ORDINANCE NO. 2015 -

AN ORDINANCE UPDATING DEFINITIONS; MODIFYING STANDARDS IN THE R-1, R-1A, RS-1, R-4, RM-12, RM-24 AND RM-50 ZONING DISTRICTS; CREATING A NEW R-3 AND RM-100 ZONING DISTRICT; MODIFYING ACCESSORY BUILDING STANDARDS; MODIFYING MULTIPLE-FAMILY RESIDENTIAL STANDARDS; CREATING CEMETERY, CREMATORIA, TOWNHOUSE, SINGLE-FAMILY RESIDENTIAL AND FAMILY DAY SHELTER STANDARDS; AND MODIFYING NEIGHBORHOOD UNIT DEVELOPMENT STANDARDS, THEREBY AMENDING CHAPTERS 10, 19, 21 AND 22 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 10 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

CHAPTER 10

ENVIRONMENTAL CONTROL

***

ARTICLE IV. NOISE CODE

***

SEC. 10.29.02. NOISE SOURCE REQUIREMENTS.

(a) A noise source (excluding motor vehicles operating on public highways, locomotives and railroad cars, snowmobiles, construction equipment at construction sites, maintenance of utility easements, and snow plowing of public streets and sidewalks by the City or County as detailed in Article IV of this Chapter) within the following zoning districts (as defined in this Code) shall not exceed the L10 noise levels set forth below.

***

(3) Residential Zoning District (which may include but is not limited to single-family dwellings, private schools, day[-] care facilities[~~centers~~], private garages, permitted home occupations, place(s) of assembly for worship, public stables, marinas, multiple dwellings, and retail shops) - 60 dBA in the daytime (7:00 A.M. to 10:00 P.M.) and 50 dBA in the nighttime (10:00 P.M. to 7:00 A.M.) as measured on the property line of the source.

***

Section 2. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

CHAPTER 14

LICENSES AND PERMITS

***

ARTICLE VIII. RENTAL HOUSING CODE

Division A. General Provisions

***

SEC. 14.568. DEFINITIONS.

~~***~~

Family - One or more persons related by blood, marriage or adoption, including foster children, or a group of not more than four persons (excluding personal care attendants, in accordance with Minnesota Statutes, [~~Sections 256B.04, Subdivision 16 and~~]256B.0625, Subdivision 19a and Minnesota Rules, Rule 9505.0335), occupying a dwelling unit. This definition includes a functional household as defined in this Article of City Code, as well as those persons renting rooms.

***

Section 3. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE I. GENERAL PROVISIONS

***

Division B. Definitions

SEC. 19.03. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

***

Accessory dwelling unit - A secondary dwelling unit that is:

(A) physically attached to or within a single-[ ]family dwelling unit;

(B) subordinate in size to the single-[ ]family dwelling unit;

(C) fully separated from the single-[ ]family dwelling unit by means of a wall or floor, with or without a door;

(D) [~~uses~~]has a separate entrance than the primary dwelling unit; and

(E) meets the definitional requirements for a Dwelling Unit (cooking, living, sanitary and sleeping facilities) as defined in Section 19.03.

***

Automotive service facilities - Facilities which usually provide motor vehicle fuel and lubricants and/or which may provide tires, mufflers, and other readily replaceable automotive parts. Repair services such as tune-ups and replacement of parts sold on premises are included, however, body work, painting, and machining of parts are not included.

***

Bed and Breakfast – Lodging establishments providing furnished sleeping accommodations along with a morning meal of food and beverages to the public for periods of less than one week. Also see transient lodging facility.

***

[~~**Child care center** - A facility primarily engaged in the temporary care of children, including but not limited to day care, preschools, early childhood learning centers, and related uses.~~]

***

Congregate living facility - A type of housing in which occupants share a common dining room, recreational room, or other facilities, including but not limited to boarding houses, lodging houses, assisted living facilities and convents.

***

Customarily incidental and clearly subordinate use - A use which is operated for the benefit and convenience of the owner, customers, employees, or visitors; which does not constitute more than ten percent of the principal use floor area; which does not attract customers independently of the principal use; and which is located on the same lot as the principal use.

Customarily incidental feature – A subordinate feature that clearly and customarily accompanies the principal building and is located on the same lot as the principal building including, but not limited to accessory buildings, swimming pools, off-street parking, gardens, clothes lines, tree houses and similar features.

***

[~~**Day-care center, nursery** - Any detached single-family dwelling, detached child-care facility, apartment, duplex, condominium, or townhouse, where more than five children under 12 years of age, who are not members of the family of the superior or custodian in charge:~~

~~(A) Meet or are scheduled to meet regularly for more than one day a week for all or part of the day; and who~~

~~(B) Meet either to be watched or cared for while their parent or guardian is otherwise engaged or to afford themselves opportunities for physical, social, emotional, or intellectual growth.~~

~~These terms shall not include hospitals, Sunday schools, facilities under the direction of an established and accredited school system, facilities used for club or organization meetings when such club or organization regularly meets no more than once a week, or casual babysitting~~].

Day care facility – A facility primarily engaged in the temporary care of children or adults, usually while their primary caregivers are at work, including but not limited to day care centers, preschools, early childhood learning centers and related uses.

***

Density - The number of dwelling units on a site divided by the gross site area, including, at the option of the landowner, land donated for public right of way purposes.

***

Dormitory – A building providing sleeping and residential quarters for individuals or groups associated with a college, university, institution, or boarding school.

***

Dwelling - one or more rooms designed for residential use by a single-family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other dwelling units in the same structure. Types of dwellings are as follows:

(A) **Dwelling, single-family** - a building designed or used for residential occupancy by one family with or without an approved Accessory Dwelling Unit.

(B) **Dwelling, two-family** - a building designed or used for residential occupancy by two families in separate dwelling units fully separated by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units, including both duplexes and double bungalows but not including Accessory Dwelling Units.

(C) **Dwelling, multiple-family** – [~~a building or portion thereof designed or used for used for residential occupancy by three or more families in separate dwelling units.~~] a building that includes three or more dwelling units where dwelling units are configured in part vertically above and below other dwelling units.

(D) **Townhouse/rowhouse** – a building or group of buildings that include three or more dwelling units on a site where the dwelling units are configured in a side by side fashion and share at least one common wall but are not vertically stacked.

***

Family - One or more persons related by blood, marriage or adoption, including foster children, or a group of not more than four persons (excluding personal care attendants, in accordance with Minnesota Statutes, [~~Sections 256B.04, Subd. 16 and~~]256B.0625, Subd. 19 and Minnesota Rules, Rule 9505.0335), occupying a dwelling unit. This definition of family includes a functional household as defined in Section 14.568 of the City Code, as well as those persons renting rooms. (See Boarding House.)

Family day shelter, unlicensed – A[~~a~~] facility operated on property owned by a [~~church~~]place of assembly for worship, which provides temporary shelter for a family or families who are being assisted in finding permanent

housing and/or employment and is not licensed by a federal, state or local governmental entity. [~~An unlicensed family day shelter must comply with the following requirements:~~

~~(A) Maximum permitted hours of operation shall be from 7:00 a.m. to 7:00 p.m.~~

~~(B) Maximum capacity shall be sixteen (16) persons.~~

~~(C) At least one paid staff person shall supervise the shelter during permitted hours of operation.~~]

***

Full-service hotel - A facility for public accommodation which provides guest rooms, restaurants, meeting rooms, and other facilities for the use and enjoyment of customers.

