

ORDINANCE 296

AN ORDINANCE AMENDING SECTION 13, SUBDIVISION 9 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE RELATING TO TEMPORARY STRUCTURES

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

WHEREAS, Section 13, Subdivision 9 of Ordinance 169 shall be amended as follows:

SUBDIVISION 9. TEMPORARY STRUCTURES

- A. Purpose. The purpose of this section is to provide for the regulation of the erection of temporary structures, and structures needed for emergency purposes or for temporary use during the construction of a permanent structure.
- B. Intent. The intent of this Section is to protect and provide for the public's health, safety, and welfare and to protect adjacent property values from being negatively impacted.
- C. Temporary Structure Defined. A temporary structure is defined any structure erected or placed on site for less than a total of ninety (90) days from the date of installation. These structures may include, but are not limited to: camping tents, portable shelters, wedding/party tents, facilities in conjunction with construction or emergency activities, cargo containers, and storage pods. Any structure not considered a temporary structure shall be considered a permanent structure and treated as such.
- D. Cargo Container Defined. Any portable, weather-resistant receptacle, container, or other structure that is designed or used for the storage or shipment of household goods, commodities, building materials, furniture, or merchandise. A cargo container is typically rented for a temporary use and is delivered and removed from the property via a truck. Cargo containers include, but are not limited to, storage pods, bins, containers, semi-trailers, boxcars, etc.
- E. Removal of Temporary Structure: Temporary structures are to be removed when the designated time period, event, or use for which the temporary structure has been created has ceased.
- F. Procedure. Temporary structures governed by this Ordinance shall be allowed by an Administrative Permit, as may be issued by the Zoning Administrator, in all zoning districts except as otherwise provided by this section.
- G. Site Plan Required. A site plan as defined in this Ordinance is required in conjunction with the application for an administrative permit in junction with the establishment of new or remodeled temporary structures.
- H. Special Requirements for Temporary Structures.
 - 1. There shall be a time limit established for temporary structures to remain on a site

as a part of the administrative permit. Temporary structures allowed by administrative approval shall be limited to a total of ninety (90) days in duration. Applicants shall acknowledge and certify the temporary structure shall be in place for ninety (90) days or less. The Planning Commission may extend the ninety (90) day time limit if a practical difficulty exists for a one time additional term not to exceed ninety (90) additional days. The Applicant bears the burden of proving a practical difficulty exists. Any structure in place over ninety (90) days within a twelve month period is not considered a temporary structure.

2. Temporary structures shall follow the required building setbacks of the zoning district it is located in. The temporary structure is to be located to the interior side yard or rear yard of the site and its proposed location will be reviewed as a part of the Administrative Permit process and site plan review. Placement of temporary structures in front or street-side yards of corner lots is strictly prohibited.
 3. No temporary structure shall be allowed to be serviced by water, sewer, electric, gas or any other type of utility.
 4. All applicable requirements of the State Building Code shall be met.
 5. There can be no more than one (1) temporary structure per parcel.
 6. The structure must be sufficiently anchored to withstand overturning, uplifting, or sliding from an 80 mile-an-hour wind.
 7. The structure must be able to withstand a snow load of 20 pounds per square foot if the structure will be in place at any time during the months of November through April.
 8. No temporary structure shall be placed on a right-of-way or utility easement without receiving prior approval from the City Council.
 9. Party tents or tents for promotional sales shall be allowed up to ten (10) calendar days per year without having to obtain an Administrative Permit.
 10. Temporary structures larger than 120 square feet shall require an Interim Use Permit.
 11. If a dispute arises between the City and a property owner over a particular use of a structure, a representative of the City has the right to inspect the structure to determine the proper use of the structure.
 12. Temporary structures shall not be used for habitation purposes.
- I. Special Requirements for Construction Trailers or Emergency Purposes.
1. Construction trailers and temporary structures used for emergency purposes shall be allowed administratively.

2. No Administrative Permit shall be issued for construction trailers or structures used for emergency purposes unless a site plan has been approved, if applicable, or unless a building permit has been issued for a new structure, addition, or remodeling of an existing structure on the property.
 3. No trailers shall be allowed to be used as temporary sales offices.
 4. The Administrative Permit shall terminate twelve (12) months from its date of issuance or within thirty (30) days after a certificate of occupancy has been issued by the Building Official for the permanent structure replacing the temporary emergency structure, whichever occurs first, unless a different time schedule is approved as part of the permit.
 5. Construction trailers and temporary structures used for emergency purposes shall follow the required building setbacks of the zoning district it is located in.
 6. All applicable requirements of the State Building Code shall be met.
 7. Provisions for utilities shall be subject to the review and approval of the Building Official.
 8. Off-street parking, signage, and security measures such as lighting shall be implemented subject to the review and approval of the Zoning Administrator
- J. Practical difficulty. The City Council may issues an Interim Use Permit for temporary structures, including manufactured homes, when a determination of practical difficulties exists upon the property. An Interim Use Permit may be issued for the following practical difficulties:
1. Reconstruction. During the reconstruction of a home or business that has been damaged or destroyed and is uninhabitable. The City Council may grant a permit for a period not to exceed one (1) year in any zoning district.
 2. The City Council may grant an Interim Use Permit with stipulated time limitations for the temporary utilization of manufactured homes or other temporary structures as living quarters when a practical difficulty is found to exist. This standard applies only to the use of temporary structures as living quarters. The following conditions shall apply in such situations:
 - a. Any person requiring such temporary habitation shall make application to the City Council for an Interim Use Permit. The request shall state the location, type of structure, length of time the structure will be used, and the reason for the need of such structure.
 - b. The Zoning Administrator and Building Official shall review each proposal and report their findings and recommendations to the City Council.

- c. If the City finds that the public health, safety, and general welfare will not be impaired and will not be affected adversely, it may grant a temporary habitation permit, provided that the person so applying shall enter into a written agreement with the City as to when such use is to cease. No permit for temporary habitation shall be granted for a period longer than one year, and the City may revoke such permit upon 90 days written notice if and when it finds:
 - i. That the public health, safety, and general welfare are being impaired by such habitation.
 - ii. That the continued existence of such use conflicts with the City's Comprehensive Plan.
 - iii. The temporary habitation structure has been abandoned or put to any use other than that stated in the application as the reason for the need of such habitation.
 - iv. That the value of public or private property is being affected adversely thereby.
- d. The utilities serving temporary habitation shall comply will all applicable city, county, and state rules.
- e. Any material used to insulate around the exterior of or underneath such temporary habitation shall be noncombustible and nontoxic

K. Right of Appeal. Any property owner who disagrees with the denial of a permit under this subdivision, or disagrees with conditions imposed for the issuing of a permit, shall have the right to appeal the decision of the zoning administrator to the Board of Zoning Appeals and Adjustments, as set out in city ordinance.

L. Effective Date. This Ordinance is effective upon its adoption and publication as prescribed by law.

For City of Arlington:

/s/ Richard Nagel
By Richard Nagel
It's Mayor

First Reading: January 20, 2015
Second Reading: February 2, 2015
Adopted: February 2, 2015
Published: February 5, 2015

/s/ Liza M. Donabauer
By Liza M. Donabauer
It's Administrator