

ORDINANCE NO. 2023-2

CITY OF WATKINS
MEEKER COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE CITY OF WATKINS ZONING ORDINANCE

THE CITY COUNCIL OF THE CITY OF WATKINS ORDAINS:

SECTION 1. Article II. General Regulations. Section 2.02 of the Zoning Ordinance is hereby amended to read as follows:

ACCESSORY BUILDINGS AND USES. Accessory buildings and uses customarily incidental to that of the main building may be erected or established upon a lot or tract of land, provided they comply with the following regulations. Any city lot within city limits located in R-1 Residential and R-2 Multiple Family Districts shall be limited to two (2) accessory buildings. Accessory buildings include, but are not limited to, any detached garage, storage shed, or fish house whether sitting on a foundation or not. The combined square footage for the two accessory buildings cannot exceed 1,700 square feet per city lot.

A.3 No accessory building shall contain more than thirty (30) feet of vehicle door openings as measured horizontally and shall not occupy an area more than one thousand, two hundred (1,200) square feet.

B.2. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements applicable to the principal structure. An accessory building, unless attached to and made part of the principal structure, shall not be closer than five (5) feet to the principal structure

B.3. No detached accessory building shall be erected or placed within five (5) feet of any principal building, property line, alley easement line or utility easement. All accessory buildings shall be located at least five (5) feet away from any other building or structure on the same parcel.

Section 2. Section 2.02. B. Detached Accessory Buildings – Residential Districts is hereby amended to add the following provisions:

B.8. Setbacks shall be measured from the property line to the wall of the structure. Accessory buildings may be located in the side and rear yards of a lot, except, however, that no such encroachment may occur on required side yard setbacks abutting a street in the case of a corner lot.

B.9. Garages having an overhead door that directly faces an alley shall be setback at least fifteen (15) feet from the alley.

B. 10. Temporary accessory structures may be allowed for a designated length of time and design as approved by the planning and zoning commission. Any temporary accessory structures must be removed six (6) months after permit issuance.

Temporary Accessory Structure Standards:

1. Must comply with all standards in Detached Accessory Buildings – Residential Districts

2. Cannot be used as a dwelling
3. Cannot be an obscenely bright color per Planning Commission's discretion
4. No temporary structure shall be allowed to be serviced by water, sewer, electric, gas or any other type of utility.
5. There can be no more than one (1) temporary structure per parcel.
6. The structure must be sufficiently anchored to withstand overturning, uplifting, or sliding from an eighty (80) mile-an-hour wind.
7. The structure must be able to withstand a snow load of twenty (20) pounds per square foot if the structure will be in place at any time during the months of November through April.

Temporary Accessory Structure Approval Process:

1. Plans must be submitted to City Clerk
 - a. Dimensions,
 - b. Overview of Materials
 - c. Site Plan
 - d. Timeline
 - e. Purpose
2. If the above standards are met, Planning Commission will approve the structure. Any temporary structure not approved shall be deemed a violation of this Ordinance and punishable as provided herein.

Section 3. ARTICLE VII. ADMINISTRATION, PERMITS AND FEES. Section 7.05 is hereby amended to read as follows:

Section 7.05. APPROVAL OR DENIAL OF ZONING PERMIT. Upon approval or denial, the Zoning Administrator shall attest to same by his signature on the zoning permit. If the zoning permit is approved, one (1) copy shall be returned to the applicant and one (1) copy shall be retained by the Zoning Administrator. If the zoning permit is denied, the Zoning Administrator shall, in addition to the above, notify the applicant with a memorandum stating the reason for denial of zoning permit.

Section 4. ARTICLE VII. ADMINISTRATION, PERMITS AND FEES is hereby amended to add the following provisions:

Section 7.08. CERTIFICATION OF TAXES PAID.

Prior to approving an application for any city permit, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, unpaid utility charges certified for payment as taxes, interest, or city utility fees due upon the parcel of land to which the land use permit relates. The City shall not accept applications where the applicant has past due fees or charges due to the City or the County until the account is made current.

