

### **Subd. C. General Building and Use Provisions.**

1. **Purpose.** This section identifies general building design size requirements and exceptions to general height requirements applicable within each zoning district.
2. **Dwelling Unit Restriction.** No cellar, garage, tent, travel trailer, motor home, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit.
3. **Building Type and Construction.**
  - a. Single Family Dwellings. All single family detached dwellings in the R-A, R-E, R-1, R-2, R-3, R-4 and R-5 Districts shall meet the following design criteria:
    - 1) All structures shall have permanent concrete or treated wood foundations which will anchor the structure, which comply with the State Building Code as adopted in the State of Minnesota and which are solid for the complete circumference of the house.
    - 2) Sixty (60) percent of a residential structure shall have a minimum width or depth of twenty (20) feet. Width measurement shall not take into account overhangs or other projections. Such width requirement shall be in addition to the minimum area per dwelling requirements established within this Ordinance.
    - 3) Single family dwellings shall have at least a four/twelve (4/12) roof pitch and shall be covered with shingles or tiles or a standing seam metal roof.
    - 4) All single family structures shall be built in conformance with Minnesota Statute 327.31 to 327.35 of the State Building Code as adopted in the State of Minnesota.
    - 5) The exterior walls of all single family residences shall be similar in appearance to normal wood or masonry residential construction. Any metal siding upon single family residence structures shall have a vertical dimension no greater than twelve (12) inches. Sheet metal siding shall not be permitted in such districts.
    - 6) Single family homes constructed after the effective date of this Ordinance shall have a minimum finished habitable floor area of one thousand (1,000) square feet.

b. Two Family and Townhome Design and Construction Standards.

- 1) Unit Width. The minimum width of a two family or townhome dwelling unit shall be twenty-four (24) feet. Minimum floor area per unit shall be established within the zoning district.
- 2) Unit Size. Two family and townhome dwelling units shall have a minimum finished habitable floor area of one thousand (1,000) square feet.
- 3) Unit Construction.
  - a) Building elevations and floor plans shall be furnished illustrating exterior building materials and colors to demonstrate compliance with Section 51.03, Subd. C.3.b.3).d)) of this Ordinance. Building floor plans shall identify the interior storage space within each unit.
  - b) Decks or Porches. Provision shall be made for possible decks, porches, or additions as part of the initial dwelling unit building plans.
  - c) Minimum Overhang: In case of gable roof, a minimum eighteen (18) inch roof overhang, soffit shall be required for all dwelling unit building plans.
  - d) Exterior Building Finish: The exterior of townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhome dwelling structures shall comply with the following requirements:
    - (1) A minimum of twenty-five (25) percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
    - (2) Except for brick and/or natural or artificial stone, no single building facade shall have more than seventy-five (75) percent of one type of exterior finish.
    - (3) For the purpose of this section, the area of the building facade shall not include area devoted to

windows, entrance doors, garage doors, or roof areas.

- 4) Storm Shelter. In cases where dwelling units are constructed slab on-grade, provisions shall be made to provide for storm protection either internally to the unit or in a separate storm shelter structure. Compliance with this requirement shall be based upon Federal Emergency Management Agency (FEMA) guidelines and standards which are on file with the City Building Official.
- 5) Garages.
  - a) Each dwelling unit shall include, at a minimum, a two stall garage.
  - b) Garages shall comply with the following minimum size standards:
    - (1) Dwellings With Basements. Four hundred forty (440) square feet (twenty (20) feet by twenty-two (22) feet).
    - (2) Dwellings Without Basements. Five hundred (500) square feet (twenty (20) feet by twenty-five (25) feet).
    - (3) Garages shall be a minimum of twenty (20) feet in width.
- 6) Utilities.
  - a) Public Utility Service. Separate public utility services shall be provided to each unit unless exempted by the City Engineer.
  - b) Sewer Connection. Where more than one (1) unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.
- 7) Homeowners' Association. A homeowners' association shall be established for all quadraminium, three and four plex multiple family and townhome developments subject to review and approval of the City Attorney. The homeowners' association shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in

common when there is more than one (1) individual property owner having interest within the development.

c. Multiple Family Apartments Design Construction Standards:

1) Unit Size.