***

Group Family Day Care – Care for no more than 14 children at any one time, in the residence of the caregiver. The total number of children includes all children of any caregiver when the children are present in the dwelling unit.

***

Institutional uses - Land uses that serve a community's social, educational, health, cultural and recreational needs. Uses include, but are not limited to schools, colleges, [~~child care centers~~]day care facilities, libraries, places of assembly, switching stations, funeral homes, nursing homes, monasteries, fire stations, assisted living facilities and community centers.

***

Issuing Authority - The City Manager or [~~his~~] designated representative.

***

Manufactured home park - A site or lot of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

***

Mixed-use center - A grouping of three or more different uses that have a commons as their central organizing feature and which may be developed in stages. The commons may be a combination of indoor and outdoor spaces on one or more levels which serve as a public access and plaza, restricted to pedestrian circulation, providing access to all uses in a mixed-use center.

~~***~~

[~~**Multiple-family residence** – For the purposes of Chapter 21, a multiple-family residence is a building that includes three or more dwelling units where dwelling units are configured vertically above and below other dwelling units.~~]

***

Parks, private or commercial – An area with one or more elements of passive or active recreation such as sport courts and fields, indoor or outdoor golfing, children's play structures, walking or biking trails, natural features, etc., which are owned by or leased to private individuals or businesses, which are made available to groups beyond the private owners via rent or admission fees and which may be fee based. Privately owned property serving as public parkland via agreement does not qualify as a private or commercial park when leased according to public park leasing policies.

Parks, public - An area with one or more elements of passive or active recreation such as court sports, children's play structures, walking or biking trails, natural features, etc. which is open to the public.

***

Plant nurseries and greenhouses – A place where plants are propagated and grown to usable size. They include retail nurseries that sell to the general public, wholesale nurseries that sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries that supply the needs of institutions or private estates where they are located.

***

[~~**Private school** – Unless otherwise specifically described in the ordinances of the City or other applicable laws or regulations, the term private school shall mean any building used for educational purposes by five or more persons at one time and is not operated by a locally elected board who has local taxing authority.~~]

***

Product design, development, and testing – The indoor design, development and/or testing of products in an office and/or laboratory environment without manufacturing.

~~***~~

[~~**Public school** - Unless otherwise specifically described in the ordinances of the City or other applicable laws or regulations, the term public school shall mean any building used for educational purposes by five or more persons at one time.~~]

***

Recreational court (sports court) – Permanent or seasonal outdoor facility predominantly used for sports, including tennis and basketball courts.

***

Residential care facility – A facility that provides custodial care to persons who, because of physical, mental, or emotional disorders, are not able to live independently.

***

School (K-12)[~~, private or charter~~] - An establishment[~~, not governed by an elected school board,~~] primarily engaged in providing instructional services to elementary or secondary students with a curriculum that complies with state regulations.

[~~**School (K-12), public** - An establishment, governed by an elected school board, primarily engaged in providing instructional services to elementary or secondary students with a curriculum that complies with state regulations.~~]

***

Transient lodging facility – A dwelling of one or more units, or portion thereof, in which guests pay to stay for periods of 30 days or less, including, but not limited to bed and breakfasts, resorts and vacation homes.

***

Usable open space - That part of a lot that is not covered by buildings, drives, and parking areas, is landscaped and developed for active or passive recreational and leisure use, is conveniently located and accessible to all the units and that is a minimum of fifteen feet in width and depth.

***

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

SEC. 19.24. ZONING DISTRICTS AND ZONING DISTRICT ORDINANCES AND MAPS.

(a) **Zoning Districts**. For the purpose of this Code, the City is hereby organized into the following primary zoning districts:

***

(2) **Multiple-Family Residential Districts** -
Townhouse Residential R-3 District
Multiple-Family Residential R-4 District
Multiple-Family Residential RM-12 District
Multiple-Family Residential RM-24 District
Multiple-Family Residential RM-50 District

Multiple-Family Residential RM-100 District

***

SEC. 19.26. USES.

***

(b) When a use is not specifically listed in [~~this~~] Chapter 19 or 21 as a permitted, accessory, provisional, interim or conditional use in one of the zoning districts, it shall be assumed that such use is hereby expressly prohibited.

***

SEC. 19.27. RESERVED.[~~SINGLE-FAMILY RESIDENTIAL (R-1A, R-1) DISTRICTS.~~

~~(a) **Purpose** - The R-1A Zone is intended for areas where public sewer and water is not available and where because of the terrain and other natural features it will be possible to develop on large lots homes that will be able to stand the added expense when utilities do have to be extended to serve the area. The R-1 Zone is intended for areas that are served by public sewer and water.~~

~~(b) **Permitted uses** -~~

~~(1) Single-family dwellings.~~

~~(2) Agriculture, limited.~~

~~(3) Public governmental uses.~~

~~(4) Public governmentally owned recreational facilities such as parks, playgrounds, golf courses and tennis courts.~~

~~(5) Public utility installations but not including buildings, electric sub-stations, or above-ground high voltage transmission lines.~~

~~(6) The following programs and facilities, which are required to be permitted single-family residential uses under Minnesota Statutes Section 245A.11, Subd. 2; Section 245A.14, Subd. 1; or Section 462.357, Subd. 7:~~

~~(A) Residential programs or facilities (as defined in Minnesota Statutes, Section 245A.02, Subd. 14 and licensed by the state pursuant to Minnesota Statutes, Section 245A.03, Subd. 1) which serve six or fewer persons.~~

~~(B) Non-residential programs or facilities (as defined in Minnesota Statutes, Section 245A.02, Subd. 10 and licensed by the state pursuant to Minnesota Statutes, Section 245A.03, Subd. 1) which serve twelve or fewer persons.~~

~~(7) Licensed foster care serving four or fewer adults, or seven or fewer children, as defined in Minnesota Statutes, Section 245A.02 and licensed by the state pursuant to Minnesota Statutes Chapter 245A.~~

~~(8) Two-family dwellings in the R-1 District.~~

~~(c) **Permitted accessory uses** -~~

~~(1) Private garages subject to the provisions of paragraph (f) of this Section.~~

~~(2) Conservatories for plants and flowers, not including any business, trade or industry.~~

~~(3) Separate living quarters for domestic help employed on the premises when said premises contain 16,000 square feet or more of lot area.~~

~~(4) The renting of rooms by a resident family for lodging purposes only and for the accommodation of not more than two roomers in a single-family dwelling.~~

~~(5) Off-street parking and off-street loading for uses permitted in this Section.~~

~~(6) Home occupations in accordance with the performance standards set forth in Section 19.63.09(a)(2) of this Chapter.~~

~~(7) Private swimming pools.~~

~~(8) Fall-out shelters.~~

~~(9) Mortuaries as accessories to cemeteries.~~

~~(10) Accessory buildings in accordance with the requirements of Section 19.50.02.~~

~~(11) Accessory Dwelling Units in the R-1 district in accordance with the standards set forth in Section 21.302.03.~~

~~(12) Towers supporting amateur radio antennas. For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.~~

~~(13) Group family day care facilities or programs (as defined in Minnesota Rules, Part 9502.0315 and licensed by the state pursuant to Minnesota Statutes, Section 245A.03, Subd. 1 and Minnesota Rules 9502.0315 to 9502.0445) which serve fourteen or fewer children (including children of the caregiver).~~

~~(14) Transient merchant sales in parks only, where incidental and clearly subordinate to a special event.~~