Section 7.09. EXPIRED PERMITS.

A land use permit shall become void if the work described therein has not begun within six (6) months from the date of issuance. If the work described in any land use permit has not been substantially completed within one (1) year of the date of issuance, said permit shall expire and be canceled by the City Clerk. Further work shall not proceed unless and until a new land use permit has been obtained.

Section 5. ARTICLE XI. VIOLATIONS AND PENALTIES, Section 11.02 is hereby amended to read as follows:

Section 11.02. PENALTIES. Any person, firm, corporation or entity who violates any of the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine as established by state law or sentenced to imprisonment for a specified term as established by state law or as determined by a court of competent jurisdiction for each offense, or both, plus the costs of prosecution in either case. Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance and the City may pursue, by appropriate actions or proceedings, any or all additional remedies.

Section 6. ARTICLE XI. VIOLATIONS AND PENALTIES is hereby amended to add the following provision:

Section 11.03 RELIEF FROM PERSONAL RESPONSIBILITY.

Any claim based upon an act or omission of an officer or employee exercising due care in the execution of any valid or invalid portions of this Ordinance and any claim based upon the performance of the failure to exercise or perform a discretionary function or duty whether or not the discretion is abused, are hereby enumerated as exceptions to Minnesota Statutes, Section 466.02 and said Section does not apply. The City shall defend, save harmless and indemnify any of its officers or employees whether elective or appointive, against any tort claim or demand whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of duty in the enforcement and administration of this Zoning Ordinance except as provided in Minnesota Statutes, Section 466.07.

Section 7. ARTICLE XII. SITE PLAN SECTION 12.02 DESIGN STANDARDS is hereby amended to add the following provision:

F. Lot Coverage Maximums

These are ratios of improved surface allowed on a lot in each district.

Lot Coverage Maximums for Each District

R-1 & R-2: 50%

B-1 & B-2: 100%

M-1: 80%

AG: 30%

Section 8. ARTICLE XIII. PERFORMANCE STANDARDS. Section 13.01. MANUFACTURED HOME PARK DESIGN STANDARDS is hereby amended to read as follows:

A. PERMIT ISSUANCE AND APPROVAL PROCEDURE. It shall be unlawful for any person to establish, maintain or operate a Manufactured Home Park or the facilities therein unless such person shall first procure a Conditional Use permit from the City. Compliance with the provisions of this Ordinance is necessary to obtain said permit. An application for a Manufactured Home Park shall be filed with the Zoning Administrator and shall contain the following:

Section 9. SECTION 13.08. PARKING AND STORAGE OF CERTAIN VEHICLES is hereby amended to read as follows:

C. Boats and trailers must be stored in the rear yard and be placed a minimum of at least ten feet from the property line or in the side yard a minimum of six feet from the property line. The side yard setback may be encroached upon only if the owner of the property adjoining the petitioner's property agrees, in writing, that such encroachment be allowed. The City shall require a copy of the written agreement for its records.

Section 10. SECTION 13.09. SEWER AND WATER PROVISIONS is hereby amended to read as follows:

B. All water shall be procured from the public water system when available.

Section 11. SECTION 13.10. EXTERIOR STORAGE is hereby amended to read as follows:

5. Boats and unoccupied trailers if stored in the rear yard at least ten feet from the property line or in the side yard a minimum of six feet from the property line. The side yard setback may be encroached upon only if the owner of the property adjoining the petitioner's property agrees, in writing, that such encroachment be allowed. The City shall require a copy of the written agreement for its records.

Section 12. SECTION 13.11. VISIBILITY AT INTERSECTIONS is hereby amended to read as follows:

On a corner lot in any district no fence, wall, hedge, tree or other planting, structure, automobile, recreational vehicle, or boat that will obstruct vision above a height of forty-two (42) inches above the centerline grade of the intersecting streets shall not be erected, placed, stored, or maintained within the triangular area bounded by the lot lines and a line connecting point on each lot line forty (40) feet from the intersection of such lot lines.

