

ORDINANCE NO. 2011-5, THIRD SERIES

AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING
HASTINGS CITY CODE CHAPTER 150.09– ACCESSORY STRUCTURES AND
155.05 – APPLICATION OF DISTRICT REGULATIONS

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

Chapter 150.09 of the Hastings City Code –is hereby amended as follows: (Additions to the ordinance are underlined and section numbers may be renumbered):

150.09 ACCESSORY STRUCTURES.

(A) ~~Deleted in its entirety per Ordinance (xx), (date). Fences.~~

~~(1) *Building permits.* Building permits are required for all fences installed in Hastings.~~

~~—————(2) *Type of fencing materials.* There are no requirements as to the type of fencing materials or how they should be installed; however no hazardous type of fencing shall be installed, i.e. barbed wire, electric fences, and the like.~~

~~—————(3) *Maximum height.* 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.~~

~~—————(4) *Setbacks.* All fences may be installed up to but not on the property line.~~

~~—————(5) *Establishing property lines.* The City of Hastings does not provide surveying service. It is up to the homeowner to establish the location of the lines and make these available upon request of the inspector.~~

~~—————(6) *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 inches in height located within 25 feet each direction from a property corner fronting a street right of way. See drawing~~

below.

~~(7) *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.~~

AND

~~(D) Deleted in its entirety per Ordinance (xx), (date). *Accessory building and structure requirements.* Accessory buildings and structures shall meet the following requirements:~~

~~(1) No accessory buildings 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 division (A) above, shall not be placed in any easements.~~

~~(4) All accessory structures, except fences, shall meet the setbacks listed in the table below.~~

~~(5) All accessory structures shall be setback at least 6 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 the table below. 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 principal structure.~~

~~(8) The side wall height of accessory structures shall be limited to 10 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 and portable carports shall require a zoning permit. Structures over 120 square feet require a building permit.~~

~~(11) The following table shall determine the number, size, and setbacks of accessory structures. In addition to the accessory structures listed in the table below, swimming pools meeting the requirements of division (B) above are permitted.~~

<i>Accessory Building/Structure Number, Size, and Setbacks Standards</i>			<i>Setbacks</i>		
<i>Property Zoning</i>	<i>Number of Structures</i>	<i>Maximum Foundation Size</i>	<i>Side</i>	<i>Side Corner[§]</i>	<i>Rear</i>
A					
R-1, R-1L, R-2, R-3, R-4, R-5 with attached garage**	1	1,000 square feet	5	10	5
R-1, R-1L, R-2, R-3, R-4, R-5 without a garage	2	Combined total 1,000 square feet	5	10	5
R-6	1	Combined total 1,000 square feet	5	10	5
Multi-Family Commercial/Office Districts	Site Plan Review	Site Plan Review			
Industrial Districts	Site Plan Review	Site Plan Review			
<p>NOTES TO TABLE:</p> <p>* — Garages shall be set back 20 feet from right-of-way.</p> <p>** — Residential properties with an attached garage are also permitted an accessory storage structure under 120 square feet in size.</p>					

~~———— (12) *Portable carport.* A nonpermanent structure designed as a shelter for motor vehicles, boats, and the like. Such structure shall not be permanently affixed to a foundation. Temporary tarps, tents and the like erected for periods not to exceed 1 week are not considered portable carports.~~

~~———— (a) Portable carports must remain open on 4 sides, with no sidewalls.~~

~~———— (b) Portable carports must be anchored in such a manner as to prevent wind uplift.~~

~~———— (c) Portable carports may not be permanently anchored to concrete slabs or footings or otherwise anchored in a manner that would impede easy removal and portability.~~

~~———— (d) All anchoring systems must be inspected and approved by the City Building Inspector.~~

~~———— (e) Portable carports are allowed in the rear and side yards, not the front yard.~~

~~_____ (f) Portable carports must be setback 6 feet from the home and 3 feet from the garage.~~

~~_____ (g) The sidewall height of a carport shall be limited to 10 feet.~~

~~_____ (h) Carports shall not be considered as an approved shelter, cover or screening for miscellaneous materials and equipment.~~

~~_____ (i) A zoning permit will be required before installation of a portable carport.~~

~~_____ (j) *Pre-existing portable carports.* All structures used solely as a carport on the effective date of this chapter shall be allowed to continue as a noneonforming structure as allowed by this chapter and state statute; however, pre-existing carports must adhere to all provisions of this chapter including but not limited to materials and appearance standards. (Prior Code, § 4.15) (Am. Ord. 563, 2nd Series, passed 2-19-2007; Am. Ord. 2007-05, 3rd Series, passed 9-4-2007) Penalty, see § 10.99~~

BE IT ALSO ORDAINED by the City Council of the City of Hastings as follows (additions to the ordinance are underlined and section numbers may be renumbered):

155.05 APPLICATION OF DISTRICT REGULATIONS.

(D) *Accessory building and structure requirements.* Accessory buildings and structures shall meet the following requirements.

