municipal facilities. Such signs are allowed off premise in any zoning district on private or public property with the consent of the property owner and Council approval. *Source: Ordinance No. 94-1, Effective Date: 1-30-94*

~~67-68.~~ **"Non-Conforming Uses"** - Any building, structure, or use of land which does not conform to the regulations of the district or zone in which it is situated.

~~68-69.~~ **"Nursing Homes"** - A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or the treatment of disease or injury, nor does it include maternity care or care of mental illnesses. Its minimum accommodation is six (6) persons. *Source: Ordinance No. 93-8 Effective Date: 11-7-93*

~~69-70.~~ **"Off-Premise Sign"** - A sign which directs attention to a business, commodity, service, activity, or product which is not conducted upon the premises where such a sign is located, not including bus benches, portable reader boards, and political, special event, or signs for non-profit organizations such as churches, schools, hospitals and government units. *Source: Ordinance No. 94-1 Effective Date: 1-30-94*

~~70-71.~~ **"Ordinary High Water Mark"** - The highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

~~71-72.~~ **"Outside Storage"** - The keeping, in an unenclosed area, of any goods, junk, material, supplies, finished or semi-finished product, trash, recycling, recreational vehicles or unlicensed or inoperable vehicles. ~~in the same place for~~

~~more than seven days~~ - Source: Ordinance 66, 2nd Series, Effective Date: November 7, 2001
Source: Ordinance 68, 2nd Series, Effective Date: March 26, 2002

~~72.73.~~ **"Parking Space"** - A space for parking of automobiles which has a minimum width of nine (9) feet and a minimum length of ~~nineteen-twenty~~ (1920) feet.

~~73.74.~~ **"Planned Unit Development"** - A procedure for planning a tract of land as a unit under single or unified ownership or control.

~~1.75.~~ **"Portable Temporary Storage Structure"** - A transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials. Such unit shall not be considered an accessory structure as provided in the City of Becker codes and ordinances. Portable Temporary Storage Structures are permitted in residential, commercial, public and quasi-public districts for a maximum of 60 days without a permit. Any entity or individual desiring to have a Portable Temporary Storage Structure beyond the 60 day maximum must receive an Interim Use Permit for the structure. A structure in use in relation to an open building permit is exempt. Industrial zoned properties are exempt. Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018

~~74.76.~~ **"Sanitary Landfills"** - Method of waste disposal involving the dumping and daily covering of waste material all in compliance with State of Minnesota regulations.

~~75.77.~~ **"Setback"** - The minimum horizontal distance between a building and the street or lot line or the ordinary high water mark of a public water.

~~76.78.~~ **"Single Family Attached Housing"** - One-family dwellings attached to other such units by common walls side by side.

~~77.79.~~ **"Single Family Cluster Housing"** - One-family detached dwellings on lots of less area than ten thousand (10,000) square feet

~~78.80.~~ **"Single Family Detached Housing"** - A building designed for one family and not connected to other such units.

~~79.81.~~ **"Site Area Per Dwelling Unit"** - The site area per dwelling unit is the minimum land area required by this Chapter to be provided for each dwelling unit in a building.

~~80.82.~~ **"Stand-Roadside"** - A structure for the display and sale of products with no space for customers within the structure itself.

~~81.83.~~ **"Story"** - That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. A basement may be counted as a story (see Basement) but a cellar shall not be counted as a story.

82-84. "Street" - A public way for vehicular traffic whether designated as street, highway, thoroughfare, parkway, throughway, road, arterial, lane, place or however other designed. The width of a street is measured between right-of-way lines.

83-85. "Street Line" - The line coinciding with the lot and the street right-way-line.

84-86. "Structure" - Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*

85-87. "Structure-Alterations" - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders

86-88. "Use" - The purpose for which land or premises or a building thereof is designed, arranged, or intended, or for which it is or may be occupied or maintained.

87-89. "Use-Principal" - The predominate purpose or activity for which a lot, structure or building thereon is designed, used or intended for use, or for which it is occupied or maintained. *Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018*

88-90. "Use-Accessory" - A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use.

89-91. "Variance" - The waiving of specific literal provisions of this Chapter in instances where their strict enforcement would cause practical difficulties. Practical Difficulties are described as follows:

- The property owner proposes to use the property in a reasonable manner not permitted by an official control;
- The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- The variance, if granted, will not alter the essential character of the locality

Source: Ordinance 156 2nd Series, Effective Date: November 7, 2011

90-92. "Veterinary Clinic" - A commercial activity catering to the medical needs of animals and having no outside runs.