~~(d) **Conditional uses -**~~

~~(1) Places of assembly, private schools, including music and dance schools, and licensed in home day-care facilities serving thirteen (13) or more persons.~~

~~(2) Nurseries and greenhouses, provided that any heating plant is located 50 feet or more from any lot in a residential district and that all incidental equipment is kept within a building.~~

~~(3) Cemeteries, provided that the site is at least 10 acres in size and is used solely for cemetery and related purposes (such as for mortuarial services or a funeral chapel).~~

~~(4) The following uses are allowed and remain legally conforming uses when legally established prior to July 25, 2013. Establishing the following uses at new locations within the district or otherwise expanding the following uses within the district is prohibited.~~

~~(A) Boarding houses;~~

~~(B) Lodging houses;~~

~~(C) Licensed residential facilities serving seven or more persons;~~

~~(D) Hospitals;~~

~~(E) Sanitariums;~~

~~(F) Rest homes;~~

~~(G) Multiple family dwellings, including senior citizen housing and handicapped housing; and~~

~~(H) Freestanding child care centers.~~

~~(5) Reserved.~~

~~(7) Reserved.~~

~~(8) Marinas and related uses.~~

~~(9) Reserved.~~

~~(10) Home businesses in accordance with the performance standards set forth in Section 19.63.09(b)(4) of this Chapter.~~

~~(11) Private or commercial parks, playgrounds, golf courses, and tennis courts.~~

~~(12) Transitional use. The lot or lots in a residential zone which are immediately adjacent to a nonresidential use and major or through street or railroad may be used for a medical or dental clinic, office, mortuary, or nonprofit clubs or lodges, assembly and reception halls, and similar uses.~~

~~(13) Reserved.~~

~~(14) Off-street parking for a contiguous business, industrial use, public use, public or private school, or church.~~

~~(15) Planned development (residential).~~

~~(16) Reserved.~~

~~(17) Country clubs.~~

~~(18) Retail shopping uses and personal service uses, when located within a multiple-family dwelling building, or within one of the multiple-family dwelling buildings of a complex when the building or complex is comprised of 100 or more dwelling units.~~

~~(19) Railroad right-of-way and tracks.~~

~~(20) Electric sub-stations and above-ground high voltage transmission lines.~~

~~(21) Public utility buildings and structures.~~

~~(22) Reserved.~~

~~(23) YMCA facilities.~~

~~(24) Reserved.~~

~~(25) Racket sports clubs and those other athletic uses commonly associated with such racket sports clubs when part of a planned development exceeding 125 units if membership always remains open to all residents of said planned development and when adjacent to arterial streets.~~

~~(26) Reserved.~~

~~(27) Reserved.~~

~~(28) Reserved.~~

~~(29) Reserved.~~

~~(30) Reserved.~~

~~(31) Reserved.~~

~~(32) Reserved.~~

~~(33) Food catering where the food is prepared on site for consumption off the premises, provided that the use is conducted in a church, school building, public governmental, hospital or assembly and reception hall.~~

~~(34) Tennis courts as an accessory use to single family dwellings.~~

~~(35) Neighborhood Unit Developments in accordance with the requirements of Section 19.62.01. When reviewing an application for a conditional use permit for a Neighborhood Unit Development, it is not required that the City Council make the finding under Section 19.22, Subparagraph (1)(E) of this Code.~~

~~(36) Reserved.~~

~~(37) Reserved.~~

~~(38) Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.~~

~~(39) Unlicensed family day shelters as defined in Section 19.03 of this Code.~~

~~(e) **Interim Uses -**~~

~~(1) Stock piling of materials for use in the construction of highways or churches.~~

~~(2) Excavation and removal of sand, gravel, black dirt and other types of soil and mineral products not to exceed two years in duration.~~

~~(f) **Special Provisions -**~~

~~(1) Corner lots shall be a minimum of 15,000 square feet with a minimum lot width of 120 feet on any street.~~

~~(2) Maximum impervious surface coverage on single family dwelling lots in the R-1 District shall be limited to 35% of the area of the lot. In no instance shall the area of impervious surface exceed 12,000 square feet, plus 1,000 square feet of impervious surface for each acre of lot size over one acre.~~

~~(3) Structure height shall be regulated pursuant to Section 21.301.10 of this Code.~~

~~(4) The outside storage of a recreational vehicle in a manner that does not meet the requirements of Section 19.50.03 of this Code requires a recreational vehicle permit to allow the temporary storage of a noncompliant recreational vehicle for a maximum period of three years, subject to renewal.~~

~~(5) Maximum impervious surface coverage on single family dwelling lots in the R-1A District shall not exceed 12,000 square feet, plus 1,000 square feet of impervious surface for each acre of lot size over one acre.~~

~~(6) Private Garages for Single Family Dwellings.~~

~~(A) **Limitation based on principal building.**~~

~~(i) In no event shall the ground coverage of all garage structures, or the ground coverage area of the portion of the dwelling used for garage purposes, exceed the ground coverage area of that portion of the dwelling used for permanent four season living area and not used for garage purposes.~~

~~(ii) In no event shall the total floor area of all garage structures, or the total floor area of the portion of the dwelling used for garage purposes, exceed the total floor area of the portion of the dwelling used for permanent four season living area and not used for garage purposes.~~

~~(iii) Notwithstanding the provisions of (i) and (ii), above, each single-family detached dwelling may have a garage structure with a total floor area of up to 600 square feet.~~

~~(B) **Limitation based on lot size.**~~

~~(i) **Parcels 15,000 square feet or smaller.** In addition to the limitations described in subparagraph (A), above, the total garage floor area on parcels less than or equal to 15,000 square feet in area shall not exceed 1,000 square feet, and the total floor area of garages and all accessory buildings shall not exceed 1,120 square feet. The floor area of accessory buildings other than garages shall not exceed 1,000 square feet.~~

~~(ii) **Parcels greater than 15,000 square feet.** In addition to the limitations described in subparagraph (A), above, the total floor area of garages and all accessory buildings shall not exceed 1,120 square feet, plus an amount of floor area equal to five percent (5%) of the lot area above 15,000 square feet, up to a maximum floor area for garages and accessory buildings of 2,000 square feet. In no event shall the total garage and~~

~~accessory structures floor area exceed the ground floor area of the permanent four season living area plus 120 square feet for an additional accessory building.~~

~~(C) **Exception for tuck under garages.** In those instances where all garage space and accessory storage space is attached to and located below floor area used for permanent four season living area, there shall be no limit on the amount of garage floor area. In these instances, the total floor area of all detached accessory buildings shall be limited to 120 square feet.~~

~~(D) **Height.**~~

~~(i) **General.** In no event shall the overall height of any garage exceed the height of the dwelling.~~

~~(ii) **Garage Doors.** In no event shall the height of a garage door opening, measured from the floor to the trim covering the door header, exceed eight (8) feet.~~

~~(g) **Sign Regulations.** Refer to Article X of this Chapter.~~]

SEC. 19.27.01. RESERVED.[~~LARGE LOT SINGLE FAMILY RESIDENTIAL DISTRICT RS-1.~~

~~(a) **Purpose** - To provide for areas within the City primarily intended for low-density residential development which are:~~

~~(1) Adjacent to the Minnesota River Bluff; or~~

~~(2) Located in areas of steep slopes, significant vegetation, wetlands or other unique natural features which, in the opinion of the City Council, are necessary to maintain the character of the area or the community and which would be irreparably harmed by denser development; or~~