- a) Multiple family dwelling units, except for elderly housing dwelling units defined as multiple family, shall have the following minimum floor area per unit:

Efficiency Units	500 square feet
One Bedroom Units	700 square feet
Two Bedroom Units	800 square feet
More than Two Bedroom Units	An additional 100 square Feet per bedroom

- b) Elderly (Senior Citizen) and/or Physical Disabled Housing. Dwelling units defined as elderly housing or physically disabled housing shall have the following minimum floor areas per unit:

Efficiency Units	440 square feet
One Bedroom Units	520 square feet
Two Bedroom Units	700 square feet

- 2) Exterior Treatment. The exterior of multiple family dwelling structures shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple family dwelling structures shall comply with the following requirements:

- a) A minimum of thirty-three (33) percent of the combined area of all building exterior walls of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.
- b) For the purposes of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

- d. Commercial Design Construction Standards. All buildings erected on land within commercial zoning districts shall conform with the following:
- 1) Minimum Floor Area. Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit, as provided for in Section 51.02, Subd. B of this Ordinance.
  - 2) Exterior Building Elevations.
    - a) Within the B-1 and B-2 Zoning Districts, all exterior wall surfaces may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panel, architectural concrete block, cast-in-place concrete, stone, stucco, wood, or glass. An average of said materials shall constitute no less than ninety (90) percent of the exterior wall façade less windows, doorways, roof, and/or garage doors (except as allowed in Section 51.03, Subd. C.3.f or Subd. C.3.g of this Ordinance.
    - b) Within the B-3 and B-W Zoning Districts, all exterior wall surfaces may be a combination of materials including brick, dimensioned stone, rock face block, decorative concrete panels, stone stucco, wood, glass, or metal panels. Metal panels shall not encompass more than fifty (50) percent of the building elevation abutting a public right-of-way or residentially zoned property. Metal panels shall not exceed seventy-five (75) percent of all other exterior wall surfaces, except as allowed in Sections 51.03, Subd. C.3.f of this Ordinance.
    - c) Within the B-4 Zoning District, all exterior wall surfaces may be a combination of materials including brick, dimensioned stone, rock faced brick, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, or glass. Exterior wall surfaces shall be compatible with the Delano Central Business District Architectural Guidelines.
    - d) In all zoning districts, mechanical equipment such as heating, ventilation, or air conditioning units located anywhere on the property shall be screened and painted to match the building exterior.
- e. Industrial Design Construction Standards. All buildings erected on land within industrial zoning districts shall conform with the following:

- 1) Minimum Floor Area. Industrial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit, as provided for in Section 51.02, Subd. B of this Ordinance.
- 2) Exterior Building Elevations.
  - a) Within the I-1 Zoning District, all exterior wall surfaces may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast-in-place concrete, stone, wood, glass, or metal panels. Metal panels shall not encompass more than an average of twenty-five (25) percent of all building elevations combined except as may be allowed by Section 51.03, Subd. C.3.f or Subd. C.3.g of this Ordinance.
  - b) Within the I-2 Zoning District, all exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass or metal panels. Metal panels shall not encompass more than an average of seventy-five (75) percent of all building elevations combined except as may be allowed by Section 51.03, Subd. C.3.f or Subd. C.3.g of this Ordinance.
- f. Exterior Building Elevation Deferment. The City may grant by conditional use permit a deferment to a developer of commercial and industrial metal buildings or building additions from the exterior wall design requirements when the building or building addition will be constructed in more than one phase.
  - 1) The deferment shall be until the second construction phase is completed or two (2) years, whichever is less.
  - 2) The developer shall provide the City with an irrevocable letter of credit for an amount one and one-half (1-1/2) the estimated cost of the required exterior wall treatment. The bank and letter of credit shall be subject to the approval of the City Attorney. The letter of credit shall secure compliance with Section 51.03, Subd. C.3.d.2) of this Ordinance.
- g. Exterior Building Elevation Exception. Exceptions to exterior building elevation provisions of this Ordinance may be granted as a conditional use permit by the City Council, provided that:

- 1) The proposed building maintains the quality and value intended by this Ordinance.
  - 2) The proposed building is compatible and in harmony with other structures within the district.
  - 3) The provisions of Section 51.02, Subd. B of this Ordinance are considered and the request is found to comply with these criteria.
- h. All mechanical equipment, such as air conditioning units located anywhere on the property, etc. shall be screened and/or painted to match the building exterior.
- i. Quasi-Public Structures.
- 1) No quasi-public structure shall be located within the public right-of-way except as approved by the City Council. Such structure shall include but not be limited to trash containers, bicycle racks, benches, planting boxes, awnings, flag poles, light standards, stairs, stoops, light wells, signs and others.
  - 2) Public and quasi-public utility poles and underground services may be permitted within public right-of-way provided that:
    - a) A permanent identification tag or marking is affixed to each structure.
    - b) The City is notified as to the location and date of placement of the structure.
    - c) The City is notified of any change of structure ownership, removal or modification.
    - d) Lease or joint use agreements or arrangements applicable to each utility structure are disclosed.

#### 4. **Height.**

- a. Exceptions. The building height limits established herein for districts shall not apply to the following:
- 1) Farm structures.
  - 2) Church spires.

- 3) Belfries.
  - 4) Cupolas.
  - 5) Windmills.
  - 6) Solar energy devices.
  - 7) Chimneys and smokestacks.
  - 8) Flag poles mounted on a building.
  - 9) Non-commercial television and radio antennae, and satellite dishes not exceeding twenty (20) feet above the roof.
  - 10) Parapet walls extending not more than three (3) feet above the limiting height of the building.
  - 11) Elevator penthouses.
  - 12) Cooling towers/water towers.
  - 13) Lighting structures for public outdoor recreational fields not exceeding eighty (80) feet in height.
  - 14) Lighting structures for public hockey rinks not exceeding sixty (60) feet in height.
  - 15) Telecommunication antenna and antenna towers as regulated by Section 51.03, Subd. M of this Ordinance.
  - 16) Poles, towers and other structures for essential services.
- b. No roof equipment exceeding beyond the limited height of a building may occupy more than twenty-five (25) percent of the area of such roof nor exceed ten (10) feet unless otherwise noted.
- c. Conditional Use Permit. Building heights in excess of those standards contained in the district provisions and any other sections of this Chapter may be allowed through a conditional use permit, provided that:
- 1) Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the zoning district in which the structure is located.
  - 2) The site is capable of accommodating the increased structure size.
  - 3) The potential increased intensity and size of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
  - 4) Public utilities and services are adequate.
  - 5) For each additional story over the district limitation or for each additional ten (10) feet above the maximum allowed per district, front and side yard setback requirements shall be increased by ten (10) percent.

- 6) The construction does not limit solar access to abutting and/or neighboring properties. A shadow study shall be required illustrating shadow encroachment on adjoining properties.
  - 7) The provisions of Section 51.02, Subd. B of this Ordinance are considered and satisfactorily met.
5. **High Water Elevation.** All buildings shall comply with building elevation regulations of the Floodplain and Shoreland Overlay Districts of this Ordinance. In areas beyond the Floodplain and Shoreland Overlay Districts, all buildings shall be placed at an elevation such that the lowest building opening meets the following standards:
  - a. A minimum of two (2) feet above 100 year flood elevation of areas with a separate emergency overflow.
  - b. A minimum of three (3) feet above the 100 year flood elevation of areas with no separate emergency overflow.
  - c. The 100 year flood elevation or high water level shall be determined by a registered engineer.
6. **Ground Water Elevation.** The lowest floor, including basement floor, of all structures shall be at a level at least three (3) feet above the highest known ground water table elevation. If requested by the Building Official, the ground water table elevation shall be determined by a licensed soils engineer using soil borings, piezometers, or the observation of mottled soils.
7. **Accessory Building, Uses, and Equipment.**
  - a. Agricultural Farm Buildings. Agricultural farm buildings, accessory to an active farm operation on a lot twenty (20) acres or larger, designed, constructed, and used to house farm implements, agricultural activities, or agricultural products shall be exempt from the requirements of this subdivision.
  - b. Residential Accessory Buildings and Uses.
    - 1) An accessory building or attached garage shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway. Attached accessory buildings shall meet the principal building setbacks of the respective zoning district.

- 2) No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory.
- 3) Accessory Building Floor Area, Height and Number. The combination of accessory buildings and garages (attached and detached) shall not exceed the following standards:

a) Area.

