

## ORDINANCE NO. 521, SECOND SERIES

### AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING CHAPTER 10, SECTION 10.05 OF THE HASTINGS CITY CODE PERTAINING TO:

#### APPLICATION OF DISTRICT REGULATIONS

BE IT ORDAINED by the City Council of the City of Hastings as follows:

Chapter 10 of the Hastings City code is amended as follows:

#### SECTION 10.05. APPLICATION OF DISTRICT REGULATIONS

##### SUBD. 2A. ACCESSORY BUILDING AND STRUCTURE REQUIREMENTS

Accessory Buildings and Structures shall meet the following requirements:

- 1) No accessory building shall be erected in any required front or side yard fronting a public street or right of way.
- 2) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- 3) Accessory structures, except fences meeting the requirements of Sec. 10.05 Subd. 4, shall not be placed in any easements.
- 4) All accessory structures, except fences, shall meet the setbacks listed in Table 1.
- 5) All accessory structures shall be setback at least six feet from all other structures.
- 6) At grade accessory structures such as basketball courts, patios, dog kennels shall meet the accessory structures setbacks listed in Table 1. These accessory structures are not included in the total allowable square footage allowed, as long as the total impervious surface of the lot does not exceed 35% for the rear yard. The rear yard shall be measured from the rear building line to the rear lot line.
- 7) Accessory structures shall have weather resistive exterior finishes that are durable and architecturally compatible with and similar in design, color, and material to the principle structure.
- 8) The sidewall height of accessory structures shall be limited to ten feet, unless architectural elements are incorporated such as exterior materials change or building offset to reduce the massiveness and starkness of the wall.
- 9) The height of any accessory structure shall not be taller than the primary structure
- 10) Accessory structures 120 square feet or less require a zoning permit. Structures over 120 square feet require a building permit.

- 11) The following Table (Table 1) shall determine the number, size and setbacks of accessory structures. In addition to the accessory structures listed in Table 1, one accessory storage structure up to 120 sq. feet in size, and swimming pools meeting the requirements of Chapter 4 Sec. 4.15 Accessory Structures Subd. 2 Swimming pools are permitted.

**Table 1**

<b>Accessory Building/Structure Number, Size, and Setback Standards</b>			<b>Setbacks</b>		
<u>Property Zoning</u>	<u>Number of Structures</u>	<u>Total Maximum Foundation Structure Size</u>	<u>Side</u>	<u>Corner Side - a</u>	<u>Rear</u>
A					
<u>R-1, R-2, R-3, R-4, R-5 with attached garage - b</u>	<u>1</u>	<u>1,000 sq. ft.</u>	<u>5</u>	<u>10</u>	<u>5</u>
<u>R-1, R-2, R-3, R-4, R-5 without attached garage</u>	<u>2</u>	<u>Combined total 1,000 sq. ft.</u>	<u>5</u>	<u>10</u>	<u>5</u>
<u>R-6</u>	<u>1</u>	<u>1,000 sq. ft.</u>	<u>5</u>	<u>10</u>	<u>5</u>
<u>Multi-Family Commercial/ Office Districts</u>	<u>Site Plan Review</u>	<u>Site Plan Review</u>		-	-
<u>Industrial Districts</u>	<u>Site Plan Review</u>	<u>Site Plan Review</u>			

a. Garages shall be setback 20 feet from the right of way.

b. Residential properties with an attached garage are also permitted an accessory storage structure under 120 square feet in size.

**SUBD. 3. Yard Area Regulations.** No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

**SUBD. 4 Fences and Walls or Hedges.**

- 1) **Location.** Fences are permitted, but shall not extend into public right of way. Notwithstanding other provisions of this Chapter, fences, walls and hedges are permitted in any yard, including a required yard, or along the edge of any yard, provided that no fence, wall or hedge shall extend into public right of way. Homeowners are responsible for establishing the location of property lines and demonstrating their location upon request of the inspector.
- 2) **Materials.** All fences built or maintained on a residential property shall be constructed of materials capable of providing a finished appearance on the outward side visible to the public. All materials used to construct the fence shall be sound materials, resistant to rot, and capable of accepting and maintaining a visually attractive appearance. The fence shall be constructed

in such a manner as to be capable of resisting the design wind loads for structures as defined by the state building code.

- 3) **Hazardous fences and walls.** Hazardous fences and walls such as barbed wire, electric, chain link with barbs exposed, and walls with protruding sharp edges thereof, and other fences and walls designed for or likely to cause harm to persons are declared hazardous and are prohibited in the City, except as follows: conventional barbed wire fences with barbs exposed are allowed with permission of the Council by simple resolution in Commercially zoned areas, and are allowed without permission of the Council in Industrial and Agriculturally zoned area. Any fence constructed in violation of this section after the effective date shall be brought into compliance or removed as determined by the Planning Director.
- 4) **Height Restrictions.** The maximum height of any residential fence installed within the City of Hastings is 6 feet. Fences installed around swimming pools from ground up must be a minimum of 4 feet high and non-climbable with a self-closing, self-latching gate. Maximum height of all fences shall be in compliance with the city zoning code or as approved by the Planning Commission.
- 5) **Special Consideration/Corner Lots.** Fences that extend into front yards of corner lots **MUST NOT** impair traffic visibility. No fence or hedge shall be over 30" in height located within 25 feet each direction from a property corner fronting a street right of way. See drawing below.
- 6) **Covenants.** The City of Hastings does not enforce the private covenants of subdivisions. Homeowners should always check the covenants in their area for additional fence requirements.
- 7) **Permits.** A zoning permit is required for all fences installed in Hastings.

