

# **Zoning Code**

## **Chapter 4**

### **Residence Districts**

**Article 1. Single-Family Residence District R-1, §§ 4-010--4-040**

**Article 2. R1-A District, §§ 4-110--4-140**

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### **Article 1. Single Family Residence District**

#### **Sec. 4-010. Permitted Uses in an R-1 Single-Family Residence District R-1.**

(1) One-family detached dwellings:

A. The minimum width of the main portion of the structure shall not be less than twenty feet as measured across the narrowest portion.

B. All dwellings shall be placed on a permanent continuous foundation in compliance with Section 2907A of the Uniform Building Code and all areas between the structure and foundation shall be enclosed.

(2) Public parks and playgrounds.

(3) City office buildings and fire stations.

(4) Transitional uses. (Ord. No. 516, 1-24-84; Code of 1988; Code of 2001)

#### **Sec. 4-020. Permitted Accessory Uses in an R-1 District.**

(1) Private garages, and/or storage buildings as regulated in Section 4-530 of the Zoning Code.

(2) Private conservatories for plants and flowers but not including the sale thereof.

(3) Keeping of not more than a total of two boarders and/or roomers by a resident family as defined in Section 2-020 (29) A or B, whether for compensation or not for compensation.

(4) Separate living quarters for domestic servants employed on the premises provided that the premises contains a minimum area equal to two ordinary minimum sized lots in this district.

(5) Signs as regulated in Chapter 9 of the Zoning Code.

(6) Temporary buildings for construction purposes for a period not to exceed the time necessary for completion of the construction.

- (7) Off-street parking and loading as regulated in Section 4-520 of the Zoning Code.
- (8) Customary incidental home occupations as regulated in Section 4-550 of the Zoning Code.
- (9) Model home, which may include an office, for use during development of a subdivision in accordance with City regulations covering this use.
- (10) Tennis courts provided that they are located in the rear yard.
- (11) Parking spaces.
- (12) Swimming pools as regulated in Chapter 27 of the City Code. (Code of 1988; Ord. No. 665, 1-11-00; Code of 2001)

**Sec. 4-030. Special Permit Uses in an R-I District.**

- (1) Colleges, libraries, museums, schools, churches and similar public uses provided that no structure shall be nearer than thirty feet to any R-1 or R-2 lot line. (Ord 738, 4-25-2006)
  - A. Preparation of food by a third party using the facility for distribution off site, to exist within the principal structure of the uses noted in (1) above that meet the following conditions:
    - 1. Preparation of food, with proper facilities and licenses to be approved by the City Sanitarian, shall be the sole aspect of the business,
    - 2. Overnight parking of vehicles or any outside storage of materials associated with the business is prohibited,
    - 3. Exterior signage is prohibited,
    - 4. Number of employees associated with the use shall be limited to two (2),
    - 5. Hours of operation shall not negatively impact surrounding residential uses, and
    - 6. Both the property owner and business owner shall be co-applicants in review of the Special Use Permit.
- (2) Service structures, public or private, designed and used to serve the families in the surrounding area such as electric power substations, telephone buildings, deep wells, elevated tanks and similar structures and uses. Floor area ratios of up to .35 for service structures may be authorized by special use permit.
- (3) Extraction and removal of natural material such as sand, gravel, peat, black dirt, fill material, or similar deposits. The special use permit shall require a finished grading plan which will not adversely affect the development of the surrounding land. Upon issuance of the special use permit, the permittee shall enter into an agreement properly secured by a performance bond with the City. The bond shall guarantee that the affected property shall be left in a satisfactory condition as shown on the plan.
- (4) Golf courses.
- (5) Tennis courts provided that the courts are accessory to a permitted principal use and are proposed to be located in a yard other than a rear yard. (Code of 2001)

(6) Farmers markets provided that:

- A. Only the sale of agricultural products such as vegetables, fruits and flowers are permitted.
- B. Sales operations shall not occur more than once a week for not more than 6 hours per day.
- C. The operations shall be located in a suitable paved off-street location so as not to cause interruption of vehicular circulation or interfere with parking spaces required by the permanent use on the site.
- D. Such operations shall not be closer than fifty feet from the property line of any single-family residence and the minimum size of the site sponsoring the farmers market shall be 1.5 acres.
- E. The principal use of the property on which the farmers market is located shall be nonresidential.
- F. No permanent structure associated with the operations of the farmers market shall be built.
- G. Signs shall conform with Chapter 9 of the Zoning Code.
- H. Property owner shall cosponsor any request for a farmers market.
- I. All food vendors shall have the appropriate licenses.

(7) Licensed day care facilities located within a church having a minimum of 5,000 square feet of non-residential building area, 1 acre of lot area, and 50 off-street parking stalls. (Ord. No. 541, 4-8-86; Code of 1988; Ord. No. 566, 9-6-88; Ord. No. 625, 1-28-97; Code of 2001)

**Sec. 4-040. Lot Standards in an R-I District.**

- (1) In an R-I District, any principal structure or building other than a single-family residence shall not be located less than thirty feet from any boundary line of a lot used or intended for use for a single-family residence.
- (2) No structure or building shall exceed 2 1/2 stories or thirty feet in height, whichever is less.
- (3) The minimum setbacks shall be:

<i><u>Description</u></i>	<i><u>Feet</u></i>
Side street yard	30
Front yard	30
Side yard	5
Rear yard	5

A. A side street yard on a corner lot shall not be less than thirty feet in width for any construction after August 21, 1981. Any property already improved on August 21, 1981, by construction of a principal structure with a fifteen foot side street yard setback shall not be considered nonconforming in regard to side street yard setback. In cases where adjacent properties are already improved, the City Council can grant special permission to change the setback requirements on a corner lot based on the criteria of visual compatibility with the surrounding properties.

