

**CITY OF ST. AUGUSTA**

**ORDINANCE NO. 2017 – 06**

AN ORDINANCE AMENDING SECTION 2.2 DEFINITIONS AND SECTIONS 48-61 (R-1, R-2, R-3, R-4, R-5, B-1, B-3 ZONING DISTRICTS) OF THE ST. AUGUSTA ZONING ORDINANCE

THE CITY COUNCIL OF THE CITY OF ST. AUGUSTA HEREBY ORDAINS:

**Section 1.** Section 2.2 (T) of the City Code is hereby amended and shall read as follows:

- T. Temporary Outdoor Storage Container:** A portable storage unit that does not have a permanent foundation or footing and which includes cargo containers, portable storage containers, and bulk solid waste containers. Such structures shall not be considered a building. A temporary storage structure may include a self-storage container that is delivered to and retrieved from a home or business for long term off-site or on-site storage. Temporary outdoor storage containers shall be permitted for a maximum of one hundred and twenty (120) days.

**Tillable Land:** Any land capable of producing small grains, row crops or may with normal tillage practices, woodland excluded.

**Tower:** Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

**Tower, Temporary Mobile:** Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, which is commonly referred to as cellular on wheels (COW).

**Tree, Significant:** Trees which are healthy, measure a minimum of eight (8) inches in diameter at a distance of fifty-four (54) inches above ground, and are a minimum of four (4) inches in diameter for conifers.

**Section 2.** Section 48.5 of the City Code is hereby amended and shall read as follows:

**48.2 ACCESSORY USES:** Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the R-1 District:

- A. Accessory uses incidental and customary to the uses permitted in Sections 48.02, 48.03, and 48.06 of this Ordinance.
- B. Fences as regulated by Section 15.06 of this Ordinance.
- C. Home occupations and home offices as regulated by Section 25 of this Ordinance.
- D. Non-commercial greenhouses, provided they do not exceed two hundred (200) square

feet in area.

- E. Private garages and off-street parking.
- F. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.
- G. Radio and television receiving antennas including single satellite dish TVROs two (2) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.
- H. Recreational vehicles and equipment.
- I. Signs as regulated by Section 31 of this Ordinance.
- J. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.
- K. Temporary Outdoor Storage Containers, subject to the following regulations:
  - 1. The containers must be located solely on private property and shall not be placed on any portion of the public right-of-way.
  - 2. Containers must be set back at least five (5) feet from any property line.
  - 3. No more than two temporary outdoor storage containers shall be located on a single lot.

**Section 3.** Section 49.5 of the City Code is hereby amended and shall read as follows:

49.5 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the R-2 District:

- A. Accessory uses incidental and customary to the uses permitted in Sections 49.02, 49.03, and 49.06 of this Ordinance.
- B. Fences as regulated by Section 15.06 of this Ordinance.
- C. Home occupations and home offices as regulated by Section 25 of this Ordinance.
- D. Non-commercial greenhouses, provided they do not exceed two hundred (200) square feet in area.
- E. Private garages and off-street parking.

F. Except as otherwise limited, private recreational facilities, accessory to an existing principal permitted use on the same lot and which is operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.

G. Radio and television receiving antennas including single satellite dish TVROs two (2) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.

H. Recreational vehicles and equipment.

I. Signs as regulated by Section 31 of this Ordinance.

J. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.

K. Temporary Outdoor Storage Containers, subject to the following regulations:

1. The containers must be located solely on private property and shall not be placed on any portion of the public right-of-way.
2. Containers must be set back at least five (5) feet from any property line.
3. No more than two temporary outdoor storage containers shall be located on a single lot.

**Section 4.** Section 50.5 of the City Code is hereby amended and shall read as follows:

50.5 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the R-3 District:

A. Accessory uses incidental and customary to the uses permitted in Sections 50.02, 50.03, and 50.06 of this Ordinance.

B. Fences as regulated by Section 15.06 of this Ordinance.

C. Home occupations and home offices as regulated by Section 25 of this Ordinance.

D. Non-commercial greenhouses, provided they do not exceed two hundred (200) square feet in area.

E. Private garages and off-street parking.

F. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.

G. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.

H. Recreational vehicles and equipment.

I. Signs as regulated by Section 31 of this Ordinance.

J Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.

K. Temporary Outdoor Storage Containers, subject to the following regulations:

1. The containers must be located solely on private property and shall not be placed on any portion of the public right-of-way.
2. Containers must be set back at least five (5) feet from any property line.
3. No more than two temporary outdoor storage containers shall be located on a single lot.

**Section 5.** Section 51.5 of the City Code is hereby amended and shall read as follows:

51.5 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the R-4 District:

A. Accessory uses incidental and customary to the uses permitted in Sections 51.02, 51.03, and 51.06 of this Ordinance.

B. Fences as regulated by Section 15.06 of this Ordinance.

C. Home occupations and home offices as regulated by Section 25 of this Ordinance.

D. Non-commercial greenhouses, provided they do not exceed two hundred (200) square feet in area.

E. Private garages and off-street parking.

F. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.

G. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.

H. Recreational vehicles and equipment.

I. Signs as regulated by Section 31 of this Ordinance.

J Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.

K. Temporary Outdoor Storage Containers, subject to the following regulations:

1. The containers must be located solely on private property and shall not be placed on any portion of the public right-of-way.
2. Containers must be set back at least five (5) feet from any property line.
3. No more than two temporary outdoor storage containers shall be located on a single lot.

**Section 6.** Section 52.5 of the City Code is hereby amended and shall read as follows:

52.5 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in an R-5 District:

A. Accessory uses incidental and customary to the uses permitted in Sections 52.02, 52.03, and 52.06 of this Ordinance.

B. Fences as regulated by Section 15.06 of this Ordinance.

C. Home occupations and home offices as regulated by Section 25 of this Ordinance.

D. Non-commercial greenhouses, provided they do not exceed two hundred (200) square feet in area.

E. Private garages and off-street parking.

F. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.

G. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.

H. Recreational vehicles and equipment.

I. Signs as regulated by Section 31 of this Ordinance.

J Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.

K. Temporary Outdoor Storage Containers, subject to the following regulations:

1. The containers must be located solely on private property and shall not be placed on any portion of the public right-of-way.
2. Containers must be set back at least five (5) feet from any property line.
3. No more than two temporary outdoor storage containers shall be located on a single lot.

**Section 7.** Section 55.6 of the City Code is hereby amended and shall read as follows:

55.6 CONDITIONAL USES: The following are conditional uses in the B-1 District. (Requires a conditional use permit based upon procedures and performance standards set forth in and regulated by Sections 4.02 and 4.04 of this Ordinance).

A. Convenience Grocery Markets with Prepared Food and/or Motor Fuel Sales. Grocery, food operations, and/or convenience motor fuel (no vehicle service or repair) provided that:

1. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed fifteen (15) percent of the gross floor area.
2. The storage, preparation and serving of food items are subject to the approval of the Zoning Administrator who shall provide specific written sanitary requirements based upon the applicable State and County regulations.
3. That the proximate area and location of space devoted to non-automotive merchandise sales shall be specified in the application and in the conditional use permit. Exterior sales or storage shall be allowed by administrative permit.

4. The off-street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.

5. The hours of operation shall be limited to 6:00 AM to 11:00 PM, unless extended by the City Council as part of the conditional use permit.

6. Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

7. A protective canopy located over pump islands may be an accessory structure on the property and may be located twenty (20) feet or more from the front lot line, provided adequate visibility both on and off site is maintained.

8. The operation shall be responsible for litter control within three hundred (300) feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

B. Day care nursery facilities as a principal or accessory use provided that the use complies with the provisions of Section 26 of this Ordinance.