~~(3) Substantially developed with single-family detached dwellings on parcels in excess of 30,000 square feet.~~

~~(b) **Uses** -~~

~~(1) Permitted Principal Uses -~~

~~A. Detached single-family dwellings~~

~~B. Public governmental uses~~

~~C. Golf courses, public and private~~

~~D. Agriculture, limited.~~

~~E. Public utility installations, except buildings, electric substations, and above-ground high voltage transmission lines.~~

~~F. Licensed residential facilities serving six or fewer persons and licensed day care facilities serving twelve or fewer persons, in accordance with Minnesota Statutes Section 462.357, Subdivision 7.~~

~~(2) Permitted Accessory Uses -~~

~~A. Private garages, subject to the provisions of paragraph (h) of this section.~~

~~B. Accessory buildings in accordance with the requirements of Section 19.50.02.~~

~~C. Accessory Dwelling Units in accordance with the standards set forth in Section 21.302.03.~~

~~D. Separate living quarters for domestic help employed on the premises~~

~~E. The renting of rooms is a single-family detached dwelling by a resident family for lodging purposes only and for the accommodation of not more than two roomers.~~

~~F. Private swimming pools and tennis courts.~~

~~G. Reserved.~~

~~H. Mortuaries accessory to cemeteries.~~

~~I. Towers supporting amateur radio antennas. For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.~~

~~J. Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).~~

~~(3) Conditional Uses -~~

~~A. Reserved.~~

~~B. Reserved.~~

~~C. Place of assembly.~~

~~D. Utility uses, including buildings, electric substations, and above-ground high voltage transmission lines.~~

~~E. Railroad right-of-way and tracks.~~

~~F. The following uses are allowed and remain as conforming uses when legally established prior to July 25, 2013. Establishing the following uses at new locations within the district or otherwise expanding the following uses within the district is prohibited.~~

~~(i) Licensed residential facilities serving seven or more persons; and~~

~~(ii) Nursing homes, rest homes and similar uses.~~

~~G. Licensed in home day care facilities serving thirteen or more persons.~~

~~H. Cemeteries, provided that the site is at least 10 acres in size and is used solely for cemetery and related purposes (such as for mortuarial services or a funeral chapel).~~

~~I. Private schools and colleges.~~

~~J. Reserved.~~

~~K. Commercial nurseries and greenhouses.~~

~~L. Reserved.~~

~~M. Reserved.~~

~~N. Neighborhood Unit Developments in accordance with the requirements of Section 19.62.01, Neighborhood Unit Developments.~~

~~O. Reserved.~~

~~P. Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.~~

~~Q. Home businesses in accordance with the performance standards set forth in Section 19.63.09(b)(3) of this Chapter.~~

~~(4) Interim Uses -~~

~~A. Excavation and removal of sand, gravel, black dirt and other types of soil and mineral products not to exceed two years in duration.~~

~~B. Storage of materials for use in construction of highways and public facilities.~~

~~(c) **Reserved.**~~

~~(d) **Dimensional Requirements –**~~

~~(1) Dimensional Requirements: Single Family Dwellings~~

~~A. Minimum lot area:~~	~~33,000 square feet~~
~~B. Minimum lot width:~~	~~80 feet or as required in Section 19.42(h), whichever is greater~~
~~C. Minimum Setbacks:~~	
~~i. Front:~~	~~30 feet or as required in Section 19.42(a), whichever is greater~~
~~ii. Side:~~	~~10 feet~~
~~iii. Rear:~~	~~30 feet~~
~~iv. Side or rear adjacent to street:~~	~~30 feet or as required in Section 19.42(a), whichever is greater~~
~~D. Maximum structure height: Regulated pursuant to Section 21.301.10 of this Code.~~	

~~(2) Reserved.~~

~~(3) Setback Requirements: Private Garages.~~

~~A. Front:~~	~~30 feet or as required in Section 19.42(a), whichever is greater~~
~~B. Side:~~	~~5 feet~~
~~C. Rear:~~	~~10 feet~~
~~D. Side or rear adjacent to street:~~	~~30 feet or as required in Section 19.42(a), whichever is greater~~

~~(4) Dimensional Requirements: Non-Residential Uses.~~

~~A. Minimum lot width:~~	~~100 feet~~
~~B. Minimum setbacks:~~	

~~i. Front: 50 feet~~

~~ii. Side: 25 feet~~

~~iii. Rear: 30 feet~~

~~iv. Side or rear adjacent to street: 50 feet~~

~~C. Additional Setback: In no event shall any setback for a non-residential use in the RS-1 District be less than the height of the structure.~~

~~D. Maximum Height: Regulated pursuant to Section 21.301.10 of this Code.~~

~~(5) Minimum Off-Street Parking:~~

~~A. Two spaces per dwelling unit in a garage or at a location where a garage can be constructed.~~

~~B. Two surface parking spaces provided in a driveway location.~~

~~C. For non-residential uses, as specified in Section 21.301.06.~~

~~(e) **Maximum Net Density** - The maximum net density in the RS-1 District shall not exceed one dwelling unit per net acre. Net density shall be calculated on the basis of proposed residential lot area and shall not include rights-of-way for public streets, shared common areas or other non-residential land area.~~

~~(f) **Special Provisions** -~~

~~(1) General -~~

~~A. No development shall be permitted unless public sewer and water services are available.~~

~~B. When nearby structures in existence on October 7, 1974 have a greater front yard setback than that required in the RS-1 District, the minimum front yard setback of a new structure shall conform to the prevailing setback of adjacent structures, up to a maximum of 65 feet.~~

~~C. No more than one principal use shall be permitted on a platted lot or parcel of record.~~

~~D. All developed properties shall display the street address on at least one street frontage.~~

~~E. No fence greater than three feet in height shall be erected within 20 feet of any street right-of-way line.~~

~~F. Reserved.~~

~~G. Maximum impervious surface coverage on single family dwelling lots in the RS-1 District shall be limited to 35% of the area of the lot. In no instance shall the area of impervious surface coverage exceed 12,000 square feet, plus 1,000 square feet of impervious surface for each acre of lot size over one acre.~~

~~H. Private Garages for Single Family Dwellings.~~

~~(i) **Limitation based on principal structure.**~~

~~(aa) **Parcels 15,000 square feet or smaller.** In no event shall the ground coverage of all garage structures, or the ground coverage area of the portion of the dwelling used for garage purposes, exceed the ground coverage area of that portion of the dwelling used for permanent four season living area and not used for garage purposes.~~

~~(bb) **Parcels greater than 15,000 square feet.** In no event shall the total floor area of all garage structures, or the total floor area of the portion of the dwelling used for garage purposes, exceed the total floor area of the portion of the dwelling used for permanent four season living area and not used for garage purposes. In no event shall the total garage and accessory structures floor area exceed the ground floor area of the permanent four season living area plus 120 square feet for an additional accessory building.~~

~~(cc) Notwithstanding the provisions of (aa) and (bb), above, each single family detached dwelling may have a garage structure with a total floor area of up to 600 square feet.~~

~~(ii) **Limitation based on lot size.**~~

~~(aa) In addition to the limitations described in subparagraph (A), above, the total garage floor area on parcels less than or equal to 15,000 square feet in area shall not exceed 1,000 square feet, and the total floor area of garages and all accessory buildings shall not exceed 1,120 square feet. The floor area of accessory buildings other than garages shall not exceed 1,000 square feet.~~

(bb) In addition to the limitations described in subparagraph (A), above, the total floor area of garages and all accessory buildings shall not exceed 1,120 square feet, plus an amount of floor area equal to five percent (5%) of the lot area above 15,000 square feet, up to a maximum floor area for garages and accessory buildings of 2,000 square feet.