B. In required front yards, the required setback may be reduced to twenty four feet subject to approval of a Special Use Permit under Section 8-110-130 and subject to compliance with the conditions of this Subdivision.

- 1. The proposed addition uses the same exterior structure materials and colors as the principal structure and accessories.
- 2. The roof is properly proportioned to and integrated with the roof of the principal

structure (dwelling) on the property.

3. The base of the addition is not open and its appearance is consistent with the base of the building.

4. The structure shall not exceed 35% of the width of the front of the dwelling, excluding the garage, or shall not exceed twelve feet in width, whichever is less.

(4) The minimum requirements for lot dimensions shall be:

A. 75 feet wide at building setback line.

B. 45 feet wide at front lot line.

C. 10,000 square feet of lot area.

(5) The building coverage (principal and accessory) on a lot shall not exceed thirty percent of the total lot area. (Ord. No. 667, 2-22-00; Ord. No. 669, 3-28-00; Code of 2001)

(6) Total site impervious surfaces shall not exceed fifty percent of the total lot area. (Ord. No. 669; 3-28-00; Code of 2001)

## **Article 2. R-1A District**

### **Sec. 4-110. Permitted Uses in an R-1A District.**

Any use or structure permitted and regulated in the R-1 District. (Code of 1988; Code of 2001)

### **Sec. 4-120. Permitted Accessory Uses in an R-1A District.**

Any use or structure permitted and regulated under “accessory uses” in the R-1 District. (Code of 1988; Code of 2001)

### **Sec. 4-130. Special Permit Uses in an R-1A District.**

Any use or structure permitted and regulated under “special permit uses” in an R-1 District. (Code of 1988; Code of 2001)

### **Sec. 4-135. Interim Permitted Uses in an R-1A District.**

(1) Any interim use or structure permitted and regulated under “interim permitted uses” in the R-1 District.

### **Sec. 4-140. Lot Standards in an R-1A District.**

(1) The requirements for setbacks, yards, height and building coverage are the same as the requirements in an R-1 District.

(2) The minimum requirements for lot dimensions shall be:

- A. 40 feet wide at the front lot line-building setback line and rear lot line abutting an alley.
- B. 5,000 square feet of lot area.

(3) On lot smaller than 7,500 square feet, the building coverage (principal and accessory) on a lot shall not exceed 40 percent of the total lot area.

(4) On lots smaller than 7,500 square feet, the total site impervious surfaces shall not exceed 55 percent of the total lot area. (Ord. No. 669, 3-28-00; Code of 2001)

**Article 3. R-2 District**

**Sec. 4-210. Permitted Uses in an R-2 District.**

- (1) Any use or structure permitted and regulated in an R-1 District except as hereinafter modified.
- (2) Two-family dwellings. (Code of 1988; Code of 2001)

**Sec. 4-220. Permitted Accessory Uses in an R-2 District.**

Any use or structure permitted and regulated under “accessory uses” in an R-1 District. (Code of 1988; Code of 2001)

**Sec. 4-230. Special Permit Uses in an R-2 District.**

- (1) Any use or structure permitted and regulated under “special permit uses” in an R-1 District.
- (2) Townhouses. (Code of 1988; Ord. No. 586, 9-8-92; Code of 2001)

**Sec. 4-235. Interim Permitted Uses in an R-2 District.**

- (1) Any interim use or structure permitted and regulated under “interim permitted uses” in the R-1 District. (Ord. 877, 9-22-20)

**Sec. 4-240. Lot Standards in an R-2 District.**

- (1) In an R-2 District, any principal structure or building other than a single-family residence shall not be located less than fifteen feet from any boundary line of an R-1 District.
- (2) No structure or building shall exceed 2 1/2 stories or thirty feet in height, whichever is less.
- (3) The following minimum setbacks shall be observed:

<u>Description</u>		<u>Feet</u>
Side street yard	30	
Front yard	30	
Side yard		5
Rear yard		5

A side street yard on a corner lot shall not be less than thirty feet in width for any construction after August 21, 1981. Any property already improved on August 21, 1981 by construction of a principal structure with a twenty foot side street yard setback shall be considered conforming in regard to side street yard setback.

- (4) The minimum requirements for lot dimensions shall be:
  - A. 85 feet wide at building setback line.

- B. 75 feet wide at front lot line.
- C. 12,500 square feet of lot area.