(11) The following table shall determine the number, size, and setbacks of accessory structures. In addition to the accessory structures listed in the table below, swimming pools meeting the requirements of § 150.09 and 155.05 are permitted.

<i>Accessory Building/Structure Number, Size, and Setback Standards</i>			<i>Setbacks</i>		
<i>Property Zoning</i>	<i>Number of Structures</i>	<i>Maximum Floor Area Size</i>	<i>Side</i>	<i>Corner Side (a)</i>	<i>Rear</i>
A					
R-1, R-1L, R-2, R-3, R-4, R-5 with attached garage (b)	1	1,000 square feet	5	10	5
R-1, R-1L, R-2, R-3, R-4, R-5 without attached garage	2	Combined total 1,000 square feet	5	10	5
R-6	1	1,000 square feet	5	10	5
Multi-Family 4 or more units Commercial Office Districts	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review
<u>Commercial/Office Districts</u>	<u>Site Plan Review</u>	<u>Site Plan Review</u>	<u>Site Plan Review</u>	<u>Site Plan Review</u>	<u>Site Plan Review</u>
Industrial Districts	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review

NOTES TO TABLE:
(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 120 square feet in size or less.

AND

(F) *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 inches in height located within 25 feet each direction from a property corner fronting a street right of way.

(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. Homeowner's association covenants may restrict the ability to construct fences. Homeowners should review any covenants prior to submittal of a permit.

(7) *Permits.* A zoning permit is required for all fences installed in Hastings.

(8) *Setbacks.* All fences may be installed up to, but not on the property line.

(9) *Establishing Property Lines.* The City of Hastings does not provide surveying service. It is up to the homeowner to establish the location of the lines and make these available at time of application or upon request of the inspector.

AND

(K) *Portable carport.* A nonpermanent structure designed as a shelter for motor vehicles, boats, and the like. Such structure shall not be permanently affixed to a foundation. Temporary tarps, tents and the like erected for periods not to exceed 1 week are not considered portable carports.

(1) Portable carports must remain open on 4 sides, with no sidewalls.

(2) Portable carports must be anchored in such a manner as to prevent wind uplift.

(3) Portable carports may not be permanently anchored to concrete slabs or footings or otherwise anchored in a manner that would impede easy removal and portability.

(4) All anchoring systems must be inspected and approved by the City Building Inspector.

(5) Portable carports are allowed in the rear and side yards, not the front yard.

(6) Portable carports must be setback 6 feet from the home and 3 feet from the garage.

(7) The sidewall height of a carport shall be limited to 10 feet.

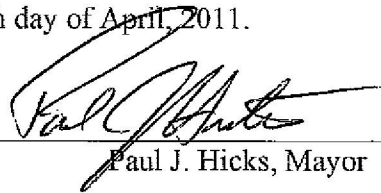
(8) Carports shall not be considered as an approved shelter, cover or screening for miscellaneous materials and equipment.

(9) A zoning permit will be required before installation of a portable carport.

(10) Pre-existing portable carports. All structures used solely as a carport prior to February 19, 2007, shall be allowed to continue as a nonconforming structure as allowed by this chapter and state statute; however, pre-existing carports must adhere to all provisions of this chapter including but not limited to materials and appearance standards. (Prior Code, § 4.15) (Am. Ord. 563, 2nd Series, passed 2-19-2007; Am. Ord. 2007-05, 3rd Series, passed 9-4-2007) Penalty, see § 10.99

All other sections shall remain unchanged.

ADOPTED by the Hastings City Council on this 18th day of April, 2011.


Paul J. Hicks, Mayor

ATTEST:


Melanie Mesko Lee, 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 18th day of April, 2011 as disclosed by the records of the City of Hastings on file and of record in the office.


Melanie Mesko Lee, City Clerk

(SEAL)

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