(iii) **Exception for tuck under garages.** In those instances where all garage space and accessory storage space is attached to and located below floor area used for permanent four season living area, there shall be no limit on the amount of garage floor area. In these instances, the total floor area of all detached structures shall be limited to 120 square feet.

(iv) **Height.**

(aa) **General.** In no event shall the overall height of any garage exceed the height of the dwelling.

(bb) **Garage Door.** In no event shall the height of a garage door opening, measured from the floor to the trim covering the door header, exceed eight (8) feet.

(2) The outside storage of a recreational vehicle in a manner that does not meet the requirements of Section 19.50.03 of this Code requires a recreational vehicle permit to allow the temporary storage of a noncompliant recreational vehicle for a maximum period of three years, subject to renewal..

(3) Except where restricted by other provisions of Subsection (f) of this Section, the provisions of this Section may be modified under the procedure set forth in Section 19.62.01 only upon approval of a Conditional Use Permit for a Neighborhood Unit Development.

(g) **Sign Regulations.** Refer to Article X of this Chapter.]

SEC. 19.28. RESERVED.[MULTIPLE-FAMILY RESIDENTIAL (R-4) DISTRICTS.

(a) **Purpose** - To establish residential districts in advance for apartment usage.

(b) **Permitted uses** -

(1) Permitted uses allowed in Single-family Residential Districts.

(2) Reserved.

(3) Dwellings for two or more families.

(4) Senior citizen housing.

(5) Handicapped housing.

(c) **Accessory uses** - Accessory uses allowed in Single-family Residential Districts.

(d) **Conditional uses** -

(1) Conditional uses allowed in Single-family Residential Districts.

(2) Motels or motor-hotels.

(3) Manufactured home parks.

(4) State-licensed residential facilities serving from seven through 16 mentally retarded or physically handicapped persons, in accordance with Minnesota Statutes Section 462.357, Subdivision 8.

(5) Licensed day-care facilities serving thirteen (13) or more persons.

(6) Boarding houses, lodging houses and licensed residential facilities serving seven or more persons.

(7) Hospitals, sanitariums and rest homes.

(e) **Interim Uses** -

(1) Interim uses allowed in Single-Family Residential Districts.

(f) **Reserved.**

(g) **Structure Height** - Height of structures shall be regulated pursuant to Section 21.301.10 of this Code.

(h) **Sign Regulations** - Refer to Article X of this Chapter.]

SEC. 19.28.01. RESERVED.[MULTIPLE-FAMILY RESIDENTIAL (RM-12) DISTRICTS.

(a) **Purpose** - To provide areas within the City for the development of multiple-family housing. It is intended that this district be applied to provide alternative housing choices throughout the City.

(b) **Permitted principal uses** -

(1) Multiple-family dwellings.

(2) Senior citizen housing.

(3) Handicapped housing.

(4) Public uses.

(5) Accessory uses customarily incidental and clearly subordinate to permitted principal uses.

(c) **Provisional uses -**

(1) Day care centers and nurseries integral to residential developments with 40 or more dwelling units.

(2) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).

(d) **Conditional uses -**

(1) Places of assembly and related facilities ("related facilities" does not include a cemetery).

(2) Utility uses.

(3) State-licensed residential facilities serving seven or more mentally or physically handicapped persons, in accordance with Minnesota Statutes Section 462.357, Subdivision 8.

(4) Manufactured home parks.

(5) Freestanding day care centers and nurseries.

(6) Private schools.

(7) Reserved.

(8) Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.

(9) Home businesses pursuant to standards as set forth in Section 19.63.09(b)(3).

(e) **Minimum and maximum gross density** - The minimum density shall be 8 dwelling units per acre. The maximum density shall be 12 dwelling units per acre.

(f) **Dimensional requirements**

Minimum lot area:	40,000 square feet.
Minimum lot width:	100 feet.
Minimum setback, front:	50 feet from arterial or collector streets, 40 feet from local streets.
Minimum setback, side:	10 feet, plus .25 foot for each one foot of structure height in excess of 30 feet.
Minimum setback, rear:	30 feet.
Maximum structure height:	As regulated by Section 21.301.10 of this Code.
Minimum usable open space per dwelling unit:	800 square feet.
Side or rear adjacent to street:	Same as front.

(g) **Minimum off-street parking -**

Multiple family dwelling units: see requirements set forth in Section 21.301.06 of this Code.

(h) **Special provisions -**

(1) Reserved.

(2) Balconies and porches directly accessible by individual dwelling units shall be counted as contributing to the usable open space requirement according to the following bonuses. The minimum area and width for a balcony or porch to qualify for a bonus shall be 50 square feet of area and six feet of width.

Balcony or Porch Area:	**Counts as Usable Open Space of:**
First 50 square feet	150 square feet
Each additional one square foot up to a maximum of 50 percent of the open space requirement.	2.5 square feet

(i) **Sign Regulations.** Refer to Article X of this Chapter.]

SEC. 19.28.02. RESERVED.[MULTIPLE-FAMILY RESIDENTIAL (RM-24) DISTRICTS.

(a) **Purpose** - To provide areas within the City for multiple-family residential development compatible with other residential districts. This district shall be applied only to sites with good access to arterial or collector roadways and which are near neighborhood commercial uses and public open space.

(b) **Permitted principal uses -**

(1) Multiple-family dwellings.

(2) Nursing, convalescent and rest homes.

(3) Senior citizen housing.

(4) Handicapped housing.

(5) Public uses.

~~(6) Accessory uses customarily incidental and clearly subordinate to permitted principal uses.~~

~~(c) **Provisional uses -**~~

~~(1) Day care centers and nurseries integral to residential developments with 40 or more dwelling units.~~

~~(2) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).~~

~~(d) **Conditional uses -**~~

~~(1) Places of assembly and related facilities ("related facilities" does not include a cemetery).~~

~~(2) State-licensed residential facilities serving seven or more mentally or physically handicapped persons, in accordance with Minnesota Statutes Section 462.357, Subdivision 8.~~

~~(3) Freestanding day care centers and nurseries.~~

~~(4) Private schools.~~

~~(5) Utility uses.~~

~~(6) Reserved.~~

~~(7) Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.~~

~~(8) Home businesses pursuant to standards as set forth in Section 19.63.09(b)(3).~~

~~(e) **Minimum and maximum gross density -** The minimum density shall be 12 dwelling units per acre. The maximum density shall be 24 dwelling units per acre.~~

~~(f) **Dimensional requirements -**~~

~~Minimum lot area:~~	~~40,000 square feet.~~
~~Minimum setback, front:~~	~~60 feet from arterial or collector streets, 40 feet from local streets.~~
~~Minimum setback, side:~~	~~10 feet, plus .25 foot for each one foot of structure height in excess of 20 feet.~~
~~Minimum setback, rear:~~	~~30 feet.~~
~~Maximum structure height:~~	~~As regulated by Section 21.301.10 of this Code.~~
~~Maximum structure lot coverage:~~	~~30 percent.~~
~~Minimum usable open space per dwelling unit:~~	~~600 square feet.~~
~~Side or rear adjacent to street:~~	~~Same as front.~~