91-93. "Yard" - Any space in the same lot with a building open and unobstructed from the ground to the sky.

92-94. "Yard-Front" - A yard extending across the front of the lot between the inner side yard lines and lying between the front street line of the lot and nearest line of

the building.

~~93-95.~~ **"Yard-Rear"** - An open space unoccupied on the same lot with a building between the building and the side line of the lot, and extension from the front lot line to the rear of the backyard.

Section 11.20, Subdivisions 2, 4, 6, 11, 12, and 13, Chapter 11, are hereby amended to read as follows:

Subd. 2. Screening and Landscaping. Applies to all Industrial, Commercial, Public and Quasi-Public districts.

- A. Screening shall consist of earth mounds, walls, fences, and plant materials. Such things as loading docks, parking areas, air conditioning units and outdoor storage shall be screened to a height and depth consistent with the size and extent of the exposure to residential areas and public streets.
- B. Parking areas that accommodate more than five (5) cars shall be landscaped, screened planted on the perimeter and throughout the lot to the extent of at least five (5%) percent of the actual surface area.
- C. Landscaping will be required for all new ~~commercial and industrial~~ developments.

Subd. 4. ~~Design and Maintenance of Parking~~ Parking Standards

A. Parking in Residential Districts

- 1. The expansion of an existing residential driveway or the installation of a parking pad shall require an administrative permit.
- 2. Vehicles parked in the front yard nearer the front property line than that of the principal structure shall be parked on a surface of asphalt or concrete.
- 3. Vehicles parked or stored in the side or rear yards shall be parked or stored on a surface of asphalt, concrete, or Class V Limestone / Crushed Stone / Crushed Gravel meeting the following design and installation standards:
 - a. Class V Limestone parking areas must be designed and installed to the following standards:
 - i. Remove all topsoil from the entire area of the parking pad. Excavated topsoil must be used on the property for landscaping (planting beds, gardens, etc.) or legally off-hauled to an appropriate facility.
 - ii. All weeds, roots, debris and other deleterious materials shall be removed from the subgrade of entire parking pad area. The subgrade of the entire pad area shall be compacted to ninety-five (95%) percent proctor.

iii. US 200 woven geotextile fabric must be used and shall be placed at a minimum depth of six (6") inches, cover the entire parking pad area and be installed to the manufacturers recommendations.

iv. The parking pad surfacing material shall be Class V Limestone. Limestone dust binder is required. Class V aggregate with sand binders are prohibited. Said surface must be compacted to ninety-five (95%) percent proctor.

v. The parking pad surfacing material must be entirely contained within landscaping edging. A minimum of six (6") inch wide painted, flexible steel edging must be used and installed according to manufacturer specifications. Alternative edging material may be acceptable as determined and approved by the zoning administrator.

vi. All parking pads surfaced with said material must be maintained in good condition and be free from potholes, divots and ponding.

vii. All parking pads with said materials must maintain a three (3%) percent crown as measured from the centerline of said pad to the edge of the material on both sides or, if material is abutting a primary or accessory structure, a 5% cross slope shall be maintained across the entire parking pad, directing drainage away from primary or accessory structures. In all cases positive drainage must be maintained from primary and accessory structures at all times.

viii. All parking pads surfaced with said material shall be designed to create positive drainage. At no point shall the parking pad cause, whether on the property or neighboring properties, any adverse drainage issues, ponding, run-off or build-up of sedimentation.

ix. All parking pads surfaced with said material shall be treated and maintained appropriately to control dust.

a.b. Crushed Stone / Gravel parking areas must be designed and installed to the following standards:

i. A minimum of twelve (12") inches of topsoil must be excavated before beginning installation. Excavated topsoil must be used on the property for landscaping (planting beds, gardens, etc.,) or legally off-hauled to an appropriate facility.

ii. All weeds, roots, debris and other deleterious materials shall be removed from the subgrade of entire parking pad area. The subgrade of the entire pad area shall be compacted to ninety-five (95%) percent proctor before placement of the geotextile fabric.