(5) The floor area ratio within an R-2 District shall not exceed .4. (Code of 1988; Code of 2001)

## **Article 4. R-3A District**

### **Sec. 4-310. Permitted Uses in an R-3A District.**

- (1) Any use or structure permitted and regulated in an R-2 District except as hereinafter modified.
- (2) Multiple-family dwellings 2 1/2 stories.
- (3) Townhouses. (Code of 1988; Code of 2001)

### **Sec. 4-320. Permitted Accessory Uses in an R-3A District.**

- (1) Any use or structure permitted and regulated in an R-2 district except as hereinafter modified and except storage buildings and conservatories.
- (2) Signs as regulated in Chapter 9 of the Zoning Code.
- (3) Private garages as regulated in Section 4-530 of the Zoning Code. (Code of 1988; Code of 2001)

### **Sec. 4-330. Special Permit Uses in an R-3A District.**

- (1) Any use or structure permitted and regulated under “special permit uses” in an R-2 District.
- (2) Hospitals, clinics, and other buildings used for the treatment of human ailments, nursing homes, and homes for the aged.
- (3) Motels and motor hotels when located on property adjacent to and having access to State or Federal highways.
- (4) Day nurseries, nursery schools, and day care centers.
- (5) Cemeteries provided that adequate landscaping is provided between the nearest cemetery lot and all adjacent land in the district.
- (6) Townhouses. (Code of 1988; Ord. No. 588, 11-10-92; Code of 2001)

### **Sec. 4-435. Interim Permitted Uses in an R-3B District.**

- (1) Any interim use or structure permitted and regulated under “interim permitted uses” in the R-1 District. (Ord. 877, 9-22-20)

**Sec. 4-340. Lot Standards in an R-3A District.**

(1) In an R-3A District any principal structure or building other than a single-family residence shall not be located less than fifty feet from any boundary line of an R-1 District.

(2) No structure or building shall exceed 2 1/2 stories or 30 feet in height, whichever is less.

(3) The minimum setbacks shall be:

<u>Description</u>	<u>Feet</u>
Side street yard	30
Front yard	30
Side yard	5
Rear yard	30

(4) The minimum requirements for lot dimensions shall be:

<u>Description</u>	<u>Feet</u>
Lot width, in feet	100
Lot depth, in feet	125
Lot area, in square feet	12,500

(5) The floor area ratio shall not exceed .5.

(6) The minimum lot area requirements shall be:

<u>Number of Floors</u>	<u>Lot Area per Unit (sq ft)</u>
1	3,000
2	2,800
Over 2	2,500 (Code of 1988; Code of 2001)

## **Article 5. R-3B District**

### **Sec. 4-410. Permitted Uses in an R-3B District.**

- (1) Any use or structure permitted and regulated in an R-2 District except as hereinafter modified.
- (2) Signs as regulated in Chapter 9 of the Zoning Code.
- (3) Townhouses. (Code of 1988; Code of 2001)

### **Sec. 4-420. Permitted Accessory Uses in an R-3B District.**

- (1) Any use or structure permitted and regulated in an R-2 District except as hereinafter modified and except storage buildings and conservatories.
- (2) Signs as regulated in Chapter 9 of the Zoning Code.
- (3) Private garages as regulated in Section 4-530 of the Zoning Code. (Code of 1988; Code of 2001)

### **Sec. 4-430. Special Permit Uses in an R-3B District.**

- (1) Any use or structure permitted and regulated under “special permit uses” in an R-2 District.
- (2) Hospitals, clinics, and other buildings used for the treatment of human ailments, nursing homes, and homes for the aged.
- (3) Motel and motor hotels when located on property adjacent to and having access to State or Federal highways.
- (4) Day nurseries, nursery schools, and day care centers.
- (5) Cemeteries provided that adequate landscaping is provided between the nearest cemetery lot and all adjacent land in the District. (Code of 1988; Ord. No. 588, 11-10-92; Code of 2001)

### **Sec. 4-035. Interim Permitted Uses in an R-1 District.**

(1) Accessibility Improvements. Accessibility improvements within a required setback provided the following conditions exist:

A. The applicant can demonstrate the proposed location is the only reasonably available option to provide needed access to the intended structure.

B. The improvement is designed to eliminate or mitigate potential impacts on adjacent property.

C. The applicant agrees to remove the accessibility improvement as directed by the Department of Community Assets & Development at such time as the residence no longer serves, in some

capacity, the individual in need of the improvement. (Ord. 877, 9-22-20)

**Sec. 4-440. Lot Standards in an R-3B District.**

(1) In an R-3B District any principal structure or building other than a single or two-family residence which adjoins an R-1 District shall have a required setback of thirty feet from the district boundary line. Where the principal structure or building adjoins an R-2 District, a setback of twenty feet shall be required. In each of these cases, the first fifteen feet of setback adjoining an R-1 or R-2 District shall be landscaped.

(2) No structure or building shall exceed three stories or thirty feet in height, whichever is less.

(3) The minimum setbacks shall be:

<u>Description</u>	<u>Feet</u>
Front yard	30
Side yard	10
Side street yard	30
Rear yard	30

(4) The minimum requirements for lot dimensions shall be:

<u>Description</u>	<u>Feet</u>
Lot width	100
Lot depth	125
Lot area, in square feet	12,500

(5) There shall be a required minimum lot area per dwelling unit as specified in this Subsection:

<u>Description</u>	<u>Required Lot Area (sq ft)*</u>
Efficiency unit	2,500
One-bedroom unit	3,500
Two-bedroom unit	4,375
Three-bedroom unit	5,625

\*Required area is for each unit.

(6) There shall be 300 square feet of green area for each dwelling unit.