~~**SUBD. 4A. Accessory Building and Structure Requirements**~~ Accessory Buildings and Structures shall meet the following requirements:

- ~~1) No accessory building shall be erected in any required front or side yard fronting a public street or right of way.~~
- ~~2) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.~~
- ~~3) Accessory structures, except fences meeting the requirements of Sec. 10.05 Subd. 4, shall not be placed in any easements.~~
- ~~4) All accessory structures, except fences, shall meet the setbacks listed in Table 1.~~
- ~~5) All accessory structures shall be setback at least six feet from all other structures.~~
- ~~6) At-grade accessory structures such as basketball courts, patios, dog kennels shall meet the accessory structures setbacks listed in Table 1. These accessory structures are not included in the total allowable square footage allowed, as long as the total impervious surface of the lot does not exceed 35% for the rear yard. The rear yard shall be measured from the rear building line to the rear lot line.~~
- ~~7) Accessory structures shall have weather resistive exterior finishes that are~~

~~durable and architecturally compatible with and similar in design, color, and material to the principle structure.~~

- ~~10) The sidewall height of accessory structures shall be limited to ten feet, unless architectural elements are incorporated such as exterior materials change or building offset to reduce the massiveness and starkness of the wall.~~
- ~~11) The height of any accessory structure shall not be taller than the primary structure~~
- ~~10) Accessory structures 120 square feet or less require a zoning permit. Structures over 120 square feet require a building permit.~~
- ~~11) The following Table (Table 1) shall determine the number, size and setbacks of accessory structures. In addition to the accessory structures listed in Table 1, one accessory storage structure up to 120 sq. feet in size, and swimming pools meeting the requirements of SEC. 4.15 ACCESSORY STRUCTURES Subd. 2 Swimming pools.~~

Table 1

Accessory Building/Structure Number, Size, and Setback Standards			Setbacks		
Property Zoning	Number of Structures	Total Structure Size	Side	Corner Side*	Rear
A	-	-	-	-	-
R-1, R-2, R-3, R-4, R-5	1	1,000 sq. ft.	5	10	5
R-6	1	1,000 sq. ft.	5	10	5
Multi-Family Commercial/ Office Districts	Site Plan Review	Site Plan Review	-	-	-
Industrial Districts	Site Plan Review	Site Plan Review	-	-	-

\* Garages shall be setback 20 feet from the right of way.

Source: Ordinance No. 494, and 497, Second Series  
 Effective Date: April 21, 2003; July 7, 2003.

**SUBD. 4. 5. Erection or More than One Principal Structure on a Lot.** In any district, more than one structure housing a permitted principal use may be erected on a single lot provided that yard and other requirements of this Chapter shall be met for each structure as if it were on an individual lot.

**SUBD. 5. 6. Exceptions to Height Regulations.** The height limitations contained in Section 10.10—District Use Regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as otherwise allowed by the City Council.

**SUBD. 6. 7. Structure to Have Access.** Every building hereafter erected or moved shall be on a lot next to a public street, or with access to a City allowed private street or driveway and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off street parking.

**SUBD. 7. 8. Deleted in entirety 11-3-97 (Adopted as a part of Newly adopted Chapter 18) Recreational Vehicle Storage - Parking & Storing Certain vehicles - Misc. Material equipment storage.**

**SUBD. 8. 9. Deleted in entirety 11-3-97 (Adopted as a part of Newly adopted Chapter 18) Recreational Vehicle Storage - Parking & Storing Certain vehicles - Misc. Material equipment storage.**

**SUBD. 9. 10. Deleted in entirety 11-3-97 (Adopted as a part of Newly adopted Chapter 18) Recreational Vehicle Storage - Parking & Storing Certain vehicles - Misc. Material equipment storage**

**SUBD. 10. 11. Yard Maintenance.** In all districts, landscaping and fences shall be constructed and maintained so as not to be unsightly or present harmful health or safety conditions.

**SUBD. 14. 12. Towers and Antennas**

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

**ADOPTED** by the Hastings City Council on this 7<sup>th</sup> day of September 2004.



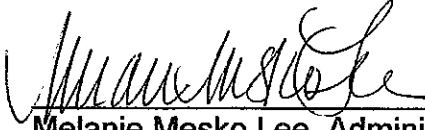
Michael D. Werner, Mayor

ATTEST:



Melanie Mesko Lee, Administrative Assistant/ City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 7<sup>th</sup> of September, 2004, as disclosed by the records of the City of Hastings on file and of record in the office.



Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

This instrument drafted by:  
City of Hastings (KKJ)  
101 4th St.  
Hastings, MN 55033