

## CITY CODE AMENDMENTS

## THE CITY OF NORTH MANKATO

SUBJECT: City Code Amendments  
APPLICANT: City of North Mankato  
LOCATION: -  
EXISTING ZONING: -  
DATE OF HEARING: December 13, 2018  
DATE OF REPORT: December 6, 2018  
REPORTED BY: Mike Fischer, Community Development Director

### APPLICATION SUBMITTED

Request to consider annual City Code amendments

### COMMENT

On an annual basis, staff prepares City Code amendments for review and adoption. The purpose of the amendments is to make adjustments and additions to City Code language in an attempt to make the regulations understandable by the citizens and for consistent enforcement by staff. In some cases the amendments are simply typos or minor adjustments to code language. Otherwise, code language had been created or modified to address reoccurring issues staff encounters annually.

Attached are proposed City Code amendments for your review and consideration. Your recommendations will be forwarded to the City Council for their consideration as well.

### RECOMMENDATION

Staff recommends approval of the City Code amendments

§ 156.044 B-3, GENERAL COMMERCIAL DISTRICT.

(A) *Purpose.* The General Commercial District is intended to establish a district of providing the broadest range of retail, wholesale, service, and commercial activities.

(B) *Special requirements.* Every use, unless expressly exempted by this division, shall be operated in its entirety within a completely enclosed structure; the exemption of a use from the requirement of enclosure will be indicated by the phrase "need not be enclosed" appearing after any use exempted.

(C) *Permitted uses.*

- (1) The following are permitted uses:
  - (a) Antique store.
  - (b) Apparel store.
  - (c) Appliance store.
  - (d) Art gallery, studio, school or supply store.
  - (e) Bakeries, retail.
  - (f) Banks, savings and loans or finance companies.
  - (g) Barber and beauty shops.
  - (h) Bars, taverns and cocktail lounges licensed to sell soft drinks, beer malt, or alcoholic beverages on sale, off sale or both.
  - (i) Book store.
  - (j) Bowling alley.
  - (k) Business machine store.
  - (l) Business, trade or commercial school.
  - (m) Camera and photographic studio and supply.
  - (n) Candy, ice cream, confectionary store.
  - (o) Car sales lots, need not be enclosed.
  - (p) Catalog service and mail order house.
  - (q) Caterer.
  - (r) Cemetery, memorial garden, need not be enclosed.
  - (s) Churches.
  - (t) Clinic, dental or medical, but not animal clinic.
  - (u) Club or lodge.
  - (v) Community centers, parks or public buildings.
  - (w) Convent, monastery or similar institution for religious training.
  - (x) Conventions, or meeting facility.
  - (y) Dairy store.
  - (z) Dance studio.
  - (aa) Day cares.
  - (bb) Delicatessen.
  - (cc) Driveways.
  - (dd) Drug store.
  - (ee) Essential public utility and service structures.
  - (ff) Fences.
  - (gg) Floral and garden supply including nursery, need not be enclosed.
  - (hh) Gift, novelty or souvenir store.
  - (ii) Grocery store.
  - (jj) Hardware store.

- (kk) Hobby store.
- (ll) Hotels and motels.
- (mm) Institution of religious, charitable or philanthropic nature.
- (nn) Interior decorating store and supply.
- (oo) Janitorial services.
- (pp) Laboratory, medical or dental.
- (qq) Laundry or dry-cleaning.
- (rr) Leather goods store - retail only.
- (ss) Libraries, auditoriums, museums, or other cultural institutions.
- (tt) Locksmith or key stand, need not be enclosed.
- (uu) Medical appliance sales and fittings.
- (vv) Medical intern or resident doctor's quarters.
- (ww) Mortuary, funeral home.
- (xx) Motorcycle shop.
- (yy) Office condominium.
- (zz) Office of any type.
- (aaa) Optical services and supply.
- (bbb) Parking of vehicles, need not be enclosed.
- (ccc) Pet store, including animal clinic.
- (ddd) Private recreation facilities; tennis court, golf club, swimming pool.
- (eee) Public and private utilities.
- (fff) Rehabilitation center for handicapped persons.
- (ggg) Restaurants or other eating places including drive-ins.
- (hhh) School, public or private.
- (iii) Shoe repair shops.
- (jjj) Sporting goods store.
- (kkk) Stationery store.
- (lll) Tailor shops.
- (mmm) Theater.
- (nnn) Toy store.
- (ooo) Travel bureau or ticket agency.
- (ppp) Variety stores.

(2) Every permitted use allowed shall be constructed on a permanent foundation and be connected to municipal utilities.

(3) Only 1 business permitted per lot except when located in the same structure.

(D) *Conditional uses.* The following uses may be permitted:

- (1) Automobile wash, service or repair;
- (2) Convenience store;
- (3) Taxidermist;
- (4) Home and building supply store;
- (5) Pawnshop;

(6) Dwelling units located in business establishments above the ground floor as regulated by this section;

(7) Landing or take-off area for rotorcraft, not including maintenance, repair, fueling, or hangar facilities;

(E) *Accessory uses.* The following is a permitted use: Storage buildings associated with the permitted use not exceeding 600 square feet.

(F) *Lot area.*

(1) For each permitted or conditional use there shall be provided not less than 15,000 square feet of lot area.

(2) For each dwelling unit located in business establishments above the ground floor there shall be provided 1,000 square feet of lot area in addition to that amount required for the business establishment.

(G) *Lot width and depth.*

(1) *Lot width.* Every lot upon which there is a permitted or conditional use shall require a minimum width of 100 feet at the building setback line.

(2) *Lot depth.* Every lot or plot upon which there is a permitted or conditional use shall require a minimum depth of 150 feet.