(7) There shall be a required minimum gross floor area for each dwelling unit of:

<u>Description</u>	<u>Required Gross Floor Area (sq ft)</u>
Efficiency unit	500
One-bedroom unit	650
Two-bedroom unit	800
Three or more bedroom unit	1,000
Plus, additional square feet for each bedroom	

**Secs. 4-441--449. Reserved.**

**Sec. 4-451. Interim Use District.**

It is recognized that there are a certain number of detached single family homes existing in R-3B Multiple Family Residential Districts, the continued use of which as single family residences may no longer be appropriate. These single family home sites are commonly located between or adjacent to multiple family residential developments, are located on arterial or collector streets, are near to commercial and industrial districts, and are designated for multiple family residential use by the City's comprehensive plan. These detached single family homes may prove attractive to the small business use which could convert the entire single family home to a business office use at a relatively inexpensive cost. In order to allow for this transition from residential use to business office use on an interim basis while still recognizing the best and highest use of the site as multiple family residential, the R-3B1 District is hereby created. (Ord. No. 602, 9-28-93; Code of 2001)

**Sec. 4-451. Permitted Uses in a Multiple Family Residence Interim District R-3B1.**

Any use or structure permitted and as regulated in the R-3B District. (Ord. No. 602, 9-28-93; Code of 2001)

**Sec. 4-452. Permitted Accessory Uses in a Multiple Family Residence Interim District R-3B1.**

Any accessory use or structure permitted and as regulated in the R-3B District. (Ord. No. 602, 9-28-93; Code of 2001)

**Sec. 4-453. Special Permit Uses in a Multiple Family Residence Interim District R-3B1.**

Any use permitted and as regulated by special permit in the R-3B District. (Ord. No. 602, 9-28-93; Code of 2001)

**Sec. 4-454. Interim Uses in a Multiple Family Residence Interim District R-3B1.**

(1) The City Council may permit by special permit, as an interim use, any use permitted by Section 5-010 in accordance with Minnesota Statutes, Section 462.3597.

(2) Special permits for such interim uses shall be considered pursuant to Section 8-110 through 8-130.

(3) At the time of granting such a permit, the City Council shall specify a date or event that can be identified with certainty by which the interim use must be terminated. In any event, however, such interim use shall not continue beyond any date when the City Council, or other governmental body having the power of eminent domain, adopts a resolution approving acquisition of the property by eminent domain, or the zoning of the property is changed to any classification under which the interim use is no longer permitted.

(4) The City Council may impose any conditions on such interim use which it deems necessary or expedient to protect the public health, safety, or welfare, or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. No such permit shall be issued unless the applicant first agrees in writing to the imposition of such conditions.

(5) In addition to any other conditions which may be imposed by the City Council, the following restrictions shall apply:

- A. Lot standards and sign regulations applicable to R-3B uses shall be observed.
- B. A landscape and parking plan for the property shall be submitted and approved by the City Council.
- C. Parking standards applicable to the use shall be the standards which would apply to a use permitted under Section 5-010(1).
- D. No exterior storage shall be allowed.
- E. Unless more strict standards are imposed as a condition of permit approval by the City Council, the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
- F. Unless approved by the City Council pursuant to this Section and Sections 8-110 through 8-130, no new buildings may be erected on the property and no existing buildings may be expanded.

(6) No property may be rezoned to R-3B1, and no interim use permits may be granted, unless the following conditions are met:

- A. The property must have a minimum size of 12,500 square feet.
- B. The property must be adjacent, and have access to, a City collector or arterial street.
- C. The property must abut, either directly or across an adjacent public right of way, property zoned for commercial or industrial uses. (Ord. No. 602, 9-28-93; Code of 2001)

## **Article 6. R-4 Residential Housing District**

### **Sec. 4-460 R-4 Residential Housing District.**

(Ord. No. 497, 7-27-82; Ord. No. 516, 1-24-84; Code of 1988; Code of 2001)

### **Section 4-610. Temporary Family Health Care Dwellings**

1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates temporary family health care dwellings. By exercising this authority, the City is prohibiting the use of temporary family health care dwellings within the City. (Ordinance No 845; 8-23-2016)

### **Sec. 4-462. Intent.**

It is the intent of these regulations to encourage the provision of low-to-moderate-income housing in a planned residential environment by permitting manufactured homes as defined in Section 2-020 (48) of the Zoning Code. This development is subject to the requirements and procedures set forth herein to assure acceptable similarity in exterior appearance between the mobile/manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent lots in any residential districts. Areas of the City that are designed low or medium density residential in the proposed land use map of the City's Comprehensive Plan would be considered for application of this zoning district. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

### **Sec. 4-464. Permitted Uses in a R-4 District.**

- (1) Manufactured single-family dwellings.
- (2) Single-family dwellings.
- (3) Zero lot line single-family dwellings including manufactured dwellings.
- (4) Public parks and playgrounds. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

### **Sec. 4-468. Accessory Uses in a R-4 District.**

Any use or structure permitted and regulated under "accessory uses" in an R-1 District. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

### **Sec. 4-470. Special Permit Uses in a R-4 District.**

- (1) Any use or structure permitted and regulated under "special permit uses" in an R-1 District.
- (2) Community service buildings housing laundry, sanitation, recreation, and/or office facilities serving only the manufactured housing development and owned and operated by the development. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

**Sec. 4-472. Lot, Structure, and Setback Standards in an R-4 District.**

- (1) All manufactured home developments must be a minimum of two acres in area.
- (2) All manufactured home developments shall be platted in accordance with Chapter 26 of the City Code and must be platted into individual lots to be sold individually or platted with individual ownership of lots with common space controlled and maintained by an association.
- (3) In the case of a development in which the entire parcel is to be divided into individual platted lots to be sold individually and where there is no common open space, the minimum requirements specified in this Subsection shall be observed. Wherever possible, the side of the home with the longest dimension shall be placed facing the street.

