



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
December 14, 2021 – 5:30 P.M.**

Commissioner: Anthony Mahmood
Commissioner: Brandon Leyde
Commissioner: Maria Bonilla
Commissioner: Tami Fuelling
Commissioner: Michael Kermes

City Administrator: Deb Hill
Asst. to the City Admin: Travis Brierley
City Planner: Sherri Buss
City Planner: Nathan Fuerst
Council Liaison: Marvin Taylor

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. MEETING MINUTES
A. November 9, 2021
4. PUBLIC HEARING- Driveway Variance Request 460 12th
St
5. RESIDENTIAL PARKING ORDINANCE
6. COMMISSION REPORTS
7. ADJOURNMENT



**CITY OF NEWPORT
PLANNING COMMISSION MEETING MINUTES
NEWPORT CITY HALL
November 9, 2021**

1. CALL TO ORDER

Chair Anthony Mahmood called the Planning Commission meeting to order at 5:30 p.m. on November 9, 2021.

2. ROLL CALL

Present (3): Chairman Anthony Mahmood, Commissioner Maria Bonilla, and Commissioner Michael Kermes.

Not Present (2): Commissioner Brandon Leyde and Commissioner Tami Fuelling.

3. MEETING MINUTES

A. October 12, 2021

Commissioner Kermes stated he would like an addition to the paragraph regarding the public hearing for the residential parking ordinance. When Mr. Sumner voted against the previous three vehicle ordinance, it was because he was in favor of four vehicles.

Commissioner Bonilla motioned to approve the Planning Commission meeting minutes from October 12, 2021, with the amendment from Commissioner Kermes. Seconded by Commissioner Kermes. Approved 3-0.

4. RESIDENTIAL PARKING ORDINANCE

City Planner Nathan Fuerst stated there are four proposed revisions for the residential parking ordinance. The first is parking in the public right of way. The second is recreational vehicles on residential parking. The third is the number of vehicles permitted to park on residential property. Finally, the fourth item is adding definitions. Planner Fuerst stated there are two main questions that the Commission should focus their discussion on. Should vehicles parked on residential property be regulated by an overall number or through some other means? Will the allowance for one commercial vehicle not to exceed 14,000 pounds or 20 feet in length adequately address the goal of allowing trades people to continue parking their vehicles?

The Commission discussed having standards on the vehicles parked on residential property such as the vehicles should be operational, have tabs, insurance, and be parked on an approved surface. The Commission also discussed allowing two trade vehicles and a trailer to be parked for commercial vehicles.

Planner Fuerst summarized the Commission is interested in exploring the option of allowing more than four vehicles provided there are licensed drivers in the household that those vehicles would belong to. They are also interested in allowing an additional commercial vehicle that meets the same criteria plus a trailer to allow for trades people to continue their business. The Commission would also like to consider if their exterior storage is screened that it not be counted towards total vehicle allowances. Planner Fuerst will update the residential parking ordinance and bring it back to the next Planning Commission meeting.

5. COMMISSION REPORTS

None.

6. ADJOURNMENT

Commissioner Bonilla motioned to adjourn the Planning Commission meeting. Seconded by Commissioner Kermes. Approved 3-0.

The Planning Commission meeting was adjourned at 5:58 p.m. on November 9, 2021.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Anthony Mahmood, Chairman



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12224 Nicollet Avenue
Burnsville, MN 55337-1649

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Fax: (952) 890-8065
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MEMORANDUM

Memo Date: December 1, 2021
Meeting Date: December 14, 2021
To: City of Newport Planning Commission
From: Nathan Fuerst, City Planner
Subject: Variance Request – 460 12th Street
Action Requested: The Planning Commission is asked to review and recommend an action on the request to the City Council.

Overview

Applicant/Owner: Leeland Kinnell
Address: 460 12th St.
PID: 3602822320067
Zoning: R1 Low Density Single-Family Residential
Future Land Use: Single Family Detached
60-Day Period: January 8, 2022

Request Summary:

The Applicant is seeking to improve the driveway on his property connecting his detached garage to 12th Street. The current driveway is considered legal-nonconforming with respect to its proximity to the side yard lot line and surface material. The driveway surface will be improved, but the location cannot be moved due to the configuration on the site of the home and detached garage. Since the applicant is seeking to improve the nonconforming “structure”, they are required to receive a variance to any aspects of the structure that are not being brought into compliance. If granted, this variance would permit the Applicant to keep the improved driveway in the same location.