<u>Zoning District</u>	<u>Maximum Allowable Floor Area</u>
R-A	4,000 square feet
R-E	2,000 square feet
R-1	1,500 square feet
R-2	1,500 square feet
R-3	1,200 square feet
R-4	1,200 square feet
R-5	1,200 square feet
R-6	1,200 square feet
R-7, R-8, R-B	30% of the gross floor area of the multiple family structure

- (1) An attached garage shall not exceed the maximum allowable floor area as mentioned above, or eighty (80) percent of the size of the single family or two family house foundation not including garage, whichever is less.

b) Number of Buildings. Total number of accessory buildings and garages shall be limited to the following:

- (1) One (1) attached garage and one (1) detached accessory building; or
- (2) Two (2) detached accessory structures.

c) Height. Accessory buildings shall not exceed the height of the principal building or twenty (20) feet, whichever is less.

4) Setbacks. Detached accessory buildings shall comply with the following setbacks:

- a) Front Setback. No detached accessory building shall be located in any front yard.

- b) On lots platted prior to 1 July 1987:
    - (1) Side Yard Setback. Not less than five (5) feet on any side yard abutting adjoining lots, nor less than twenty (20) feet on a side yard abutting a street.
    - (2) Rear Yard Alley Setback.
      - (a) Garages with direct alley access not less than fifteen (15) feet from a rear lot line to garage door.
      - (b) Garages that are oriented on a lot so that the direction of the vehicle access to the garage parallels the rear lot line may be located not less than five (5) feet from the lot line. This design is intended to prohibit direct backing from the garage onto an alley.
    - (3) Rear yard setback (non-alley) is five (5) feet.
    - (4) Detached accessory buildings that have one hundred twenty (120) square feet or less floor area and which do not require a building permit may be set back not less than five (5) feet from the rear lot line.
  - c) On all lots platted subsequent to 1 July 1987:
    - (1) Accessory buildings and structures shall be constructed within the buildable area of the lot as defined in Section 51.03, Subd. C.8 of this Ordinance, except as provided in Section 51.03, Subd. C.3 of this Ordinance.
    - (2) Accessory buildings that have one hundred twenty (120) square feet or less of floor area and which do not require a building permit may be allowed in the required rear yard not less than five (5) feet from the rear lot line.
- 5) Air Conditioners. Accessory uses or equipment such as air conditioning cooling structures or condensers (ground mounted) which generate noise shall be located in rear yards. Air conditioning cooling structures or condensers may be located within a required side yard provided the following conditions are met:

- a) The cooling structure or condenser shall not produce noise levels contrary to Section 51.03, Subd. D.5 of this Ordinance.
  - b) The cooling structure or condenser shall be screened by landscaping, fencing, or other means rendering it concealed from view from adjacent property.
  - c) The cooling structure or condenser shall not lie within a required drainage and/or utility easement.
- 6) Accessory Antennas. Accessory antennas shall be limited to radio and television receiving antennas, satellite dishes, TVROs, short wave dispatching antennas, and amateur short wave transmitting and receiving antennas. Accessory antennas that are accessory to the principal use of property are permitted accessory uses in all zoning districts provided they meet the following conditions:
- a) Height. A ground mounted accessory antenna shall not exceed twenty (20) feet in height from ground level. The height of an accessory antenna attached to an antenna support structure may not exceed five (5) feet above the peak of the roof of the principal building. An accessory antenna in excess of the aforementioned height standards may be allowed by conditional use permit.
  - b) Yards. Accessory antennas shall not be located within the required front yard setback or side yard setback abutting a street, except for wall mounted antennas less than twenty four (24) inches in dimension, wall mounted to a principal building and the setback encroachment does not exceed two (2) feet.
  - c) Roofs. If vegetation or obstructions interfere with satellite signals at a location in any allowable placement area, the accessory antenna may be placed on the roof of any authorized structure on the premises.
  - d) Setbacks. Accessory antennas shall not be located within five (5) feet of any lot lines of adjoining lots or within a drainage or utility easement.
  - e) Building Permits. A building permit shall be required for the installation of any accessory antenna requiring a conditional use permit. Building permit applications shall be

accompanied by a site plan and structural components data for the accessory antenna, including details of anchoring. The Building Official must approve the plans before installation.