<u>Description</u>	<u>Dimension</u>
Lot area:	7,500 square feet
Lot width:	60 feet
Front yard setback:	30 feet
Side street yard setback:	30 feet
Side yard setback:	5 feet
Rear yard setback:	5 feet
Structure minimum width:	18 feet
Structure exterior:	Non-reflective material
Structure maximum height:	30 feet
Structure roof-line:	Must have pitched-roof
Structure foundation:	Foundation must comply with MN State Building Code
Floor-area ratio:	.30

- (4) Cluster Planned Residential Developments and zero-lot line developments.
  - A. Cluster developments shall be encouraged.
  - B. In such cases, rigid lot area and width requirements may be waived.
  - C. The density in such developments shall be consistent with one unit per 7,500 square feet of gross land area minus public streets and as modified by any density bonus granted under Section 4-474 of the Zoning Code.
  - D. The maximum gross ground coverage of all structures within the development shall not exceed 25 percent of the entire land area of the development. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

**Sec. 4-474. Density Bonuses in a R-4 District.**

Density bonuses may be granted by the City Council if the site plan provides any of the features specified in this Subsection which enhance the design of the project and display innovative site planning techniques. The allowable total density increase under this provision shall be no more than twenty percent.

- (1) Development concepts utilizing curvilinear streets and cul-de-sacs which avoid a repetitive mechanical arrangement of lots and structures. Density bonus of +0 - 6%.
- (2) Restrictive covenants and/or architectural controls in the design of individual dwellings, including requirements for items such as siding materials, roof lines, support and/or foundation systems, and multiple section dwelling units which would give an appearance similar to conventional single-family dwellings. Density bonus of +0 - 5%.
- (3) Provision of common recreational facilities and/or open space beyond that which is required by the provisions of the Zoning Code including playground equipment, swimming pools, tennis courts, etc. Density bonus of +0 - 4%.
- (4) Development concept utilizing a homeowners association to maintain and control common open space and facilities. Density bonus of + 0 - 3%.
- (5) Preservation of significant natural site features such as vegetation and minimizing the grading of natural slopes. Density bonus of +0 - 2% . (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

**Sec. 4-476. Landscaping in a R-4 District.**

- (1) Except for the areas used for dwellings, sidewalks, parking, or accessory structures, the entire area of each homesite shall be sodded and maintained with grass cover.
- (2) At least one shade tree shall be planted on each dwelling site. The tree shall be a minimum of two inch caliper size.
- (3) When adjacent to residential properties, every manufactured housing development shall provide for a buffer:
  - A. The buffer shall consist of a strip of land 25 feet in width along all boundaries of the site.
  - B. The buffer shall be landscaped with a dense combination of deciduous and evergreen trees, shrubs, bushes, and berms so as to form a screen to adjoining properties and streets.
  - C. The buffer area may be placed under the control of a homeowners' association or be included in individual platted lots.

D. Deed restrictions requiring the permanent reservation of these areas as open space and the maintenance of plant materials and berms shall be recorded prior to the issuance of any building permits. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

**Sec. 4-478. Outside Storage in a R-4 District.**

If a separate area for exterior storage of boats, travel trailers, or any other items is to be provided, the area shall be located away from any public street and shall be densely screened and fenced in an approved manner. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

**Sec. 4-480. Recreation Area in a R-4 District.**

(1) Manufactured home developments must have ten percent of the gross area of the development set aside to be specifically designed, developed, and maintained for recreational uses.

(2) The recreation area shall not include the required landscape buffer area. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

**Sec. 4-482. Parking in an R-4 District.**

Each dwelling unit shall have two paved or concrete off-street parking spaces no closer than fifteen feet to the street right-of-way and not less than five feet from any dwelling. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

**Sec. 4-484. Development Procedures in an R-4 District.**

(1) No person shall erect, establish, attend, or enlarge a manufactured housing development within the City without obtaining approval of a manufactured housing development by the City Council.

(2) The application and review process for a manufactured housing development and all site improvements shall be processed and must meet the requirements of Chapter 26 of the City Code and Section 7-030 of the Zoning Code.

(3) The proposed site plan must meet all applicable requirements of Minnesota Statutes, Chapter 327 and any applicable rules and regulations of the Minnesota State Building Code and Minnesota Department of Health. (Ord. No. 497, 7-27-82; Code of 1988; Code of 2001)

## **Section 4-490. Design Guidelines - Multiple Family Housing**

**1. Purpose** The purposes of this section are to provide for quality development of long lasting multiple family housing in strategically located areas that are in close proximity to employment, commercial enters and public transportation; to encourage and provide a pleasant, safe and efficient pedestrian environment to move about between adjacent uses; and to ensure maintenance of a livable residential environment for tenants.

**2. Standards** The following standards must be met by all new multiple family housing projects within the City:

### **1. Site Standards.**

- a. The development shall be located within 1/4 mile of convenient services such as retail establishments, employment centers, governmental agencies (City Hall), or public transportation. Said services must be available via pedestrian access.
- b. The development shall have direct access to a collector roadway as defined in the New Brighton Comprehensive Plan, or shall have direct access to a newly constructed roadway approved as part of a redevelopment project.
- c. The development shall provide adequate area for active / passive space for the use of tenants in addition to the City's Park Dedication requirement. Said areas shall not include ponding or wetland areas.
- d. The development shall provide safe year-round access between any adjacent sidewalks or roadways and adjacent development.
- e. Bicycle parking facilities shall be provided and located so as not to impede pedestrians or vehicular traffic.
- f. All trash and recycling enclosures shall be constructed of sturdy, opaque materials (with trash and recycling receptacles screened from view) that are in harmony with architecture and materials of the main building.
- g. Mechanical systems shall be screened into the form of the building. Noise from mechanical equipment shall not exceed decibel levels established by the MPCA and shall not cause a public nuisance.

