

## ORDINANCE NO. 985

### AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 34 – LAND DEVELOPMENT CODE OF THE CITY CODE

#### THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT:

Northfield City Code sections noted below are hereby amended as follows: new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title (text is omitted).

#### ARTICLE 9: Definitions

##### Sec. 9.2 - Definitions.

##### **Temporary Family Health Care Dwelling**

A mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of LDC Section 2.10.4.

For purposes of this section, the following terms have the meanings given.

"Caregiver" means an individual 18 years of age or older who:

- (1) provides care for a mentally or physically impaired person; and
- (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

"Instrumental activities of daily living" means activities related to living independently in the community, including but not limited to: meal planning, preparation, and cooking; shopping for food, clothing, or other essential items; laundry; housecleaning; assistance with medications; managing finances; communicating needs and preferences during activities; arranging supports; and assistance with traveling around and participating in the community.

"Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

"Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

## ARTICLE 2: Zoning Districts and Use Regulations

| Table 2.10-1: Permitted Accessory Uses and Structures   |                       |              |     |    |              |              |    |    |     |                               |      |      |      |                           |      |                                      |
|---|-----------------------|--------------|-----|----|--------------|--------------|----|----|-----|-------------------------------|------|------|------|---------------------------|------|--------------------------------------|
| Use Category and Use Type<br><br>* Fixed-Boundary Zoning District<br>P = Permitted Use<br>C = Conditional Use               | Base Zoning Districts |              |     |    |              |              |    |    |     | Special Base Zoning Districts |      |      |      | Floating Zoning Districts |      | Use-Specific Standards in Section:   |
|   | R1                    | R2*          | R3* | R4 | N1*          | N2           | C1 | C2 | I1* | A-S                           | CD-S | PB-S | PI-S | NC-F                      | ED-F |                                      |
| Accessory Uses  |                       |              |     |    |              |              |    |    |     |                               |      |      |      |                           |      |                                      |
| Crop Raising  | P                     | P            | P   | P  | P            | P            | -- | -- | --  | --                            | P    | --   | --   | --                        | --   |                                      |
| Accessory Dwelling Units  | P                     | P            | P   | P  | P            | P            | -- | -- | --  | --                            | --   | --   | --   | P                         | --   | 2.10.4(B)                            |
| Home Businesses [1]   | P                     | P            | P   | P  | P            | P            | -- | -- | --  | P                             | --   | --   | --   | P                         | --   | 2.10.4(E)                            |
| In-Home Day Care  | P                     | P            | P   | P  | P            | P            | -- | -- | --  | P                             | --   | --   | --   | P                         | --   |                                      |
| Keeping of Chickens (on less than five acres)   | P                     | P            | P   | P  | P            | P            | -- | -- | --  | P                             | --   | --   | --   | --                        | --   | 2.10.4(C)                            |
| Accessory Structures  |                       |              |     |    |              |              |    |    |     |                               |      |      |      |                           |      |                                      |
| Accessibility Ramps   | P                     | P            | P   | P  | P            | P            | P  | P  | P   | P                             | P    | --   | P    | P                         | P    | 2.10.4(A)                            |
| Amateur Radio Towers  | P                     | P            | P   | P  | P            | P            | P  | P  | P   | P                             | P    | --   | P    | P                         | P    | 2.10.4( <del>J</del> )(2)            |
| Detached Garages  | P                     | P            | P   | P  | P            | P            | P  | P  | P   | P                             | P    | --   | P    | P                         | P    | 2.10.2; Table 3.2-3                  |
| Detached Sheds, and other Similar Structures  | P                     | P            | P   | P  | P            | P            | -- | P  | P   | P                             | P    | --   | P    | P                         | P    | 2.10.2                               |
| Outdoor Wood Fire Boilers/Furnaces  | --                    | --           | --  | -- | --           | --           | -- | -- | --  | C                             | --   | --   | --   | --                        | --   | 2.10.4(F)                            |
| Porches, Gazebos and Detached Decks   | P                     | P            | P   | P  | P            | P            | P  | P  | --  | P                             | P    | --   | --   | P                         | --   | 2.10.4(G)                            |
| Satellite Dishes  | P                     | P            | P   | P  | P            | P            | P  | P  | P   | P                             | P    | --   | P    | P                         | P    | 2.10.4( <del>J</del> )(2)            |
| Building-Mounted Solar Energy Systems   | P                     | P            | P   | P  | P            | P            | P  | P  | P   | P                             | P    | --   | P    | P                         | P    | 2.10.4( <del>H</del> <del>J</del> )  |
| Freestanding Solar Energy Systems   | P                     | P            | P   | P  | P            | P            | P  | P  | P   | P                             | P    | --   | P    | P                         | P    | 2.10.4 ( <del>H</del> <del>J</del> ) |
| Swimming Pools, Hot Tubs, and Spas  | P                     | P            | P   | P  | P            | P            | C  | -- | --  | P                             | P    | --   | P    | P                         | --   | 2.10.4( <del>H</del> <del>J</del> )  |
| Temporary Family Health Care Dwelling   | <del>P</del>          | <del>P</del> | --  | -- | <del>P</del> | <del>P</del> | -- | -- | --  | <del>P</del>                  | --   | --   | --   | --                        | --   | <del>2.10.4 (K)</del>                |
| Tennis and Other Recreational Courts  | P                     | P            | P   | P  | P            | P            | C  | -- | --  | P                             | P    | --   | P    | P                         | --   | 2.10.4(D)                            |
| Telecommunications Antennas and Facilities  | --                    | --           | --  | -- | --           | --           | -- | C  | P   | --                            | --   | P    | P    | --                        | P    | 2.10.4( <del>J</del> )(2)            |
| Micro Wind Energy conversion Systems  | P                     | P            | P   | P  | P            | P            | P  | P  | P   | P                             | P    | P    | P    | P                         | P    | 2.10.4( <del>L</del> <del>K</del> )  |
| Non-Commercial Wind Energy Conversion Systems   | --                    | --           | --  | -- | --           | --           | -- | C  | P   | P                             | --   | --   | P    | --                        | --   | 2.10.4( <del>L</del> <del>K</del> )  |
| Commercial Wind Energy Conversion Systems   | --                    | --           | --  | -- | --           | --           | -- | -- | --  | C                             | C    | --   | --   | C                         | --   | 2.10.4( <del>L</del> <del>K</del> )  |
| Workshops   | P                     | P            | P   | P  | P            | P            | -- | -- | --  | --                            | --   | --   | --   | --                        | --   | 2.10.4 ( <del>M</del> <del>L</del> ) |
| Note:<br>1. Home business that employs people who do not reside at the home may be permitted with a conditional use permit. |                       |              |     |    |              |              |    |    |     |                               |      |      |      |                           |      |                                      |