- iii. US 200 woven geotextile fabric must be used and shall be placed at a minimum depth of twelve (12") inches. Said geotextile fabric must cover the entire parking pad subgrade area and be installed to the manufacturer's recommendations.
 - iv. The sub-base, placed on the woven geotextile fabric, must be a minimum of a four (4") inch thick layer of machine crushed, number three (#3) stones. Said stone shall cover the entire area of the parking pad.
 - v. The base, placed on the first layer of stone, must be a minimum of a four (4") inch thick layer of machine crushed, number four (#4) rocks covering the entire area of the parking pad.
 - vi. The surfacing material, placed on the second layer of stone, must be a minimum of a four (4") inch thick layer of number fifty-seven (#57) traffic bound, crushed concrete, granite, shale, or limestone, "con-bit" or landscaping rock of adequate durability to support the load parked or stored thereon.
 - vii. Each layer must be tightly compacted before placement of the subsequent layer. The surfacing material shall be compacted to ninety-five (95%) percent proctor.
 - viii. The parking pad surfacing material must be entirely contained within landscaping edging. A minimum of six (6") inch wide painted, flexible steel edging must be used and installed according to manufacturer specifications. Alternative edging material may be acceptable as determined and approved by the zoning administrator.
 - ix. All parking pads with said materials must be maintained in good condition and be free from potholes, divots and ponding.
 - x. All parking pads with said materials must maintain a three (3%) percent crown as measured from the centerline of said pad to the edge of the material on both sides or, if material is abutting a primary or accessory structure, a 5% cross slope shall be maintained across the entire parking pad, directing drainage away from primary or accessory structures. In all cases positive drainage must be maintained from primary and accessory structures at all times.
 - xi. Said parking pad shall be designed to create positive drainage. At no point shall the parking pad cause, whether on the property or neighboring properties, any adverse drainage issues, ponding, run-off or build-up of sedimentation.
 - xii. All parking pads surfaced with said materials shall be treated and maintained appropriately to control dust.
4. The required front yard of a corner lot shall not contain any obstructions which may cause danger to traffic on a street or public road, by obscuring the view. The sight line

triangle is created by a triangle measured twenty (20) feet back from the intersection of property lines or edge of right-of-way on both sides whichever is more restrictive.

5. Residential driveways shall be setback four (4) feet from side property lines. Residential aprons and driveways shall meet the Residential Driveway Standards as set forth by the City Engineer.
6. Surfaces utilized for parking, including parking pads, shall remain outside of the drainage and utility easements on a property.
7. A primary residential driveway shall be surfaced of concrete or asphalt.
8. Vehicles, as defined in 11.21 Subd. 11 B, all motor vehicles, as defined by Minnesota statute, and other articles parked in the front yard area must be set back a minimum of one (1) foot from the sidewalk or five (5) feet from the street curb or edge of bituminous if no sidewalk exists.
9. All parking areas must be weed free at all times.

B. Parking in C-COM, C-HWY, I-PG, I-PRK and I-GEN Districts

1. Parking spaces, as required in Section 11.20 Subdivision 3A, shall be surfaced in concrete or asphalt.
2. Additional parking, beyond that required in Section 11.20 Subdivision 3A, subordinate to the primary use of the parcel shall be surfaced with materials as approved by the zoning administrator.

C. Parking in PUB and Q-PUB Districts

1. Parking spaces, as required in Section 11.20 Subdivision 3A, shall be surfaced with concrete, asphalt, or other materials as approved by the zoning administrator.

D. All parking surfaces, regardless of zoning district, shall be graded to dispose of surface water and shall be regularly cleaned and maintained.

A.E. Minimum parking setbacks from property lines and buildings shall be a minimum of five-four (4) feet.

~~**B.** All parking areas shall be surfaced with asphalt, or concrete, or other improved surface materials as approved by the zoning administrator, and graded to dispose of surface water and shall be regularly cleaned and maintained. Source: Ordinance 143 2nd Series, Effective Date: February 8th, 2010.~~

~~**C.F.** Off-street parking shall be on the same site as the structure it is intended to serve and shall not occupy the required front yard setback of any building. R-1 and T-TOWN zoning districts are exempt from this requirement.~~

D.G. Parking lots shall be fifty-six (56) feet wide for fifty-six (56) degree parking, sixty (60) feet wide for sixty (60) degree parking, and sixty-five (65) feet wide for ninety (90) degree parking. Each stall is to be nine (9) feet wide and twenty (20) feet deep.