Review

Conformance with Newport’s Comprehensive Plan:

The City’s Comprehensive Plan states the following regarding Single Family Detached Areas:

Single Family Detached areas in Newport provide for a variety of lot sizes, detached single family housing uses, and a limited set of allowed uses (such as home occupations and small group homes) that are compatible with or support residential uses...

Staff finds that his proposal is consistent with the land use guidance for this property found in the Comprehensive Plan. It will improve the property overall and reduce visual and physical impacts on those surrounding.



Consistency with Zoning Standards

The Current driveway is in violation of two standards found in City Code:

- **36-161.5.a.2** – *In Residential (R) districts, the first 40 feet of the driveway or the driveway area between the street and garage, whichever is less, shall be paved with concrete, asphalt or an acceptable surface that meets the city's public works design manual, except for properties whose main access is on a non-paved roadway.*

By paving the driveway, the Applicant is bringing this aspect of the driveway into conformance with City standards.

- **36-161.5.d** - *Setbacks. All parking areas shall be set back a minimum of five feet from property lines. All driveways shall be setback a minimum of five feet from side and rear property lines. Parking areas and driveways shall meet the standards in section 18-73.*

The current gravel driveway will be reduced in width from thirteen (13) to twelve (12) feet to remove a portion of the driveway which encroaches in the neighboring property. The driveway is currently in violation of the setback for such improvements, which must be located a minimum of five (5) feet from side lot lines per City Code. It is assumed by staff that the pre-existing driveway was located on this property prior to the current requirements for driveways being incorporated into City Code.

Lot Coverage is not impacted by this request as the amount of impervious surface on this property is not proposed to be increased. Gravel, or Class V, is generally considered to be impervious in circumstances where it is used for a driveway or parking area.

Findings of Fact

City Code Section 36-46.b requires that the City issue variances only “when the strict enforcement of this article would result in practical difficulties with carrying out the strict letter of this article”. The following criteria are provided, with staff comments in *italics*, to assess whether a Practical Difficulty exists:

1. The property owner proposes to use the property in a reasonable manner not permitted by this Code.
The Applicant is seeking to improve a structure which will remain nonconforming with respect to the required five-foot side yard setback. The driveway is required for this resident to access the detached garage which is located behind the home.
2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
Due to the arrangement of the home and detached garage, the driveway cannot be placed in any other location to provide access from 12th Street.
3. The variance, if granted, will not alter the essential character of the locality.
Staff consider the improvement a net benefit to the surrounding properties and character of the locality.
4. Economic conditions alone shall not constitute practical difficulties.
This request is not seen as being impacted by economic considerations.
5. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Name: 675 10th St. Variance Request – Driveway Setback

Date: December 1, 2021

Page: 3

Staff do not anticipate any appreciable environmental impacts from this improvement.

6. That the requested variance is the minimum action required to eliminate the practical difficulty. *The Applicant is reducing the driveway width and changing the drive surface to a conforming material. The location of the driveway could not be changed without creating a practical difficulty.*
7. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Action Requested:

The Planning Commission may recommend that the City Council take the following actions with respect to the request:

- Approve
- Approve with conditions
- Deny
- Table

Staff Recommendation:

Planning staff recommend approval of the requested variance of 5 feet to the driveway setback, for a total side yard driveway setback of zero feet and zero inches, with the following conditions:

1. The improved driveway shall be substantially in conformance with the application received November 4, 2021, and reviewed by the Planning Commission on December 14, 2021.
2. The Applicant shall receive any required permits prior to performing any work.
3. The Applicant is responsible for paying any fees and escrows related with this application.

Attachments:

- Variance Request Application, received November 4, 2021
- City Zoning Ordinance ([Link Only](#))

City of NEWPORT Planning Request Application

Newport City Hall ♦ 596 7th Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

Application Date: 11/4/2021 Public Hearing Date _____

Applicant Information

RECEIVED

Name: LEELAND G. KINNELL Telephone: [REDACTED]

Mailing Address: 460 12TH ST. Telephone: _____

City/State/Zip: NEWPORT, MN 55055 *City of Newport*

Property Owner Information

Name: LEELAND G KINNELL Telephone: [REDACTED]

Mailing Address: 460 12TH ST. Telephone: _____

City/State/Zip: NEWPORT, MN 55055

Project Information

Location of Property: 460 12TH ST.