- f) Lightning Protection. Each accessory antenna shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City of Delano.
- g) Electrical Code. Accessory antenna electrical equipment and connections shall be designed and installed in conformance with the National Electrical Code as adopted by the City of Delano.
- h) Color/Content. Accessory antennas shall be of a neutral color.
- i) Effective Date. The provisions of this section shall be applicable to all accessory antennas erected after the effective date of this Ordinance. All such structures existing prior to this date shall be addressed as legal non-conforming uses.

c. Commercial or Industrial Accessory Buildings.

- 1) Commercial or industrial buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
- 2) Accessory buildings shall meet all the required setbacks of the principal building.
- 3) Accessory buildings shall be constructed of building materials to match the principal structure and comply with the building material requirements of Section 51.03, Subd. C.3.d.2).a) of this Ordinance.

d. Sport Courts. In all districts, the following standards shall apply to sport courts:

- 1) A building permit shall be required for all private residential and commercial sport courts.
- 2) A conditional use permit shall be required for all commercial sport courts.

- 3) An application for a building permit or an administrative permit shall include a site plan showing the following along with all required information:
  - a) The size, shape, pavement and sub-pavement materials.
  - b) The location of the court.
  - c) The location of the house, garage, fencing, utilities and any other structural improvements on the lot.
  - d) The location of structures on all adjacent lots.
  - e) A grading plan showing all revised drainage patterns and finished elevations at the four corners of the court.
  - f) Landscaping and turf protection around the court.
  - g) Location of existing and proposed wiring and lighting facilities.
  - h) Details on light fixtures and light standards.
- 4) Sport courts shall not be located closer than ten (10) feet to any side and rear lot line. Sport courts shall not be located within any required front yard or side yard abutting a street.
- 5) Sport courts shall not be located over under-ground utility lines of any type, nor shall any court be located within any private or public utility, drainage or other easement.
- 6) Solid sport court practice walls shall not exceed ten (10) feet in height. A building permit shall be required for said walls. Said walls shall meet the principal building setbacks of the district.
- 7) Chain link fencing surrounding the sport court may extend up to twelve (12) feet in height above the sport court surface elevation. Any fence in excess of six (6) feet shall require a building permit.
- 8) Lighting for the sport court shall be designed with a ninety (90) degree cutoff and shall be hooded to direct lighting downward and not toward adjacent properties.

e. Swimming Pools.

- 1) Single Family and Two Family Dwellings. The following shall apply to all swimming pools which are intended for use accessory to single-family and two-family dwellings:
  - a) A building permit shall be required for any swimming pool that is over twenty four (24) inches in height or depth, measured from ground level, and exceeds five thousand (5,000) gallons capacity. This includes in ground swimming pools, above ground pools, on ground swimming pools and fixed in place wading pools.
  - b) An application for the construction of swimming pools shall be on a City application form and accompanied by a fee established by City Council ordinance. The permit application shall include:
    - (1) Site plan illustrating:
      - (a) Type and size of pool.
      - (b) Location of the pool on the lot.
      - (c) Location of other buildings and structures on the lot.
      - (d) Location of structures on adjoining lots.
      - (e) Location of filter and heating units.
      - (f) Location of pumps and wiring.
      - (g) Location of back flush and drain outlets.
      - (h) Location of any overhead or underground utilities or utility easements.
      - (i) Fence locations.
    - (2) Building Plans.
      - (a) Swimming pool design.
      - (b) Fencing and gate details.
      - (c) Deck or surfacing details.

- (3) Setbacks and Location Standards.
  - (a) Pools shall not be located in front of the principal building.
  - (b) Pools shall not be located in the required side yard of any zoning district.
  - (c) Pools shall not be located closer than ten (10) feet from the rear property line.
  - (d) The filter unit, pump, heating unit, and any noise generating mechanical equipment shall be located not closer than twenty (20) feet to any lot line.
  - (e) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
  - (f) Pools shall not be located within any private or public utility, walkway, drainage, or other easement.
  - (g) Pools shall be set back at least six (6) feet from the principal building or frost footing.
- (4) Lighting for the pool shall be designed with a ninety (90) degree cut off and shall be hooded to direct lighting toward the pool and not toward adjacent property.
- (5) All swimming pools for which a building permit is required shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, or other enclosure, or any combination thereof, of sufficient density as to be impenetrable.
  - (a) Fences shall be at least five (5) feet in height. The bottoms of the fences shall not be more than four (4) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable (chain link fences must be vinyl coated with slats for screening). All fence openings or

points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a height not lower than forty-eight (48) inches so as to be inaccessible to all small children. Prior to filling the pool, the approved fence or enclosure must be completely in place and inspected and approved by the City Building Inspector.