E.H. Each space shall be designed to allow the exit of the car therein without first moving another car.

F.I. City shall consider "proof of parking" in installation of parking requirements. The owner must develop a site to accommodate for future parking however the installation of lesser amount would be authorized. The owner must comply with any additional required developed parking, up to the required policy, when the Planning Commission deems it necessary at a future date.

Subd. 6. Accessory Structures

A. Building Materials

1. For lots which are ½ acre or less in size, the exterior building materials for detached accessory structures, shall be generally consistent with the exterior finish of the principal building or finished with hardboard lap siding, vinyl lap siding, aluminum or metal siding, textured wood (painted) and/or masonry.
2. For lots which are more than ½ acre in size, detached accessory buildings located nearer the front property line than that of the principal structure must meet the same general design and materials as the principal structure. Pole-type construction shall be permitted only on lots exceeding ½ acre and only in the Side or Rear Yard.
3. Prefabricated molded plastic storage sheds shall be permissible in side and rear yards only.
4. Tarp sheds shall not be permissible.
5. Shipping/storage containers and semi-trailers are prohibited for use as an accessory structure on any platted lot and on non-platted residential lots less than 10 acres. Unless that a shipping/storage container or semi-trailer is used as a temporary storage unit for moving purposes or a construction project in relation to an open building permit.

Subd. 11. Storage and Parking of Recreational Vehicles, Trailers and Other Personal Recreational Equipment in Residential Zoning Districts

A. Definitions.

1. “All-Purpose Vehicle” – Any self-propelled vehicle designed for travel on one or more types of terrain, and steered by wheels, tracks or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes; vehicles of this

type shall also include, but are not limited to, backhoes, excavators, skid-steer loaders, road rollers, and wheeled loaders.

2. “Fish House” (synonymous with Ice Shack, Ice Fishing Shelter, Ice Castle, Ice House, Fishing Shanty, Fish Coop, Bobhouse, Ice Hut, or Darkhouse) – A portable travel trailer or shed specifically designed and manufactured for being placed on a frozen lake to provide shelter. Portable temporary storage structures, including but not limited to shipping containers, storage containers, tractor trailers, pods, etc., retrofitted to be used as an ice house shall be considered portable temporary storage structures and must meet all regulations in City code relating to said structures.
3. “Motorized Golf Cart” – Any passenger conveyance being driven with three (3) or four (4) wheels with low pressure tires and as otherwise defined by Minnesota Statutes.
4. “Moved” – Any shifting or change in position of any all-purpose vehicle, motorized golf cart, recreational vehicle/travel trailer, trailer, snowmobile or watercraft at a distance of more than one half of a mile.
5. “Recreational Vehicle/Travel Trailer” – Defined as a vehicle that is designed to be self-propelled or towable by a light duty truck and is designed primarily not for use as a permanent dwelling but temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle. This definition includes fish houses.
6. “RV unit” – Any one recreational vehicle/travel trailer or trailer of any type. Vehicles including, but not limited to, all-purpose vehicles, motorized golf carts, watercrafts, and snowmobiles kept, entirely upon or within a trailer, count as one RV unit. Nonmotorized watercraft 10 feet in length or less do not count as an RV unit.
7. “Snowmobile” – Any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners, tracks or caterpillar treads.
8. “Stored” - Any all-purpose vehicle, motorized golf cart, recreational vehicle/travel trailer, trailer, snowmobile or watercraft that has not moved for a period of seven (7) consecutive days.
9. “Trailer” – Any non-automotive vehicle designed to be hauled.
10. “Watercraft” – Every type of vessel used or capable of being used as means of transportation on water.

B. General Standards. The term “vehicle”, when used independently in this section, applies to any recreational vehicles, trailers and other personal recreational equipment defined in 11.21 Subd. 11.A.