Legal Description of Property (Must match description on the Deed) and P.I.D. #: 36.028.22320067

Zoning District: R1

Flood Plain: AE 0.2% Annual Chance Flood Hazard

- Comprehensive Plan Amendment \$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min)
- Rezoning \$500 plus Escrow
- Zoning Amendment \$500
- Variance \$300 plus Escrow
- Conditional Use Permit
 - Residential \$300 plus Escrow
 - Commercial \$450 plus Escrow
- Subdivision Approval
 - Minor Subdivision \$300 plus Escrow and Parkland Dedication Fee
 - Major Subdivision \$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee

Other: _____

Applicable Zoning Code Chapter: CH 26-161

Review by Engineer Cost: _____

Total Cost: _____

Escrow Fees

The City of Newport requires that any developer or every person, company, or corporation that is seeking a planning request must first submit detailed plans to the City. The person submitting the planning request must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. All unused escrow fees will be returned to the applicant upon completion of the request. Additionally, if actual costs are above the paid escrow, the applicant will be required to pay the additional amount. The fees are as follows:

Planning Request	Escrow Fee
Rezoning	\$500
Street/Alley Vacation	\$1,000
Residential Variance	\$500
Commercial Variance	\$1,000
Residential Conditional Use/Interim Use Permit	\$750
Commercial Conditional Use/Interim Use Permit	\$1,000
Preliminary Plat Under 10 Acres	\$3,500
Preliminary Plat Over 10 Acres	\$6,500
Residential Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
8 Units or Less	\$2,000
9 to 40 Units	\$3,200
41 Units or More	\$4,500
Commercial Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
0 to 5,000 Square Foot Building	\$2,000
5,001 to 10,000 Square Foot Building	\$3,000
10,001 to 50,000 Square Foot Building	\$3,750
50,000 Plus Square Foot Building	\$4,500

Typical escrow costs include reviewing the application to ensure that State Statutes and the City Codes are followed, preparing the staff report, findings, and recommended conditions for both the Planning Commission and City Council, and communicating with the applicant as needed to complete the staff report. The average fee is \$100 per hour for the Planner and \$70 per hour for the Engineer.

Present Use of Property: SINGLE FAMILY HOME

State Reason for Planning Request: LACK OF SPACE FOR LEGAL DRIVEWAY ACCESS TO GARAGE.

ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.

I HEREBY APPLY FOR CONSIDERATION OF THE ABOVE DESCRIBED REQUEST AND DECLARE THAT THE INFORMATION AND MATERIALS SUBMITTED WITH THE APPLICATION ARE COMPLETE AND ACCURATE. I UNDERSTAND THAT APPLICANTS ARE REQUIRED TO REIMBURSE THE CITY FOR ALL OUT-OF-POCKET COSTS INCURRED FOR PROCESSING, REVIEWING, AND HEARING THE APPLICATION. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLICATION AND MAILING OF NOTICES, REVIEW BY THE CITY'S ENGINEERING, PLANNING AND OTHER CONSULTANTS; LEGALS COSTS, AND RECORDING FEES. AN ESCROW DEPOSIT TO COVER THESE COSTS WILL BE COLLECTED BY THE CITY AT THE TIME OF APPLICATION. ANY BALANCE REMAINING AFTER REVIEW IS COMPLETE WILL BE REFUNDED TO THE APPLICANT. NO INTEREST IS PAID ON ESCROW DEPOSITS

SIGNATURE OF APPLICANT:  _____

SIGNATURE OF OWNER (IF APPLICABLE): _____

For Office Use

Fee: _____ Date Paid: _____ Receipt #: _____

Publication of Notice Date: _____

Public Hearing Date: _____

P.C. Resolution #: _____

Council Action Date: _____

Council Resolution #: _____

1B-451

#2002

Name Leeland Kinnell

Address 460 12th St Newport 55055

Phone [Redacted] Alt Phone _____ Email _____

Directions (1 S) Glen Rd exit (W) 7th Ave (S)

12th St (W)