### 2.10.2 Standards for Specific Accessory Uses and Structures

- (A) Accessibility Ramps
- (B) Accessory Dwelling Units
- (C) Chickens
- (D) Courts, Tennis and Other
- (E) Home Businesses

- (F) **Outdoor Wood Fire Boilers or Furnaces**
- (G) **Porches**
- (H) **Solar Energy Sources and Systems**
- (I) **Swimming Pools, Hot Tubs, and Spas**
- (J) **Telecommunication Facilities and Antennas**
- (K) **Temporary Family Health Care Dwelling**

(1) Placement and Design Standards

Temporary family health care dwelling must:

- (a) Be no more than 240 gross square feet;
- (b) Be located on an improved surface with a slope not greater than 3 percent;
- (c) Be set at least 5 feet from the front, side and rear property lines and 5 feet from any other structure;
- (d) Have adequate access for emergency service providers;
- (e) Not be attached to a permanent foundation, but must be anchored to the ground to prevent wind damage;
- (f) Provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other approved comparable means;
- (g) Be equipped with a fresh water backflow check valve.
- (h) Have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;
- (i) Have a minimum insulation rating of R-15;
- (j) Be universally designed and meet state-recognized accessibility standards;
- (k) Be primarily assembled at a location other than its site of installation;
- (l) Be able to be installed, removed, and transported by a one-ton pickup truck as defined in Minnesota Statutes 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38; and
- (m) Be built to either Minnesota Rules, chapter 1360 or 1361 [prefabricated buildings], and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2 recreational vehicles.

(2) Application and Review Procedure

- (a) Applications for Temporary Family Health Care Dwellings shall be subject to the Type 1 review procedure as established in Section 8.4.4, Type 1 Review Procedure (City Planner Decision without Development Review Committee Review).
- (b) The caregiver or relative must apply for a permit from the City. The permit application must be signed by the primary caregiver and the owner of the property on which the temporary family health care dwelling will be located. The application must include:
  - 1. The name, address, and telephone number of the property owner and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;
  - 2. Proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote

- patient monitoring services;
3. A written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living, signed by a physician, a physician's assistant, or an advanced practice registered nurse licensed to practice in this state;
  4. An executed contract for septic service management or other proof of adequate septic service management;
  5. An affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and
  6. A site plan and other information addressing the items under subsection (1), Placement and Design Standards;
  7. Letter of approval from Homeowners Association, if applicable.
  8. If the TFHC unit is leased, provide a copy of the lease agreement.
- (3) Permit Term, Fee and Revocation
- (a) The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.
  - (b) The approved permit shall be visibly displayed showing its date of expiration.
  - (c) Permit fees will be set by City Council in the City fee schedule.
  - (d) The City may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the City revokes a permit, the permit holder has 30 days from the date of revocation to remove the temporary family health care dwelling.
- (4) Inspection
- (a) The City may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The City may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

~~(K)(L)~~ **Wind Energy Conversion Systems (WECS)**  
~~(L)(M)~~ **Workshop**

This Ordinance shall take effect thirty days after its publication.

Passed by the City Council of the City of Northfield this \_\_\_\_ day of \_\_\_\_ 2017.

ATTEST:

Deb Little

Rhonda Pownell

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City Clerk

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Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

VOTE:     \_\_\_ POWNELL   \_\_\_ COLBY   \_\_\_ DELONG   \_\_\_ NESS   \_\_\_ NAKASIAN  
          \_\_\_ PETERSON WHITE   \_\_\_ ZWEIFEL