1. All vehicles must be parked or stored on surfaces as set forth in Section 11.20 Subdivision 4A.
2. Vehicle storage locations must be kept free from weeds or other vegetative growth.
3. The property on which vehicles and equipment, under this section, is stored must have a permanent dwelling unit or permitted accessory structure.
4. The vehicles and equipment under this section must have all current and necessary licensing and be operable and insured.
5. A recreational vehicle/travel trailer, located on private property containing a permanent dwelling, may be occupied by a guest or visitor for a period not to exceed thirty (30) days, per calendar year. Recreational vehicle/travel trailers must have self-contained sanitary facilities.
6. Each property is allowed a maximum of two (2) RV units.
 - a. Any recreational vehicle/travel trailer or trailer stored outside of structure counts towards the maximum total RV units.
 - b. Any recreational vehicle/travel trailer or trailer stored inside of a structure is exempt from the maximum RV unit total.
7. All all-purpose vehicles, watercrafts, and snowmobiles must be kept on a trailer if being stored outside.
- 1-8. Nonmotorized watercraft 10 feet in length or less may be stored outside and not on a trailer so long as they are hung on the side of a structure.
- 2-9. Vehicles, as defined in 11.21 Subd. 11 B., shall be stored in rear-yards or in side-yards with tongue in-line with the face of the primary structure.

Subd. ~~11~~12. Outside Storage and Displays.

- A. Outside Storage in Residential Districts.** ~~In residential districts, All~~ outdoor storage of materials, supplies, junk, and equipment is prohibited in any residential zoning district. Exceptions include the equivalent of one (1) unlicensed or incomplete vehicle being stored on the property for up to 30 days per calendar year and equipment being utilized in relation to an open building permit. -shall not be permitted except for recreational vehicles, automobiles (complete, not missing any major parts) and trucks of not more than one-ton capacity. Up to one unlicensed or incomplete vehicle may be stored on property for up to 30 days. Long term storage is to be in an enclosed area. All such materials, supplies, junk, and equipment not so excepted shall be stored within a completely enclosed building. In the R-MH District, a specific area or areas shall be set aside for the storage of recreational vehicles. Source: Ordinance 66 2nd Series, November 17th, 2001

Source: Ord. 68 2nd Series, Effective Date: March 26, 2002

B. Outside Storage in C-COM Districts. In C-COM Districts outside storage of trash, recycling, damaged merchandise, materials, supplies, recreational vehicles, junk and equipment shall not be permitted. Outside Storage is permitted only when within the confines of a completely enclosed 100% opaque fence subject to the following conditions. Source: Ordinance 68, 2nd Series, Effective Date: March 23, 2002

1. The fence shall be a minimum of five feet and a maximum of eight feet in height. The fence shall be high enough to completely screen all materials being stored outside (i.e. the height of the fence must be at least as high as the tallest item or stack of material being screened). Source: Ordinance 66 2nd Series, November 17th, 2001. Source: Ordinance 68 2nd Series, March 23, 2002.
2. The fence shall be located in the rear or side yard of the property whichever does not face a public street or residential property. There shall be no outside storage allowed in the front yard of a commercial property. Source: Ordinance 68 2nd Series, March 23, 2002.
3. The fence shall be in keeping with the architectural style and materials of the primary structure and surrounding buildings. Source: Ordinance 68 2nd Series, March 23, 2002.
4. The finished side of the fence shall be facing outward. Source: Ordinance 68, 2nd Series, Effective Date: March 26, 2002

A.C. Outside Storage in C-HWY, I-PG, I-PRK and I-GEN Districts. All materials, supplies, finished or semi-finished products and equipment shall be enclosed within the confines of fencing as required by Subd. 11, below, except that:

1. Trucks and trailers necessary to the operation of the principal use are not required to be contained within a fenced area. Source: Ordinance 58, 2nd Series Date: June 16th, 2001
- ~~1.2.~~ Storage areas subordinate to the primary use of the parcel shall be surfaced with materials as approved by the zoning administrator.

B.D. Displays. Merchandise not on display for direct sale, rental, or lease shall be stored within a completely enclosed building in all districts. Merchandise which is offered for sale, rental, or lease as described above may be displayed beyond the confines of a building in any commercial district. No displays shall be permitted on public right-of- way.

Subd. ~~12~~13. Temporary Uses.

1. **Purpose.** This section allows for the establishment of certain uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

2. **Permit Required.** All temporary uses and structures within the Commercial Zoning districts or Commercial in nature shall require a permit. Temporary uses within residential zoning districts do not need a permit, but must comply with this and all other sections of the City Code.