Instructions Full Job 2022

SQ. FT. 2300

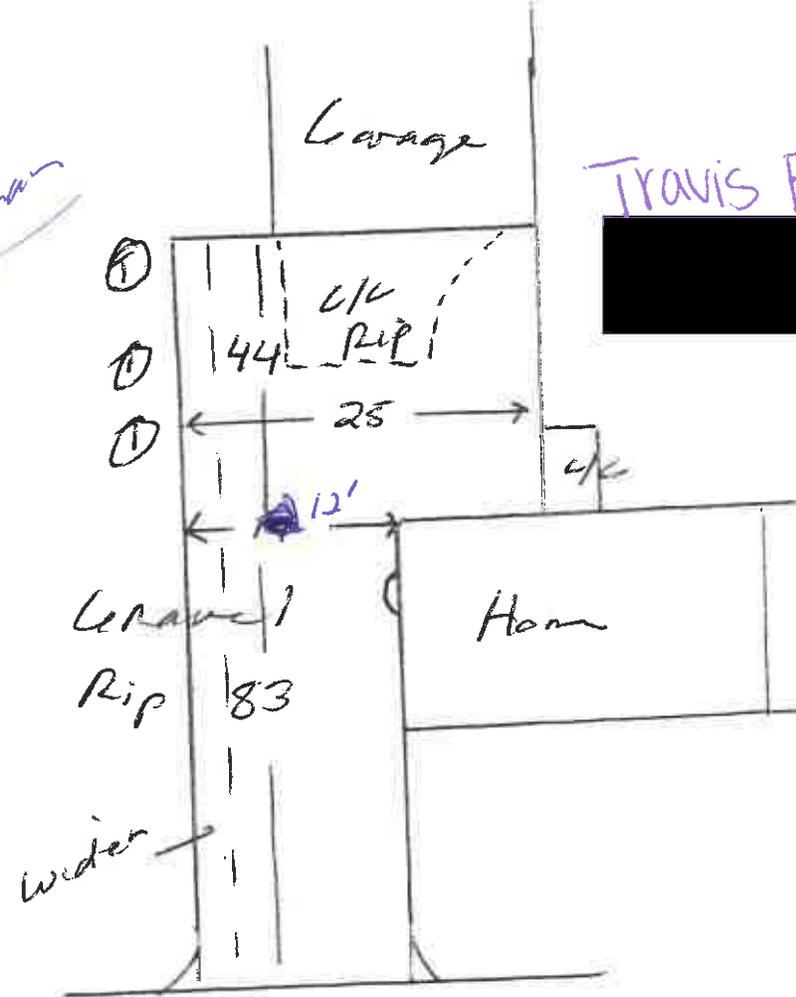
250 40

DRAWING + NOTES

Office Use Only

PRINT
Ck # _____ Date _____
e Mailed 10/20/21

Salesman



Travis B.
[Redacted]

Prof Line 12'

Peter
TC email
Katie

COLLECTION Yes No
FINANCE Yes No

09102117,160

AMOUNT \$ 15,460
AMOUNT \$ _____

1B-451 #2002

Name Leeland Kinnell

Address 460 12th St Newport 55055

Phone [REDACTED] Alt Phone _____ Email _____

Directions (W) (S) Glendon exit (W) 7th Ave (S) 12th St (W)