(H) *Yard regulations.*

(1) The minimum yard regulations are as follows:

<b>Front Yard:</b>	
Main and Accessory Buildings	15 feet
Parking Areas	10 feet
<b>Side Yards:</b>	
Main and Accessory Buildings	10 feet
Parking Areas	10 feet
<b>Rear Yard:</b>	
Main and Accessory Buildings	15 feet
Parking Areas	10 feet

(2) Where a lot is located at the intersection of 2 or more streets there shall be a front yard on each side street.

(I) *Ground coverage.* Not more than 70% of a lot shall be covered by all main and accessory buildings.

(J) *Height regulations.* No structure hereafter erected or altered shall exceed 3 stories or 45 feet in height. Accessory buildings shall not exceed 1 story in height.

(1975 Code, § 11.14) (Am. Ord. 30, passed 2-22-1983; Am. Ord. 8, 4th Series, passed 1-16-2007; Am. Ord. 17, 4th Series, passed 1-17-2008; Am. Ord. 30, 4th Series, passed 1-4-2010; Am. Ord. 79, 4th Series, passed 8-1-2016)

**§ 93.01 UNLOADING ON STREET OR SIDEWALK.**

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 10.99

**§ 93.02 STREET AND SIDEWALK OBSTRUCTION.**

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see § 10.99

**§ 93.03 MATERIALS ON STREET OR SIDEWALK.**

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof. No owner, occupant or person shall discharge grass clippings or accumulate leaves on any public street or sidewalk.

Penalty, see § 10.99

**§ 93.04 SUMP PUMP WATER DISCHARGE**

As part of any street improvement or maintenance project, all sump pump discharge lines on properties adjacent to the improvement project that are discharging into the street or causing water to flow into the street are required to be tied directly into a storm sewer system. Water from any sump pump discharge line shall not create a nuisance affecting public health or safety.

Penalty, see § 10.99

**§ 150.051 P-1, PUBLIC USE DISTRICT.**

(A) *Purpose.* The Public Use District is intended to establish a district designed to serve public uses.

(B) *Permitted uses.* The following are permitted uses.

(1) Municipal government administrative buildings, utility stations, fire stations and police stations;

(2) Parks and playgrounds;

(3) Public libraries and community centers;

(4) Other public uses determined by the Council to be of the same general character and consistent with the intent of division (A) of this section.

(C) *Lot area.* For each permitted use there shall be provided not less than 6,000 square feet of lot area.

(D) *Lot width and depth.*

(1) Every lot upon which there is a permitted use shall require a minimum width of 55 feet at the building setback lines.

(2) Every lot upon which there is a permitted use shall require a minimum depth of 100 feet.

(E) *Yard regulations.*

- (1) Front yard setback.
  - (a) Platted lots recorded prior to 1958 - 20 feet.
  - (b) Platted lots recorded 1958 and after - 30 feet.
  - (c) Corner lots have 2 front yard setbacks.
- (2) Side yard setbacks.
  - (a) Platted lots recorded prior to 1958 - 5 feet.
  - (b) Platted lots recorded 1958 and after - 10 feet.
  - (c) Rear yard setback - 25 feet.
- (F) *Maximum ground coverage.* 50%.
- (G) *Maximum building height.*
  - (1) Main buildings - 310 stories or 45100 feet, whichever is greaterless.
  - (2) Accessory buildings - 1-1/2 stories or 22 feet, whichever is less.

**§ 156.035 GENERALLY.**

(2) Yards or lots created after the effective date of this chapter shall not be less than the minimum requirements established by this chapter.

(E) *Accessory uses.* Accessory uses or structures shall not be located in any required front, side, rear or transitional yard except as may be permitted in this section.

(1) The following accessory uses or structures shall be permitted in any required rear or front yard in any residential zoning district, provided a 15 foot rear yard setback and the required front yard setback is maintained:

(a) Decks or elevated platforms, either attached to a dwelling or free standing, with no roof or overhead structure of any type;

(b) Patios or paved areas that are level, flush or at grade with the ground, with no roof or overhead structure of any type, and is not used for parking purposes;

~~(c) In-ground swimming pools, including aprons, and above-ground swimming pools with attached aprons.~~

(2) The following accessory uses or structures shall be permitted in any required rear yard in any zoning district, provided a 5 foot rear yard setback is maintained, and any required side yard in any zoning district, provided a 5 foot side yard is maintained from the furthest point of the building to the respective property line: utility buildings;

(3) The following accessory use shall be permitted within any required rear yard in any residential zoning district, provided a 15 foot rear yard setback and the required side yard setbacks are provided: In-ground swimming pools, including aprons, and above ground swimming pools with attached decks or aprons.

**§ 54.16 BACK YARD DRAINS**

(1) Purpose. The City finds that it is necessary to allow the drainage of water from some backyards to prevent pooling and other effects of standing water. The purpose of this section is to regulate the maintenance of these drains

(A) Drains installed as part of a new street construction or by the City. If a back yard drain was installed as a part of a new street project, or was installed by the City to alleviate ponding issues, the City shall have an easement to enter the property in order to maintain the drain, make changes to the drain, or

repair the drain. The easement area shall include the area necessary to maintain the structure and the piping.

(B) Drains installed by citizens or parties other than the City. If the drain and piping is installed by any entity other than the city, the property owner in which the structure and pipes are located shall assume responsibility for the maintenance and functionality of the structure and subsequent piping, this shall include the point of connection in to the city utility service. The property owner shall submit a construction plan to the City for review and approval, showing the size and location of any new private backyard drain. The property owner agrees to hold harmless the City for any damage that the structure, piping or connection to city utilities may have on any other property, or the city's utility that are the result of the actions or inactions of the property in the installation, maintenance, lack of maintenance, of the structure, piping and connection.