Section 13. Section 13.12. SWIMMING POOLS is hereby amended to add the following provision and renumber subsequent sections accordingly:

D. Above-ground pools with sides or attached fences which create a barrier at least four (4) feet in height do not require an additional fence or barrier. Any entrance to the pool must be secured with a self-closing and self-latching lockable gate.

Section 14. SECTION 13.13 FENCING is hereby amended to add the following provisions:

G. Fences shall not be permitted within five (5) feet of the curb.

H. Fences around flower and/or vegetable gardens that are temporary and do not exceed 4 feet in height do not require a land use permit.

Section 15. SECTION 13.14 MINIMUM HOUSING CODE is hereby amended to add the following provision:

B. 7. Every building occupied/used in the city as dwelling unit must have running water on site provided by the property owner or occupant.

Section 16. ARTICLE XIII is hereby amended to add the following provision:

SECTION 13.20. BUILDING RELOCATION

(A) Review Process.

The relocation of any used building or structure older than 10 years on a lot or onto another lot within the City shall be subject to approval of a conditional use permit. Accessory buildings less than two hundred (200) square feet in floor area shall be allowed without issuance of a conditional use permit, but shall comply with all other provisions of this section and require a land use permit.

(B) Performance Standards.

- (1) Upon relocation, the building shall comply with all applicable building, plumbing, heating and electrical codes of the state of Minnesota.
- (2) The proposed relocated building shall comply with the character of the neighborhood in which it is being relocated as determined by the City Council.
- (3) The relocated use will not result in a depreciation of neighborhood or adjacent property values.
- (4) Except as otherwise allowed by the City Council, the relocated structure shall be ready for occupancy within one (1) year from the date of issuance or the land use permit shall be canceled by the City Clerk. Further work shall not proceed unless and until a new land use permit has been obtained.

Section 17. ARTICLE XVIII. B-1 CENTRAL BUSINESS DISTRICT. SECTION 18.05. LOT AREA & DESIGN STANDARDS is hereby amended to add the following provision:

B-1 Central Business District

Exterior Finish. All new construction and alterations to an existing building or structure must meet the following requirements. Steel is acceptable provided the lower four (4) feet of the building's face (excluding windows and doors) consists of a material other than steel unless it's a different color.

Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal surface. Structures more than forty (40) feet in width shall feature breaks/divisions in materials, separate entrances/entrance treatments, variations in roof lines and/or variations in building setbacks.

Section 18. ARTICLE XIX. B-2 HIGHWAY BUSINESS DISTRICT. SECTION 19.01. USES PERMITTED is hereby amended to add the following provision:

Q. Storage facilities for the storage of personal items by persons renting the space as a permitted use.

Section 19. ARTICLE XX. M-1 INDUSTRIAL DISTRICTS. SECTION 20.01. USES PERMITTED is hereby amended to add the following provision:

I. Storage facilities for the storage of personal items by persons renting the space as a permitted use.

Section 20. ARTICLE XXII. DEFINITIONS. Section 22.16. DWELLING is hereby amended to read as follows: Any house or building or portion thereof which was constructed to be non-mobile and which is placed on a permanent foundation which enclosed the entire perimeter of the home; and which is occupied wholly as a home, residence or sleeping place of one or more human beings either permanently or transiently. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purposes of this Ordinance and shall comply with the provisions thereof relative to dwellings. No cellar, basement, tent, camper, trailer, or garage shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.

Section 21. ARTICLE XXII. DEFINITIONS is hereby amended to add the following provision:

Section 22.32. IMPROVED SURFACE. Is a driveway or parking surface constructed of concrete, asphalt, paving stones or other hard material.

Section 22. This Ordinance shall be effective immediately upon its passage and publication according to law.

ADOPTED BY THE WATKINS CITY COUNCIL THIS 10TH DAY OF AUGUST, 2023.

Christopher Rowan, Mayor

ATTEST: (SEAL)

Debra Kramer, City Clerk