Instructions Full Job 2022

SQ. FT. 2300
250 40

DRAWING + NOTES

Office Use Only

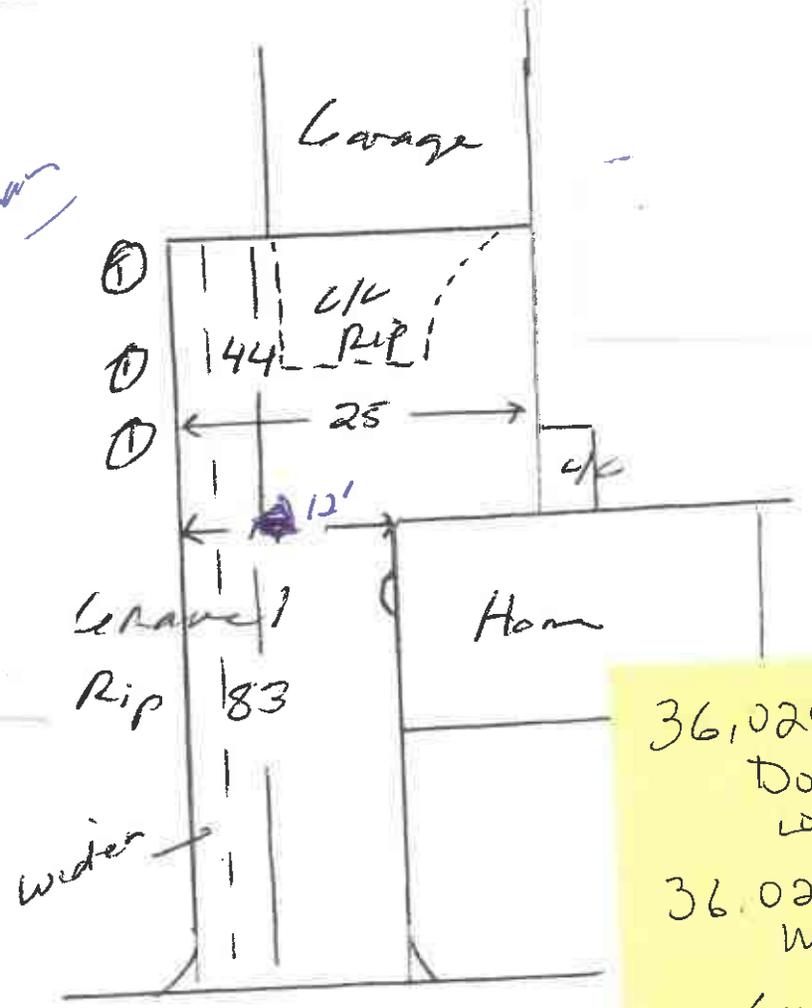
OK # _____ Date _____
e Mailed 10/26/21

1.5 hours

RECEIVED

NOV 04 2021

City of Newport



36,028.22.32,011
 DONNA YOUNG
 LOT 10B11 BLOCK 29
 36,028.22.32.0067
 ME - LOT 12 Block 29
 - 150' x 52.27' = 7841 sqft
 - 42' TO EDGE OF FACIA
 40' TO EDGE OF FOUNDATION

COLLECTION
FINANCE

Yes No
 Yes No

09102117,160

AMOUNT \$ 15,460
AMOUNT \$ _____

460 12th St

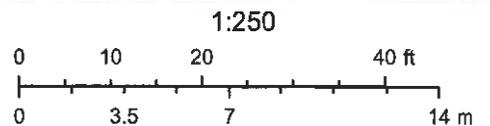


November 4, 2021

RECEIVED

NOV 04 2021

City of Newport



PIN 36.028.22.32.0067
Address 460 12TH ST
Owner KINNELL LEELAND G
Class Residential



RECEIVED

City of Newport



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& MENK**

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MEMORANDUM

Memo Date: December 7, 2021
Meeting Date: December 14, 2021
To: City of Newport Planning Commission
From: Nathan Fuerst, City Planner
Travis Brierley, Assistant to the City Administrator
Subject: Residential Parking Ordinance

Applicant: City of Newport (City Council)

Request:

The Planning Commission is asked to review the amendments to the residential parking ordinance. It should provide feedback to staff on further revisions or motion to recommend approval of the amendment to the City Council if found acceptable.

Background:

At its last regular meeting on November 9, 2021, the Planning Commission reviewed proposed amendments to residential parking requirements and held a discussion on the topic. In its discussion, the Planning Commission identified specific provisions in the proposed ordinance that it found limited reasonable use of residential property.

The following summarizes feedback provided by the Commission to staff:

- **Number of Passenger Vehicles** – the number of vehicles that the amended ordinance permits on a property (four) is not adequately flexible to accommodate larger families with licensed drivers exceeding the total amount of vehicles allowed.
- **Number of Commercial Vehicles** – providing an allowance for only one commercial vehicle may not adequately address the needs of tradespeople. In instances where two members of a household are employed in trades, parking for additional commercial vehicles may be necessary. Additionally, equipment that is associated with the commercial vehicle, such as a trailer, may also need to be reasonably accommodated on residential property.
- **Screening Recreational Equipment** – In circumstances where residents have adequate space on a property, the orderly parking and screening of recreational equipment in side and rear yards should not count against the total number of vehicles permitted on a property at any one time.

Proposed Revisions:

In response to the feedback summarized above, staff revised the proposed text amendment as follows:

- **Section 36-163 (a)(1) Exterior Storage and Screening** (in RE, R-1 and R-1A Districts)
 - **Subdivision (c)** – criteria 1-3 moved to a new Subdivision (E) for clarity.
 - **Subdivision (e)** – new subdivision added, criterion 1-6 added. All standards regulating parking are proposed to be under this subdivision as an organizational best practice.
 - **Subdivision (e)(2)** – edited to allow for an additional commercial vehicle.
 - **Subdivision (e)(5)** – Added to allow for additional flexibility for large households with over 4 licensed drivers.