3. **General Standards.** Temporary uses, structures, or events shall comply with the following:
 - a. Obtain the appropriate permits (as required);
 - b. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - c. Be compatible with the principal uses taking place on the property, and nearby property;
 - d. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
 - e. Not include permanent alterations to the site;
 - f. All signage not attached to temporary structure must meet the existing code for temporary signage (60 days per parcel, per year with permit);
 - g. Not violate the applicable conditions of the approval that apply to a site or use on the site;
 - h. Not interfere with the normal operations of any permanent use located on the property; and
 - i. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as, adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

4. **Table of allowed Temporary Uses and Structures.** The following table summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited, unless the applicant applies for a Conditional Use Permit.

Temporary Use and Structure Table

Type Requirements	Allowable Duration	Permit(s) Required	Add.
Recreational Vehicle	30 days per calendar year	No	See Below
Temporary Sign	60 days per year	Yes	See Below

Farmer's Market	Continuous; up to 3 days per week, 6 months per year on a single site	No	See Below
Outdoor Sales (Commercial)	30 days per calendar year, per parcel	Yes	See Below
Garage/Yard Sale	4 days per event; 3 events total per calendar year	No	See Below

Recreational Vehicle:

- ~~Defined as a vehicle that is designed to be self propelled or towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.~~
- ~~A recreational vehicle owned by a resident, non resident, guest, or visitor may be parked or occupied by the owner, guest, or visitor on private property containing a permanent dwelling unit for a period to exceed thirty (30) days per calendar year.~~
- ~~The recreational vehicle shall have self contained sanitary facilities.~~
- ~~The parking location of a recreational vehicle shall adhere to the requirements of Chapter 9, Parking.~~

Temporary Sign:

- All temporary signs require a permit, and must comply with Section 11.70.

Farmer's Market:

- A **farmer's market** consists of a group of individual vendors, who set up booths, tables or stands, outdoors to sell produce, meat products, fruits and other misc. items.
- Must provide adequate ingress, egress and off street parking areas.
- Not reduce minimum parking standards per City Code;
- Not be located with-in any right-of-way;
- Are subject to the sign standards in Section 11.70, Signs

Outdoor Sales (Commercial):

Outdoor Sales shall:

- Shall be limited to 30 calendar days per year, per parcel. To exceed 30 calendar days, a Condition use Permit is required.

- Must be compatible with the principal uses taking place on the property.
- Must Provide adequate ingress, egress and off street parking areas.
- Must not be located on any right-of-way;
- Must not reduce minimum parking standards per City Code;
- May be subject to background check, an approval from the Chief of Police, and/or Fire Chief.
- Are subject to the sign standards in Section 11.70, Signs.

Garage/Yard Sales:

Garage and Yard Sales Shall:

- Be limited to a maximum of three per dwelling unit per year;
- Not exceed a maximum duration of four (4) consecutive days per sale;
- Occur only between the hours of 7:00am and 7:00pm;
- Not place items for sale, or signs within the public right of way, or impede the passage of traffic on streets in the area of the sale;
- Not permit loud or boisterous conduct on the premises;
- Not allow unsold items or other sale-related materials to remain in public view following the conclusion of the sale.
- Remove all sale related signage immediately upon conclusion of the sale.

Source: Ordinance 158, 2nd Series, Effective Date: February 13, 2012

Section 11.30, Subdivision 1, Chapter 11, are hereby amended to read as follows:

SEC. 11.30. ESTABLISHMENT OF DISTRICTS.

Subd. 1. Districts. For the purpose of this Chapter, the City is divided into the following districts:

AG	Agricultural District
R-1	Single Family District
R-2	Limited Multiple Family District
R-3	Multiple-Family District
R-MH	Residential Mobile Home
R-LL	Single Family-Large Lot District
C-R2	Office Commercial and Multi Family
R-3/O	Multiple-Family/Office
C-COM	Community Commercial District
C-HWY	Highway Service Commercial
T-TOWN	The Becker Historical District
I-PG	Power Generation District
I-PRK	Industrial Park District
I-GEN	General Industrial District
PUB	Public District
Q-PUB	Quasi-Public District
WSR	Wild and Scenic River Overlay District

Source: Ordinance No. 33, 2nd Series, Effective Date: 11-8-98

Section 11.38, Subdivision 1 and 7, Chapter 11, are hereby amended to read as follows:

SEC. 11.38. ~~MULTIPLE FAMILY/OFFICE DISTRICT (R-3/O)~~ OFFICE COMMERCIAL AND MULTI FAMILY (C-R2)