~~(g) **Minimum off-street parking -**~~

~~Multiple-family dwelling units: see requirements set forth in Section 21.301.06 of this Code.~~

~~(h) **Special provisions -**~~

~~(1) Reserved.~~

~~(2) Balconies and porches directly accessible by individual dwelling units shall be counted as contributing to the usable open space requirement according to the following bonuses. The minimum area and width for a balcony or porch to qualify for a bonus shall be 70 square feet of area and seven feet of width.~~

~~**Balcony or Porch Area:**~~	~~**Counts as Usable Open Space of:**~~
~~First 70 square feet~~	~~210 square feet.~~
~~Each additional one square foot up to a maximum of 75 percent of the open space requirement~~	~~2.5 square feet.~~

~~(i) **Sign Regulations.** Refer to Article X of this Chapter.~~]

SEC. 19.28.03. RESERVED.[~~MULTIPLE-FAMILY RESIDENTIAL (RM-50) DISTRICTS.~~

~~(a) **Purpose** - To provide for a mix of uses appropriate to the high-density, multiple-family residential development. It is intended that this district allow the incorporation of certain commercial and personal service activities which are clearly subordinate to and integrated with the principal residential use. This district is to be applied only to areas with direct access to arterial or collector streets in proximity to areas of employment and adjacent to public open space.~~

~~(b) **Permitted principal uses -**~~

~~(1) Multiple-family dwellings.~~

~~(2) Senior citizen housing.~~

~~(3) Handicapped housing.~~

~~(4) Public uses.~~

~~(5) Accessory uses customarily incidental and clearly subordinate to permitted principal uses.~~

~~(c) **Provisional uses** - The following uses when incorporated into a structure predominately devoted to multiple-family dwellings:~~

~~(1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines, and apparel.~~

~~(2) Personal service establishments, including barber and beauty shops, exercise and health activities, dry cleaning drop-off and pick-up stations, laundering, and similar personal services.~~

~~(3) Nurseries and day care centers.~~

~~(4) Nursing, convalescent and rest homes.~~

~~(5) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).~~

~~(d) **Conditional uses** -~~

~~(1) Freestanding nurseries and day care centers.~~

~~(2) Athletic, recreational and health clubs.~~

~~(3) Utility uses.~~

~~(4) Reserved.~~

~~(5) Restaurants, provided their access for customers and service is separate from access for residential uses.~~

~~(6) Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.~~

~~(7) Home businesses pursuant to standards as set forth in Section 19.63.09(b).~~

~~(d) **Minimum and maximum gross density** - The minimum density shall be 20 dwelling units per acre, and the maximum density shall be 50 dwelling units per acre, except as these standards may be modified by the provisions of paragraph (h) below.~~

~~(f) **Dimensional requirements** -~~

~~Minimum lot area:~~	~~80,000 square feet.~~
~~Minimum setback, front:~~	~~60 feet from arterial or collector streets, 40 feet from local streets.~~
~~Minimum setback, side:~~	~~10 feet, plus .25 foot for each one foot of structure height in excess of 20 feet.~~
~~Minimum setback, rear:~~	~~Same as side setback, but in no instance less than 30 feet.~~
~~Maximum structure lot coverage:~~	~~30 percent.~~
~~Minimum useable open space per dwelling unit:~~	~~400 square feet.~~
~~Side or rear adjacent to street:~~	~~Same as front.~~

~~(g) **Minimum off-street parking** -~~

~~Multiple-family dwelling units: see requirements set forth in Section 21.301.06 of this Code.~~

~~(h) **Special provisions** -~~

~~(1) Reserved.~~

~~(2) Balconies and porches directly accessible by individual dwelling units shall be counted as contributing to the usable open space requirements according to the following bonuses. The minimum area and width for a balcony or porch to qualify for a bonus shall be 80 square feet of area and eight feet of width.~~

~~**Balcony or Porch Area:**~~	~~**Counts as Usable Open Space of:**~~
~~First 80 square feet~~	~~240 square feet.~~
~~Each additional one square foot up to a maximum of 100 percent of the open space requirement:~~	~~2.5 square feet.~~

~~(3) The floor area of nonresidential uses shall not exceed 20 percent of the floor area of residential uses in any development.~~

~~(4) Minimum gross density may be reduced to 10 dwelling units per acre provided that structure lot coverage does not exceed 20 percent of the lot area and provided that the remaining vacant lot area provides reasonable opportunity for residential development above 20 dwelling units per acre for the entire site.~~

~~(5) Maximum gross density may be increased to 60 dwelling units per acre provided that the lot area is in excess of 200,000 square feet, that the property fronts on an arterial street, and that it is contiguous to public open space larger than the site itself.~~

~~(6) Structure height shall be regulated pursuant to Section 21.301.10 of this Code.~~

~~(i) **Sign Regulations.** Refer to Article X of this Chapter.~~]

***

SEC. 19.31.01. REGIONAL COMMERCIAL (CR-1) DISTRICTS.

***

(c) **Provisional Uses** - The uses described below are permitted uses, provided that:

(1) The following uses are located in a structure containing a permitted principle use, or are located in a structure meeting the minimum floor area requirement of the CR-1 District:

***

(F) [~~Private Schools~~]Instructional Center.

***

SEC. 19.33.01. INDUSTRIAL PARK (IP) DISTRICT.

***

(d) **Conditional Uses.**

***

(9) [~~Private schools~~]Instructional Center.

***

SEC. 19.38.11. BLUFF PROTECTION (BP-1) OVERLAY DISTRICTS.

(a) **Intent** - The Minnesota River Bluff in Bloomington is a unique natural resource which occurs at the transition from urban development on the upland, to the Minnesota Valley National Wildlife Refuge and Recreation area in the floodplain of the Minnesota River. The majority of the bluff is used for sites for detached single-[ ]family dwellings which in their scale and character are compatible with preservation of the Minnesota River Bluff. The Bluff Report District Plan, adopted as part of the Comprehensive Plan on December 27,1982, inventories the Minnesota River Bluff and presents the rationale for the provisions for the overlay zoning district. It is the purpose of the Bluff Protection Overlay District to establish regulations which will permit reasonable use of the existing detached single home sites in the bluff and appropriate development of new detached single-family homes while protecting the essential features of the bluff.

***

ARTICLE III.A. ADDITIONAL ZONING DISTRICTS

***

SEC. 19.40.04. [~~SUPPLEMENTAL DEFINITIONS~~]RESERVED.

[~~The following words and terms are supplementary to those definitions found in Section 19.03 of this code, and when used in this Article, they shall have the following meanings unless the context clearly indicates otherwise.~~

~~**Automotive Service Facilities** - Facilities which usually provide motor vehicle fuel and lubricants and/or which may provide tires, mufflers, and other readily replaceable automotive parts. Repair services such as tune-ups and replacement of parts sold on premises are included, however, body work, painting, and machining of parts are not included.~~

~~**Customarily Incidental and Clearly Subordinate (Use)** - A use which is operated for the benefit and convenience of the owner, customers, employees, or visitors; which does not constitute more than ten percent of the principal use floor area; which does not attract customers independently of the principal use; and which is located on the same lot as the principal use.~~

~~**Foreign Trade Center** - Any use or facility designated by the United States Department of Commerce as part of a foreign trade zone.~~

~~**Full-service Hotel** - A facility for public accommodation which provides guest rooms, restaurants, meeting rooms, and other facilities for the use and enjoyment of customers.~~

~~**International Trade Center** - A facility which provides space for the display of products and services for sale. The facility may also offer financial and other services related to foreign and domestic trade.~~

~~**Issuing Authority** - The City Manager or his designated representative.~~

~~**Mixed-use Center** - A grouping of three or more different uses which have a commons as their central organizing feature and which may be developed in stages. The commons may be a combination of indoor and outdoor spaces on one or more levels which serve as a public access and plaza, restricted to pedestrian circulation, providing access to all uses in a mixed-use center.~~

~~**Product Design, Development, and Testing** - A research activity which takes place within structures and which does not constitute a threat to public health and safety.~~

~~**Usable Open Space** - That part of a lot which is not covered by buildings, drives, and parking areas and which is a minimum of twenty feet in width.]~~

***

ARTICLE IV. DISTRICT REGULATIONS

***

SEC. 19.41. MINIMUM DISTRICT REQUIREMENTS.