- **Subdivison (e)(6)** – Added flexibility to allow for fully screened recreational equipment no to count towards total vehicles stored on a property.

Discussion

The Planning Commission provided staff with direction to provide additional flexibility for the parking of recreational vehicles where property owners can completely screen them from the view of others. Presently, a “completely screened” vehicle would meet the definition in City Code for screening as follows:

“*Screen* means a barrier accomplished by a variety of means, intended to prevent visibility through the barrier. If accomplished by landscape materials, the screen shall be at least 80 percent opaque.”

If the ordinance is adopted, Staff will use this definition as the basis for any future code enforcement activity. The Planning Commission should advise if clarification is necessary for this standard.

Other discussion questions the Planning Commission should consider, are:

- Do the revisions described above adequately address the direction given to staff?
- What other concerns does the Commission have with enforcement of this draft ordinance?

Staff Recommendation:

The Planning Commission is asked to discuss the proposed amendments to the residential parking ordinance and provide staff with feedback on further revisions to the proposed text. If the Planning Commission is satisfied with the amendments, it should make a recommendation to the City Council.

Attachments:

- Proposed Draft Ordinance - redlined version dated 12.7.21
- Existing Ordinance Language
- City Code Chapter 32 – Traffic and Vehicles
 - o Section 32-39 Parking in Residential Zones ([link only](#))
- City Code Chapter 36 – Zoning
 - o Section 36-1 Definitions ([link only](#))
 - o Section 36-163 Performance Standards for Residential Districts ([link only](#))

Proposed Revisions to Newport's Residential Parking Requirements (as of 12/7/2021)

Text in ~~red~~ is removed, text in blue is added (before 11/9/21 PC meeting), text in purple is added/moved (after 11/9/21 PC meeting)

Sec. 32-39. Residential zones.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Recreational equipment includes, but is not limited to, operable and licensed, as required by the state, recreational vehicles, travel trailers, chassis-mounted campers, tent trailers, slide-in campers, airplanes, and converted buses; snowmobiles and trailers, boats/watercraft and trailers, all-terrain vehicles, motorcycles and utility trailers. A fish house, boat, snowmobile or other recreational equipment when stored or kept on a trailer shall be considered as one unit. The term "recreational equipment" does not include a motor vehicle designed or used for off-road racing, off-road use or demolition derby.

Residential zone means all areas zoned for residential uses (R-1, R-1-A, R-2, ~~R-3~~ & RE) ~~and Planned Development District (PDD) areas~~ in the city.

- (b) *Truck or bus parking in residential zones.* No person shall park, stop, or stand any vehicle licensed by any state at over 12,000 pounds for more than two hours upon any private property or public street in a residential zone. Parking, either on-street or off-street, of vehicles licensed by any state at over 12,000 pounds, except for deliveries and unloading, shall be prohibited in all residential districts on lots less than two acres in size.
- (c) *Equipment.* No person shall park, stop, or stand any trailer that weighs over 10,000 pounds (lbs), back-hoe, front-end loader, bobcat, grader, asphalt paver, asphalt roller, or related road machinery or equipment for more than 24 hours upon any private property or public street in a residential zone, except as permitted under subsection (d) of this section. No more than one such vehicle or piece of equipment shall be allowed on a single parcel of property.
- (d) *Construction parking.* In the event building construction or grading is to be performed in a residential zone, the clerk-administrator may grant permission for parking equipment restricted under subsection (c) of this section upon the premises for a reasonable period of time during construction. The permission shall be in writing, provided that the permission may at the clerk-administrator's discretion be endorsed on the building permit issued for the construction.
- (e) *Length of parking.* A vehicle may not be upon any residential street or right-of-way in any one place for a longer continuous period than 24 hours.
- (f) *Exemption for large parcels.* The provisions of this section shall not apply to parcels of two acres or greater, provided that such parcels may not be used as rental vehicle or equipment parking space. In addition, any vehicle permitted under this exemption shall be screened from view from any adjacent lot by trees, fencing, or a storage building as permitted by the underlying zoning requirements. In no case shall any vehicle permitted under this exemption be parked closer than 40 feet from any adjacent property line.
- ~~(f) *Exemption for recreational vehicles.* The provisions of this section shall not apply to recreational vehicles.~~
- ~~(g) *Conditions and restrictions.* The city council may grant the privilege of truck parking in areas zoned for planned development district in the required conditional use permit for planned development districts, subject to conditions and restrictions as to truck use of the area.~~
- (h) *Recreational equipment storage.*
- (1) *Generally.* Except as provided or as specifically allowed within the specific zoning districts, all materials and equipment shall be stored within a building.