C. Personal wireless antennas not located on an existing structure or tower, as regulated by Section 29 of this Ordinance.

D. Open and outdoor storage as a principal or accessory use provided that:

1. The area is fenced and screened from view of the neighboring residential uses or if abutting a residential district in compliance with Section 15.07 of this Ordinance.

2. Storage is screened from view from the public right-of-way in compliance with Section 15.07 of this Ordinance.

3. Storage area is blacktopped or concrete surfaced unless specifically approved by the City Council.

4. Does not take up parking spaces as required to conform to this Ordinance.

**Section 8.** Section 57.6 of the City Code is hereby amended and shall read as follows:

57.6 CONDITIONAL USES: The following are conditional uses in the B-3 District. (Requires a conditional use permit based upon procedures and performance standards set forth in and regulated by Sections 4.02 and 4.04 of this Ordinance).

A. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:

1. Such use is allowed as a permitted use in a Business District.
2. Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.

B. Automobile car washes (drive-through, mechanical and self-service), provided that:

1. Magazinging or stacking space is constructed to accommodate an appropriate number of vehicles and shall be subject to the approval of the City Council.
2. Each light standard island and all islands in the parking lot are landscaped or covered.
3. The entire area other than occupied by the building or planting shall be surfaced with blacktop or concrete which will control dust and drainage which is subject to the approval of the City Engineer.
4. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.

C. Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:

1. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed fifteen (15) percent of the gross floor area.
2. That any sale of food items is subject to applicable State and/or County regulations. Written documentation of compliance with such County and/or State regulations shall be provided to the Zoning Administrator.
3. That the approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application and in the conditional use permit. No exterior sales or storage shall be permitted.



4. The hours of operation shall be limited to 6:00 AM to 12:00 PM, unless extended by the City Council.

5. Motor fuel activities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks shall be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

6. A protective canopy located over pump island may be an accessory structure on the property and may be located twenty (20) feet or more from the front lot line, provided adequate visibility both on and off site is maintained.

7. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.

8. Each light standard base shall be landscaped.

9. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.

10. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

D. Drive-in and convenience food establishments, provided that:

1. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 16 of this Ordinance.

2. Each light standard island and all islands in the parking lot are landscaped or covered.

3. Parking areas and driveways shall be curbed with continuous curbs not less than six (6) inches high above the parking lot or driveway grade.

4. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with Section 20 of this Ordinance and shall be subject to the approval of the City Engineer.

5. The entire area other than occupied by buildings or structures or plantings shall be surfaced with blacktop or concrete which is subject to the approval of the City Engineer.

E. Motor vehicle fuel sales, truck stop, auto repair - minor and tire and battery stores and services, provided that:

1. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
2. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.
3. Wherever fuel pumps are to be installed, pump islands shall be installed.
4. Each light standard island and all islands in the parking lot are landscaped or covered.
5. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Section 22 of this Ordinance and shall be subject to the approval of the City Engineer.
6. No outside storage, sales, service, or rental shall be permitted.
7. Sale of products other than those specifically mentioned in this sub-section shall be subject to approval of a conditional use permit.
8. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

F. Open and outdoor storage as a principal or accessory use provided that:

1. The area is fenced and screened from view of the neighboring residential uses or if abutting a residential district in compliance with Section 15.07 of this Ordinance.
2. Storage is screened from view from the public right-of-way in compliance with Section 15.07 of this Ordinance.
3. Storage area is blacktopped or concrete surfaced unless specifically approved by the City Council.
4. Does not take up parking spaces as required to conform to this Ordinance.

**Section 9.** Effective Date. This ordinance shall be in full force and effect upon its passage and publication.

ADOPTED by the Mayor and City Council of St. Augusta, Minnesota this \_\_\_\_ day of June, 2017.

BY: \_\_\_\_\_

B. J. Kroll, Mayor

Attest: \_\_\_\_\_

William R. McCabe, City Administrator