(a) **Reserved.**[~~**Single-family residences**~~

~~(1) Dimensional Requirements:~~

	~~**DISTRICT**~~	
	~~**R-1A**~~	~~**R-1**~~
~~Lot width, non-corner lots***~~	~~100 feet or as required in Section 19.42(h), whichever is greater~~	~~80 feet or as required in Section 19.42(h), whichever is greater~~
~~Lot area~~	~~1-1/2 acres~~	~~11,000 sq. feet~~
~~Lot width, corner lots***~~	~~120 feet~~	~~120 feet~~
~~Floor area~~	~~1,700 sq. feet~~	~~1,040 sq. feet~~
~~**Principal Structure**~~		
~~Front-yard setback~~	~~75 feet~~	~~30 feet or as required in Section 19.42(a), whichever is greater~~
~~Side-yard setback~~	~~30 feet~~	~~10 feet~~
~~Side adjoining street~~	~~75 feet~~	~~30 feet~~
~~Rear-yard setback~~	~~75 feet~~	~~30 feet~~
~~**Garages***~~		
~~Front-yard setback~~	~~75 feet~~	~~30 feet or as required in Section 19.42(a), whichever is greater~~
~~Side-yard setback~~	~~5 feet*~~	~~5 feet**~~
~~Side adjoining street~~	~~75 feet~~	~~30 feet~~
~~Rear-yard setback~~	~~5 feet*~~	~~5 feet**~~

~~*No portion of any principal structure attached to a garage shall be closer to any lot line than the minimum distance required for any principal structure in the zoning district. Any garage which is connected to sanitary sewer or water shall satisfy the setback requirements of the principal structure in the zoning district.~~

~~**Where the height of a side wall exceeds nine (9) feet from the floor of the garage to the top of the side wall, the side and rear setbacks of the garage shall be increased a two feet for every foot, or portion thereof, of height over nine (9) feet.~~

~~***Single and two-family residential lots approved by the City after August 31, 2006 must meet minimum lot width requirements over the first 50 feet of the lot beyond the required front setback line.~~

~~(2) Exceptions to Dimensional Requirements~~

~~(A) Except where otherwise restricted by Section 19.42, the provisions of this Section may be modified and superseded under the procedure set forth in Section 19.62.01 only upon approval of a Conditional Use Permit for a Neighborhood Unit Development.~~]

(b) **Reserved.**[~~**Multiple-family residences**~~

~~(1) Minimum Floor Area Per Unit.~~

~~(A) Multiple-family:~~

~~Apartments and Condominiums~~

~~Efficiency units~~	~~400 square feet~~
~~One bedroom~~	~~650 square feet~~
~~Two bedroom~~	~~800 square feet~~
~~Three or more bedrooms~~	~~950 square feet~~

~~Row Houses, Townhouses and other attached dwelling units of a similar nature~~

~~One bedroom~~	~~750 square feet~~
~~Two bedroom~~	~~900 square feet~~
~~Three bedroom~~	~~1,040 square feet~~

~~Garages, breezeway, and porch floor area shall not be credited in determining the required floor area~~

~~(2) Minimum Land Area Requirements.~~

~~(A) Basic minimum for development: 18,000 square feet~~

~~(B) Per unit requirements - Apartments:~~

	~~**Efficiency Unit**~~	~~**1-Bedroom**~~	~~**2-Bedroom**~~	~~**3-Bedroom**~~
~~One story~~	~~2000~~	~~2925~~	~~3600~~	~~4275~~
~~Two story~~	~~1920~~	~~2795~~	~~3440~~	~~4085~~
~~Three story~~	~~1840~~	~~2665~~	~~3280~~	~~3895~~
~~Four story~~	~~1780~~	~~2535~~	~~3120~~	~~3705~~
~~Five story~~	~~1700~~	~~2405~~	~~2960~~	~~3515~~
~~Six story~~	~~1620~~	~~2275~~	~~2800~~	~~3325~~

~~(C) Per Unit Requirement - Row Houses:~~

~~One or two bedroom~~	~~4,300 square feet~~
~~Three or more bedrooms~~	~~4,800 square feet~~

~~(D) For each parking space provided under a multiple-family building or underground on the same site, 500 square feet may be deducted from the total area requirements listed in subparagraphs (b)(2)(B) and (b)(2)(C) of this Section. The use of the 500 square foot deduction is limited to one such space for each unit.~~

~~(3) Setbacks.~~

~~(A) Yards:~~

~~Along public streets~~

~~Fourplexes~~	~~40 feet~~
~~Larger buildings~~	~~50 feet~~
~~Other yards~~	~~30 feet~~

~~The required setback shall be increased one foot for each foot of height of the structure over 30 feet in height as determined in Section 21.301.10.~~

~~(B) Parking Lot Setbacks:~~

~~From street~~	~~20 feet~~
~~From interior property line~~	~~10 feet~~

~~(C) Garages for two-family dwellings in Single-Family (R-1, R-1A, RS-1) zoning districts shall satisfy the requirements for single-family dwellings in the zoning district. Garages for multiple-family dwellings may be placed not closer than five feet from a side or rear lot line, except where party walls are proposed.~~

~~(4) Minimum Row House Unit or Lot Width. 16 feet~~

~~(5) Reserved.~~

~~(6) Reserved.~~]

(c) **Nonresidential development** -

~~**Residence and SC**~~	**General Business**	**General Industr**	**Freeway Dvlpmt**	**Limited Industry**	**Ind. Park (I-1), Frwy.**

	~~Districts~~	(B-3)	y (I-3)	(FD-2)	(I-2)	Dev. (FD-1)
Lot width	~~100 feet~~	100 feet	100 feet	---	---	---
Lot area	~~---~~	---	---	1 Acre	2 Acres	3 Acres
Floor area of principal building (sq. ft.)	~~600~~	---	---	10,000	10,000	20,000
Front-yard setback	~~50 feet~~	65 feet	35 feet	35 feet	35 feet	60 feet
Side-yard setback	~~20 feet*~~	10 feet	10 feet	25 feet	25 feet	60 feet
Rear-yard setback	~~30 feet~~	15 feet	25 feet	25 feet	25 feet	25 feet
Side or rear-yard adjoining street	~~50 feet~~	65 feet	35 feet	35 feet	35 feet	60 feet

~~*The side-yard shall in no event be less than the height of the structure.~~

***

(e) **Reserved.**[~~**Dwellings** - Maximum size requirement: Except for multiple-family dwellings, no dwelling shall be erected in the City which exceeds 2-1/2 stories or 35 feet in height measured from the finished grade level of the lot upon which it is situated.~~]

(f) **Reserved.**[~~**Special Provisions for the R-1A District -**~~

~~(1) General~~

~~(A) No development shall be permitted unless public sewer and water services are available.~~

~~(B) When nearby structures in existence on January 1, 1989 have a greater front yard setback than required in the R-1A District, the minimum front yard setback of a new structure shall conform to the prevailing setback of adjacent structures, up to a maximum of 150 feet.~~

~~(C) No more than one principal use shall be permitted on a platted lot or parcel of record.~~

~~(D) All developed property shall display the street address on at least one street frontage.~~

~~(E) No fence greater than three feet in height shall be erected within 20 feet of any street right-of-way line.~~

~~(2) Reserved.~~]

***

SEC. 19.42. EXCEPTIONS AND ADDITIONS TO SETBACK AND LOT WIDTH REQUIREMENTS.