- (2) *Exceptions.* Licensed and operable recreational equipment units may be parked or stored on property outside a building as follows:
- a. In the front yard, provided they are kept on an established driveway, and entirely on the equipment or vehicle owner's property. Recreational equipment may not be parked or stored on public property or an improved street right-of-way.
 - b. In the side yard abutting an attached or detached garage provided the recreational equipment is not closer than two feet from the side lot line. The area must be surfaced with asphalt, concrete or crushed decorative rock but shall not be placed within drainage and utility easements unless approved by the zoning administrator. Parking or storage of recreational equipment on the side yard abutting the principal building is prohibited.
 - c. In the rear yard not closer than five feet from the rear lot line, five feet from the side lot lines, and not within drainage and utility easements.
 - d. A property can only store recreational vehicles and equipment that are registered to or licensed by the owner or occupant of the property.

(Code 1997, §§ 910.01, 1300.14; Ord. No. 2017-8, 12-21-2017)

Sec. 36-163. Standards for residential districts.

- (a) *RE, R-1 and R-1A standards.* The following standards are applicable to the RE, R-1 and R-1A Residential districts:
- (1) *Exterior storage and screening.*
 - a. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
 - b. All non-operating vehicles or equipment shall be kept within a fully enclosed building.
 - c. No exterior storage shall be allowed in the front yard, except parking of operable vehicles, on concrete, blacktop, or similar durable hard surface free of dust. ~~subject to the following conditions and exceptions:~~
 1. ~~All vehicles parked in the front yard shall be on concrete, blacktop, or similar durable hard surface free of dust.~~
 2. ~~No more than three vehicles may be parked in the front yard at any one time, only one of which may be over 6,000 pounds gross vehicle weight or over 20 feet in length.~~
 3. ~~Additional operable vehicles above the limit of three may be parked in the front yard on a temporary basis, for no more than 48 consecutive hours.~~
 - d. All exterior storage in the street side yard of a corner lot shall be fully screened from the street and adjacent properties.
 - e. No more than four vehicles including passenger cars, trailers, recreational vehicles, recreational equipment, truck, bus, off-road vehicles, or similar may be parked or stored in the front, side, and rear yard on a residential property at any one time.
 1. Vehicles, recreational vehicles, and equipment parked on a trailer shall be counted as one vehicle.
 2. Up to two commercial vehicles may be parked on a residential property at any time. Commercial vehicles may not exceed over 14,000 pounds gross vehicle weight or 20 feet in length.

3. Semi trucks, semi tractors, and semi trailers are prohibited from being parked or stored on any residential property.

4. Off-road motor vehicles are prohibited from being parked or stored in the front yard and shall be screened from public view or parked or stored in an enclosed structure.

5. One additional vehicle may be parked on a property for each licensed driver over the number of four residing at the property.

6. Recreational equipment, as defined in Se. 32-39 (a), shall be stored as required in Se. 32-39 (h) and shall not count towards the total vehicles stored on a property if completely screened from the public right of way and abutting properties.

Sec. 36-1. Definitions.

Motorcycle- All two or three wheeled motorized vehicles. Typical vehicles in this category have saddle type seats and are steered by handlebars rather than steering wheels. This category includes motorcycles, motor scooters, mopeds, motor powered bicycles, and three-wheel motorcycles.

Passenger cars- All sedans, coupes, and station wagons manufactured primarily for the purpose of carrying passengers and including those passenger cars pulling recreational or other light trailers.

Other two axle vehicle- All two axle, four tire, vehicles, other than passenger cars. Included in this classification are pickups, panels, vans, and other vehicles such as campers, motor homes, ambulances, hearses, carryalls, and minibuses. Other two axle, four tire single unit vehicles pulling recreational or other light trailers are included in this classification.

Off-road motor vehicle- motor vehicle designed or used for track racing, off-road racing, off-road use, or demolition derby

Existing Code Sections (as of 12/7/2021)

Sec. 32-39. Residential zones.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Recreational equipment includes, but is not limited to, operable and licensed, as required by the state, travel trailers, chassis-mounted campers, tent trailers, slide-in campers, airplanes, and converted buses; snowmobiles and trailers, boats/watercraft and trailers, all-terrain vehicles, motorcycles and utility trailers. A fish house, boat, snowmobile or other recreational equipment when stored or kept on a trailer shall be considered as one unit. The term "recreational equipment" does not include a motor vehicle designed or used for off-road racing, off-road use or demolition derby.