Subd. 1. Purpose. In addition to the objectives prescribed herein, the objectives for the ~~R-3/O-C-R2~~ district are included to achieve the following purposes:

- A. To provide for a complementary transition zone between commercial and single family residential uses.
- B. To allow uses similar to the neighboring T-Town while allowing for businesses and residential units with larger space needs through larger lot sizes.
- C. To allow for smaller (i.e. two and four unit) multi-family housing units designed with single-family residential design elements to fit within the neighborhood character.
- D. To establish building designs which closely resemble typical residential housing to maintain the neighborhood character of Second Street.
- E. To ensure adequate light, air, privacy, and open space for each dwelling unit.
- F. To provide necessary space for off-street parking for office and residential units.
- G. To minimize traffic congestion and to avoid the overloading of utilities by preventing construction of buildings of excessive size in relation to the land around them.
- H. To protect residential and office properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.

Subd. 7. Required Conditions. All uses shall comply with the regulations prescribed in the General Regulations and Performance Standards provisions of this Chapter. Uses in ~~R-3/O-C-R2~~ zoning require off-street parking, screening, landscaping, and performance standards. Uses in ~~R-3/O-C-R2~~ must also be reviewed by the Zoning Administrator for design standards to assure compatibility with surrounding building design standards. These standards include: building design, parking, driveway location, signage and outside storage.

Section 11.51, Subdivision 6, Chapter 11, are hereby amended to read as follows:

Subd. 6. Building Design Requirements. Building design standards are hereby established to ensure industrial buildings meet acceptable aesthetic standards.

1) Applicability. The design standards in this section shall apply to the following:

- (a)** All facades of new principal buildings;
- (b)** All facades of new accessory buildings;
- (c)** Remodeling of existing buildings that result in “refacing” more than one side of an existing building, or refacing of the wall oriented toward the nearest public road.
- (d)** Additions to buildings that increase the gross floor area by more than 25%. Additions not exceeding this threshold may be constructed using exterior materials that match or are compatible with the existing building materials

2) Design Standards

- a.** Height. The maximum height of all buildings must not exceed ~~80~~⁵⁰ feet.
- b.** Allowed materials for principal buildings. All exterior vertical surfaces facing public right-of-way must be treated as a front and have an equally attractive or same fascia constructed from a 30 % façade from the following 1-7.
 - (i)** Brick
 - (ii)** Natural Stone or Stone Veneers;
 - (iii)** Concrete tip-up panels or concrete block;
 - (iv)** Decorative concrete block (color impregnated with a split faced, robbed or textured surface);
 - (v)** Glass Curtain Wall Panels;
 - (vi)** Stucco or synthetic stucco;
 - (vii)** Exterior insulation and finish systems (EIFS);
- c.** Mechanical protrusions. All necessary mechanical protrusions visible from the public right-of-way must be screened or painted in a manner so they are not visually obvious and are compatible with the surrounding development. Satisfaction of this requirement must be demonstrated by the screening of the equipment in such a manner that it is not

visible from a point six feet above any common property line or street right of way. Screening must consist of either a parapet wall along the roof's edge or by an opaque screen constructed of the same parapet wall along the roof's edge or by an opaque screen constructed of the same material as the building's primary vertical exposed exterior finish. The zoning administrator may determine that the equipment may be painted a neutral earth tone color, or color deemed similar by the zoning administrator or must be designed to be compatible with the architectural treatment of the principal building, which will satisfy the screening requirement. All mechanical protrusions must be highlighted on the site plan.

d. New materials. The City recognizes that technologies change and new products are continually available which may not be listed as allowed under these building design requirements. If an applicant wishes to utilize a non-listed material, they must first receive approval from the City Council. In reviewing a request to consider a new material, the City will consider the following:

i. Is the proposed material of sufficient quality to ensure on-going maintenance will not be of concern (applicant should provide detailed information on the proposed product and its history of use);

ii. Will the style, color, and appearance of the proposed product integrate with adjacent commercial properties and other materials currently allowed within the commercial zoning district;

iii. Will the style, color and appearance of the proposed product be acceptable in cases with visible from residential units on adjacent properties.

Source: Ordinance 200, 2nd Series, Effective Date: March 12, 2018

Adopted this XX day of XXXXX 2020.

Mayor Tracy Bertram

Attest:

Julie Blesi, City Clerk