- h. Water from gutters and down spouts must be directed away from adjacent properties, or so as not to cause negative impact on adjacent property.

**2. Building Style.**

- a. Architectural design shall be compatible and enhance the neighboring area. Design compatibility includes complementary building style, form, size, color and materials. Design shall respect the scale of the adjacent residential neighborhood through attention to views, building scales and orientation, proximity to adjacent uses, location of driveways, noise, and lighting.
- b. Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.
- c. All vents, gutters, down spouts, flashing, electrical conduits, etc., shall be painted or otherwise finished to match the color of the adjacent surface.
- d. Soffits and other architectural elements visible to the public shall be finished in a material compatible with other exterior materials.
- e. No new building or remodeling of an existing building shall use mill-finish (non-colored) aluminum metal windows or door frames unless specifically requested by the applicant and approved by the City Council.
- f. Where possible, buildings should be arranged to provide views of open space and natural features.

**3. Building Materials.**

- a. Exterior building finish shall consist of brick, stone or other high quality material. High quality siding or veneer may be acceptable if used in combination with other acceptable materials; wood frame or masonry construction is acceptable. Masonite or pressed hardboard siding shall be prohibited.
- b. Each new multiple family dwelling unit shall include porches, patios or balconies, unless specifically requested to be eliminated by the applicant and approved by the City Council.

**4. Building Separation.**

- a. Buildings shall be arranged to respect the need for privacy from other units and adjacent properties. Buildings generally should not be closer than 75 feet to one another when placed parallel and in direct opposition (see attached). Angled and offset building arrangement is required. Setbacks shall be measured from the principal structure, decks, porches or balconies, whichever is closest.
- b. Building Orientation

Position

Distance

Face to Face	75 feet
Corner to Corner	15 feet
Angled Corner to Face	20 feet
Face to End	20 feet
End to End	15 feet

**5. Parking Areas.**

- a. Detached garages shall be prohibited. Underground or attached parking shall be required at a ratio of one space per dwelling unit. Such parking shall be in fully enclosed buildings of a building type, material and color that is compatible with the principle structure. Additionally, all applicable parking requirements in Section 11-010 through 11-040 of the Zoning Ordinance shall be met. (Ord. No. 726, 2-8-05)
- b. A landscaped buffer area at least ten feet (10') in width shall be provided between any parking area and adjacent side or rear property lines.
- c. No parking area or drive shall be closer than fifteen feet (15') to any portion of a building other than a garage entrance or loading apron. This fifteen foot (15') area shall be used for walkways and landscaping consisting of at least fifty percent (50%) vegetative coverage.
- d. Where parking spaces are located so that the headlights of vehicles shine onto a wall containing ground level windows, a year-round landscaping or other means shall be provided to eliminate light shining through the windows. Techniques used to control headlights shining into windows should not create safety problems.
- e. Outside storage of boats, campers, trailers, and other recreational vehicles shall be prohibited.

**6. Signage and Lighting.**

- a. All signage shall be required per Chapter 9 of the Zoning Ordinance.
- b. If building identification and directional signs are used, they shall be consistent throughout the development in color, design, and mounting. Building identification signs should be lighted directly or indirectly to be readable at all times.
- c. Lighting with an illumination of 0.5 foot candle shall be provided along all walkways.

- d. Exterior lighting shall be architecturally integrated with the building style, material and colors.
- e. Low mounted lights (not to exceed 15 feet in height) with an illumination of 1.0 foot candle shall be used for parking areas to enhance security and safety. Said lighting shall be directed downward, and installed so as to prevent direct light from being detectable at the lot line of the site on which the source is located. (Code 2001 Ord. No. 686, 4-24-01)

**Article 7. General Requirements**

**Sec. 4-500. General Requirements, Residential Districts.**

**Sec. 4-520. Repealed.** (Ord. No. 567, 12-13-88; Code of 2001)

**Sec. 4-525. Repealed.** (Ord. No. 567, 12-13-88)

**Sec. 4-530. Accessory Buildings in Residential Districts.**

(1) All accessory buildings or detached garages, and attached garages in residential districts shall conform to the following requirements:

- A. An accessory building or detached garage shall not be located within the front yard.
- B. Accessory buildings or detached garages shall match or compliment the existing primary residential structure in height and materials, and shall conform with all of the setback requirements for the zoning district where located.
- C. The combined size of any attached and detached accessory structures or garages shall not exceed 1,664 sq. ft.
- D. An accessory building or detached garage may be constructed up to a maximum of 1,064 square feet. Any structure larger than 624 square feet up to 1,064 square feet shall be subject to approval of a Special Use Permit.
- E. No attached garage shall exceed 1,064 square feet.
- F. Accessory buildings exceeding 624 square feet in size shall be subject to approval of a Special use Permit under Section 8-110 through 8-130 and subject to compliance with the following conditions:
  - 1. Roof and exterior color and material must be consistent and complimentary with the principal structure.
  - 2. If deemed necessary by the City Council, landscape screening shall be provided to lessen visual impact from adjacent properties.
  - 3. No commercial or home occupation activity shall be conducted within the accessory building. (Code of 1988; Ord. No. 674, 10-24-00; Code of 2001, Ord. No.722, 8-24-04)