Residential zone means all areas zoned for residential uses (R-1, R-1-A, R-2, R-3 & RE) and Planned Development District (PDD) areas in the city.

- (b) *Truck or bus parking in residential zones.* No person shall park, stop, or stand any vehicle licensed by any state at over 12,000 pounds for more than two hours upon any private property or public street in a residential zone. Parking, either on-street or off-street, of vehicles licensed by any state at over 12,000 pounds, except for deliveries and unloading, shall be prohibited in all residential districts on lots less than two acres in size.
- (c) *Equipment.* No person shall park, stop, or stand any trailer that weighs over 10,000 pounds (lbs), back-hoe, front-end loader, bobcat, grader, asphalt paver, asphalt roller, or related road machinery or equipment for more than 24 hours upon any private property or public street in a residential zone, except as permitted under subsection (d) of this section. No more than one such vehicle or piece of equipment shall be allowed on a single parcel of property.
- (d) *Construction parking.* In the event building construction or grading is to be performed in a residential zone, the clerk-administrator may grant permission for parking equipment restricted under subsection (c) of this section upon the premises for a reasonable period of time during construction. The permission shall be in writing, provided that the permission may at the clerk-administrator's discretion be endorsed on the building permit issued for the construction.
- (e) *Exemption for large parcels.* The provisions of this section shall not apply to parcels of two acres or greater, provided that such parcels may not be used as rental vehicle or equipment parking space. In addition, any vehicle permitted under this exemption shall be screened from view from any adjacent lot by trees, fencing, or a storage building as permitted by the underlying zoning requirements. In no case shall any vehicle permitted under this exemption be parked closer than 40 feet from any adjacent property line.
- (f) *Exemption for recreational vehicles.* The provisions of this section shall not apply to recreational vehicles.
- (g) *Conditions and restrictions.* The city council may grant the privilege of truck parking in areas zoned for planned development district in the required conditional use permit for planned development districts, subject to conditions and restrictions as to truck use of the area.
- (h) *Recreational equipment storage.*
- (1) *Generally.* Except as provided or as specifically allowed within the specific zoning districts, all materials and equipment shall be stored within a building.
 - (2) *Exceptions.* Licensed and operable recreational equipment units may be parked or stored on property outside a building as follows:
 - a. In the front yard, provided they are kept on an established driveway, and entirely on the equipment or vehicle owner's property. Recreational equipment may not be parked or stored on public property or an improved street right-of-way.

- b. In the side yard abutting an attached or detached garage provided the recreational equipment is not closer than two feet from the side lot line. The area must be surfaced with asphalt, concrete or crushed decorative rock but shall not be placed within drainage and utility easements unless approved by the zoning administrator. Parking or storage of recreational equipment on the side yard abutting the principal building is prohibited.
- c. In the rear yard not closer than five feet from the rear lot line, five feet from the side lot lines, and not within drainage and utility easements.
- d. A property can only store recreational vehicles and equipment that are registered to or licensed by the owner or occupant of the property.

(Code 1997, §§ 910.01, 1300.14; Ord. No. 2017-8, 12-21-2017)

Sec. 36-163. Standards for residential districts.

(a) *RE, R-1 and R-1A standards.* The following standards are applicable to the RE, R-1 and R-1A Residential districts:

(1) *Exterior storage and screening.*

- a. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
- b. All non-operating vehicles or equipment shall be kept within a fully enclosed building.
- c. No exterior storage shall be allowed in the front yard, except parking of operable vehicles, subject to the following conditions and exceptions:
 - 1. All vehicles parked in the front yard shall be on concrete, blacktop, or similar durable hard surface free of dust.
 - 2. No more than three vehicles may be parked in the front yard at any one time, only one of which may be over 6,000 pounds gross vehicle weight or over 20 feet in length.
 - 3. Additional operable vehicles above the limit of three may be parked in the front yard on a temporary basis, for no more than 48 consecutive hours.
- d. All exterior storage in the street side yard of a corner lot shall be fully screened from the street and adjacent properties.

Sec. 36-1. Definitions.

[Definitions for *Motorcycle, Passenger cars, Other two axle vehicle, and Off-road motor vehicle* are not presently included in the City Code]