- (b) Swimming pool fences shall comply with fence setback standards of Section 51.03, Subd. D.11 of this Ordinance.
- (c) Required structure or safety fencing shall be completely installed within three (3) weeks following the installation of the pool, before any water is allowed in the pool, and prior to final inspection.

(6) Water Quality/Drainage.

- (a) Water in the pool shall be maintained in a suitable manner to avoid health hazard of any type.
- (b) Back flush or pool drainage water shall be directed onto the property on which the swimming pool is located and ultimately to public storm water, if available.
- (c) Drainage of pools directly into public streets or other public drainageways shall require written permission of the Zoning Administrator and/or Public Works Director. Draining the pool into the sanitary sewer is prohibited.

- 2) Multiple Family/Commercial Pools. For private swimming pools which are intended for and used by the occupants of a multiple family dwelling or commercial structure and the guests of the occupants, or for private and public clubs and organizations, the following regulations shall be met in addition to those listed for single and two family dwellings provided in Section 51.03, Subd. C.8.e above.

- a) No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.
- b) No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than fifty (50) feet from any lot line and must be contained within an insulated building.
- c) The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Fences shall be at least five (5) feet in height. The bottoms of the fences shall not be more than four (4) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable (chain link fences must be vinyl coated with slats for screening). All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self closing and self latching devices placed at a height not lower than forty-eight (48) inches so as to be inaccessible to small children. Prior to filling the pool, the approved fence or enclosure must be completely in place and inspected and approved by the City Building Inspector. Adequate screening including, but not limited to, landscaping shall be placed between the pool area and adjacent lot lines.
- d) All deck areas, adjacent patios, or other similar areas used in conjunction with the swimming pool shall be located at least thirty (30) feet from any lot line.
- e) To the extent possible, back flush water or water from pool drainage shall be directed onto the owner's property and to the nearest public storm sewer or drainage easement. Draining pools into the sanitary sewer is prohibited.

f. Refuse and Recycling Material and Equipment.

- 1) Refuse Removal. Passenger automobiles and trucks not currently licensed by the state, or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days, and all materials stored outside in violation of City Code provisions are considered refuse or junk and shall be disposed of within ten (10) days of notification by the City.
- 2) Refuse Receptacles Location and Screening.

- a) Residential Structures With Four (4) or Less Units. Garbage cans, waste containers and recycling bins shall be kept in rear or side yards or indoors.
- b) Commercial, Industrial, and Institutional Uses, Residential Structures With More Than Four (4) Units.
  - (1) All refuse, recyclable materials, and necessary handling equipment including but not limited to garbage cans, recycling bins, and dumpsters shall be stored within the principal structure, within an accessory building, or totally screened from eye level view from all neighboring uses and the public right-of-way.
  - (2) Trash Enclosures. Exterior storage of refuse and recyclable material shall require the following:
    - (a) Exterior wall or fence treatment shall be masonry construction or material similar to complement the principal building.
    - (b) The enclosed trash and/or recycling receptacle area shall be located in the rear or side yard and shall observe all applicable setback requirements and easements.
    - (c) The trash and/or recycling enclosure must be in an accessible location for pick up hauling vehicles.
    - (d) The trash and/or recycling receptacles must be fully screened from view of adjacent properties and the public right-of-way by a fence or wall of at least six (6) feet in height and a minimum opaqueness of eighty (80) percent.
    - (e) All dumpsters, recycling bins, handling equipment, and enclosures shall be approved by the Zoning Administrator and be kept in a good state of repair with lids designed to prevent spilling and spread of debris and access by animals. The construction of trash and recycling enclosures shall be per standards established by the City. All designs

and construction of trash enclosures shall be subject to the Building Official's approval.