G. Accessory structures under 624 sq. ft. in size may be administratively approved by the City Manager but shall be subject to compliance with the conditions found in Section 4-530 K 1 – 3 above. (Ord. No. 722, 8-24-04)

**Sec. 4-540. Fences.**

(1) **Purpose.** The purpose of this Section is to enact minimum restrictions on fencing necessary to:

- A. Ensure orderly development,
- B. Allow a free flow of air, and prohibit unreasonable restrictions of view while allowing each property owner an opportunity for privacy, property protection, and the ability to make reasonable use of the property.

(2) **Definition.** A fence is defined for the purpose of the Zoning Code as any partition, structure, wall, or gate erected as a dividing marker, barrier, or enclosure which is located within any yard or yards.

(3) **General Requirements.**

- A. No person shall construct, cause to be constructed or erected any fence over six feet in height without first obtaining a permit from the City.
- B. Fences shall be located entirely upon the private property of the person causing the fence to be constructed. Fences shall not be erected in the boulevard area of public streets.
- C. Every fence shall be constructed in a substantial skillful manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, danger, or constitute a nuisance, public or private. A fence which is or has become dangerous to the public safety, health, or welfare is a public nuisance in accordance with Chapter 17 of the City Code.
- D. Fences constructed or partially constructed of barbed wire shall only be permitted in industrially zoned districts and shall conform with the requirements of Section 6-400 of the Zoning Code.
- E. No fence shall be erected on a corner lot in the triangle formed by the front lot line, side street lot line, and a straight line joining points on such property lines thirty feet from their intersection at the corner of the lot when such action would materially impede vision between a height of 2 1/2 and ten feet above the center line grades of the adjacent intersecting streets.
- F. Fences for special purposes and fences differing in construction, height, length, or location from the requirements of this Section may be permitted in any district in the City by the issuance of a special use permit approved by the City Council upon a finding that such special purpose fences:
  - 1. Are necessary to protect and buffer the premises for which such fences are intended or adjacent fences are intended for adjacent premises; and
  - 2. Would not be deleterious to adjacent property nor to the general public health, safety, or welfare; and
  - 3. Would be consistent with the intent and purpose of the fence regulations as stated in Section 4-540 (1) of the Zoning Code.

A special fence permit, if issued, may stipulate and provide for the height, location, and construction type of the special fence thereby permitted or any other condition deemed necessary to protect the public health, safety, and general welfare.

(4) **Residential Districts.** No fence shall be erected in a residentially zoned district except in conformance with the requirements of this Subsection.

A. Fences erected in the front yard of a lot, as defined in Section 2-020 (76), [see drawings in Section 2-020 (43)] shall not exceed 3 1/2 feet in height and shall have at least 75 percent of their vertical surface plane open when viewed from a point perpendicular to that plane.

B. Fences in yards other than a front yard shall not exceed six feet in height and shall be constructed so as to permit a free flow of air.

C. When a principal structure is located on a lot having more than one street side, the street side of the lot toward which the structure is oriented shall be considered the front lot line and the yard on that side shall be considered the front yard for purposes of fence regulation. The orientation of the principal structure in residentially zoned districts shall be determined according to the procedure described in Section 8-670 of the Zoning Code.

D. The framing material of fences in residential districts shall be placed on the owner's side of the fence or equally on both sides. Chain link and other mesh fences shall have knuckled ends at both top and bottom. (Ord. No. 517, 1-24-84; Code of 1988; Code of 2001)

#### **Sec. 4-550. Home Occupations.**

(1) Home occupations shall conform to the standards set forth in this Section. These standards are intended to ensure that a home occupation is clearly secondary and incidental to the use of the dwelling unit for residential purposes and to ensure compatibility of the home occupation with the residential character of the neighborhood.

(2) Permitted home occupations shall not include the employment of more than one additional person on site who does not reside on the premises. Furthermore, not more than one room or 25 percent of the gross area of one floor, whichever is less, shall be used to conduct the home occupation. The appearance of a residential dwelling shall in no way be changed or altered in a manner which would cause the premises to differ from its residential character.

(3) Activities resulting from the operation of a home occupation shall be conducted entirely within the enclosed area of a dwelling unit or storage, shall have no exterior storage of equipment or materials, and shall not include the exterior display of anything except signs permitted by Chapter 9 of the Zoning Code.

(4) Operation of any wholesale or retail business shall not be permitted unless conducted entirely by mail and does not include the sale, shipment, or delivery of merchandise on the premises. However, occasional sales shall be permitted when such occasional sales are incidental to and not the primary purpose of the home occupation.

(5) Not more than four additional vehicle trips per day shall be generated by a home occupation. Any need for parking generated by the conduct of the home occupation shall be met off of the street only on the driveway of the dwelling or in the garage and shall be consistent with residential parking requirements.

(6) No mechanical equipment or process shall be used which generates noise, fumes, odor, smoke, glare, vibration, electrical interference, waste, or puts strain on public utilities other than is reasonable for a residentially zoned district.

(7) No home occupation shall cause to be violated any other applicable statute, ordinance, or regulation of the City or the State of Minnesota including the Minnesota State Building Code and Minnesota State Fire Code. (Ord. No. 522, 4-10-84; Code of 1988; Code of 2001)

#### **Sec. 4-580. Setback Exemptions.**

The items identified in this Section shall not be considered encroachments on setback requirements:

(1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, cornices, eaves, gutters, and the like provided they do not project more than two feet into the setbacks.

(2) Steps, walks, driveways, and similar features used as a means of getting from one place to another provided they do not extend above the height of the ground floor level of the principal structure. (Ord. No. 529, 4-23-85; Code of 1988; Code of 2001)

#### **Sec. 4-590. Flood Plain Zoning.**

All residentially zoned lands within the City subject to periodic inundation as shown on the official flood plain zoning map shall be subject to all regulations contained in Chapter 10 of the Zoning Code. (Code of 1988; Code of 2001)

#### **Sec. 4-600. Height Exceptions.**

(1) **Height Limitations.** Height limitations shall not apply to the following:

- A. Church spires, belfries, cupolas, and domes;
- B. Chimneys and smokestacks;
- C. Flagpoles;
- D. Any antenna or combination of antenna and tower rigidly attached to a building provided that the combination of antenna and tower does not exceed a total height of twenty feet above the highest point of attachment;
- E. Any dish antenna thirty inches or less in diameter; and,
- F. Roof-mounted mechanical equipment. Such equipment shall be either screened or completely enclosed and shall be excepted from the height limitations if the enclosure(s) does not occupy more than thirty percent of the roof area and does not extend more than twelve feet above the roof upon which it is located.

(2) **Building Permits Required.** Building permits are required for towers and antennae. Such structures shall meet the regulations specified in this Subsection.

- A. All towers and antennae shall have setbacks equal to or greater than the height of the proposed structure, unless otherwise reduced by action of the City Council in accordance with Zoning Code Section 4-600 (4) (D).
- B. The distance of any guy anchorage or similar device shall be at least ten feet from any property line.
- C. Suitable protective anti-climb fencing and a landscape planting screen shall be provided and maintained around the structure and accessory attachments.
- D. The applicant shall present documentation of the possession of any required license by any

Federal, State, or local agency.

E. No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line which serves more than 1 dwelling or place of business, less five feet.

F. Only one such structure exceeding the district height limitations shall exist at any one time on any residentially zoned and used lot or parcel.

G. Application for the permit must include construction drawings showing proposed method of installation, structural engineering analysis, and a site plan depicting structures and plantings on the property and all adjacent properties. At the request of the administrative authority, documentation of a maintenance program may be required.

H. If any modifications are made to the structure, the City shall have the authority to require proof that the addition, change, or modification is in conformity with the permit and the Uniform Building Code.

I. The owner of such a structure shall assume complete liability in case of personal or property damage. (Ord. 764 7-22-2008)

(3) **Dish Diameter.** No exterior dish antenna having a diameter in excess of thirty inches shall be allowed in an R-1 or R-2 District unless it complies with the requirements of this Subsection.

A. Dish antennas shall not be located on the roof of any structure.

B. Ground mounted dish antennas shall only be located in a rear yard and shall not be located within five feet of any side lot line and five feet of any rear lot line.

C. Ground mounted dish antennas shall not be located within ten feet of any principal structure.

D. Ground mounted dish antennas shall be located at least 25 feet from any adjacent residential structure.

E. Ground mounted dish antennas shall be screened from adjacent residential properties.

Screening techniques shall be such that screening is effective throughout all seasons of the year.

(4) **Special Use Permit.** Wireless telecommunication towers/antenna shall be subject to approval of a special use permit. A special use permit shall be considered provided it is determined that the location and size of the use and type of operation involved therein shall not be injurious to the public health, safety, convenience, or general welfare and, shall not injure or adversely affect the adjacent area or property values. The Planning Commission, in making a recommendation, and the City Council, in acting upon the special use permit, shall consider the following factors:

A. The application for special use permit shall be processed according to Chapter 8 of the Zoning Code.

B. Applications for special use permits must meet the standards of Section 4-600 (2), A-I.

C. Wireless telecommunication towers/antenna may be constructed to a height that exceeds the required setback up to 33%. As a condition of approval, the City must be provided with a licensed professional engineer's certification that the tower is designed to collapse or fail within a distance or zone shorter than the required setback distance as determined by the height of the structure or telecommunication tower. The required setback is specified in Section 4-600 (2), A-B. (Ord. No. 520, 3-27-84; Code of 1988; Ord. No. 676, 11-28-00; Code of 2001)

D. Certain telecommunication towers/antenna may be exempt from the setback requirement of Section 4-600 (2) and instead subject to a 10' setback by authorization of the City Council and when all of the following criteria are met:

1. The tower/antenna is erected on a parcel zoned I-1 or I-2.

2. The tower/antenna is located in a side or rear yard.

3. The reduced setback is measured only from the I-35W right-of-way.

4. The applicant submits a fall zone letter stating that tower is engineered to fall in a distance not impeding traffic on I-35W. (Ord. 764 7-22-2009)

#### **Section 4-610. Temporary Family Health Care Dwellings**

1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates temporary family health care dwellings as a permitted use. A temporary family healthcare dwelling is allowed in certain circumstances provided that a license has been obtained from the City and it meets the requirements of Article 18 of Chapter 15 of the City Code.

(Ord. 845, 8.23.2016; Ord. No. 850, 4.25.2017)