(a) **Reserved.**[~~Where nearby structures in existence on October 7, 1974 have a greater front-yard setback than that required, the minimum front setback of a new structure shall conform to the prevailing setback in the immediate vicinity. The Issuing Authority shall determine the necessary front-yard setback in such cases; however, in no case shall the Issuing Authority require a setback greater than 65 feet except where an industrial district is adjacent to a residential district.~~]

***

(f) **Reserved.**[~~Private swimming pools for single-family residences are not permitted within a front yard and shall be located only in side and rear yards. Where such side or rear yard abuts a public street, the required setback to the pool and any appurtenant equipment shall be no less than the required setback for the principal structure in the zoning district. In side and rear yards not abutting a public street, side and rear setbacks of not less than 18 feet to the water's edge of the pool and 15 feet to any appurtenant equipment shall be maintained. In side and rear yards not adjacent to a public street, a pool deck may encroach five feet into a required side setback and 20 feet into a required rear setback, provided that a side setback of not less than five feet and a rear setback of not less than ten feet shall be maintained. There shall be no encroachment into public easements of record.~~]

(g) **Reserved.**[~~Notwithstanding any other provision of the Zoning Code, in residential zoning districts those permanent or seasonal courts, surfaces and appurtenant equipment primarily for sport, play and other active recreational activities are not permitted to locate within the front yard and shall be located only in side and rear yards providing that side and rear setbacks of not less than 15 feet shall be maintained. In instances where the side or rear yard abuts a public street, the required setback shall be no less than the required setback for a principal building in the zoning district. Such features shall not encroach into public easements.~~]

(h) **Reserved.**[~~Lot width for single and two-family residential lots approved by the City after August 31, 2006 must meet or exceed 80 percent of the median lot width of existing lots wholly or partially within 500 feet of the perimeter of the proposed subdivision. In calculating the median lot width, the following lots are excluded:~~

~~(1) lots that are not single or two-family residential lots;~~

~~(2) lots within the proposed subdivision;~~

~~(3) corner lots;~~

~~(4) flag lots;~~

~~(5) lots approved through the Neighborhood Unit Development (NUD) process;~~

~~(6) lots that are not within 500 feet of the proposed subdivision when measured along existing or proposed public streets; and~~

~~(7) for the purposes of calculating single family residential lot width, two-family lots are excluded. In no event is lot width for single and two family residential lots required by Section 19.42(h) to exceed 120 feet. For the purposes of Section 19.42(h), lot width is the distance between the side lot lines of a lot measured along the shortest straight line that both a) touches a line 30 feet back from the front lot line and b) at no point is closer to the front lot line than 30 feet. For the purposes of Section 19.42(h), in cases where horizontally attached two-family residential structures occupy two adjoining lots, lot width is determined by adding together the width of each lot. Notwithstanding the requirements of Section 19.42(h), two-family residential lots legally created prior to August 31, 2006 may be subdivided in accordance with Section 19.41(b)(6).~~]

***

SEC. 19.43. WHEN LARGER LOTS REQUIRED.

In areas served by private wells or private sewage disposal system, the Council may require larger lots than required in Section 19.41 and 21.301.01 of this [~~Chapter~~] Code if soil tests indicate that a larger size is necessary to ensure the sanitary functioning of such systems.

***

SEC. 19.45. PARKING AND STORAGE OF VEHICLES AND TRAILERS IN RESIDENTIAL ZONES.

***

(b) **Definitions**

For the purposes of this Section, the following words and phrases shall have the ascribed meanings:

***

(5) **"residentially zoned lot"** - a parcel of land, whether platted or not, that is zoned either R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, ~~and~~ RM-50, and RM-100 under this Code.

***

SEC. 19.48. EXCEPTIONS TO MINIMUM FLOOR AREA REQUIREMENTS.

(a) In districts where restaurants are allowed as permitted or conditional uses and the minimum floor area requirements of the district for the principal building are in excess of 10,000 square feet, the minimum floor area requirements for restaurants is 10,000 square feet. If, however, the restaurant is included in or is a part of a principal building which meets the minimum floor area requirements of Section 19.41 and 21.301.01 of this Code, there shall be no required minimum floor area for that restaurant.

(b) The minimum floor area requirements of Section 19.41[~~2~~](c) shall not be applicable to:

(1) Planned business developments, or

(2) Gasoline service stations when they are included in an integrated roadside development.

***

ARTICLE V. PERFORMANCE STANDARDS

***

SEC. 19.50.02. RESERVED.[~~ACCESSORY BUILDINGS.~~

~~(a) **Purpose.** The purpose of this Section is to regulate the number, size, location and appearance of all buildings accessory to and detached from principal buildings on lots within the City. These regulations shall apply to all detached structures, including but not limited to detached garages, detached carports, storage buildings, gazebos, screen houses, playhouses, guard houses, dispatch houses, security houses, gate houses and similar structures.~~

~~(b) **Number.**~~

~~(1) In Single-Family Residential Zoning Districts:~~	~~Two on any lot. In addition to accessory buildings allowed in this paragraph, one small structure, not exceeding fifty (50) square feet in area nor five (5) feet in height, shall be permitted solely for noise equipment, subject to the setback requirements of Section 19.42(f) of this Chapter.~~
~~(2) All Other Non Industrial Districts:~~	~~One per principal building.~~
~~(3) Industrial Districts IP, I-1, I-2 and I-3:~~	~~One per principal building plus one guard, dispatch, security or gate house per site or development.~~

~~(c) **Location.**~~

~~(1) In Single-Family Residential Zoning Districts -~~

~~Front Yard:~~	~~Not permitted. Accessory buildings shall not be located closer to the front property line than the principal structure.~~
~~Side Yard:~~	~~Same as garages in the zoning district.~~
~~Rear Yard:~~	~~Same as garages in the zoning district.~~
~~Side Yard Adjacent to a Public Street:~~	~~Not permitted. Accessory buildings shall not be located closer to a side property line adjacent to a public street than the principal structure.~~
~~Rear Yard Adjacent to a Public Street:~~	~~Minimum as required by the zoning district regulations for principal structures.~~

~~(2) In Multiple-Family Residential Zoning Districts -~~

~~Front Yard:~~	~~Not permitted. Accessory buildings shall not be located closer to the front property line than the principal structure.~~
~~Side Yard Adjacent to a Public Street:~~	~~Not permitted. Accessory buildings shall not be located closer to a side property line adjacent to a public street than the principal structure.~~
~~Other Yards:~~	~~Minimum as required by the zoning district regulations for principal structures.~~

~~(3) All Other Non Industrial Districts -~~

~~Front Yard:~~	~~Not permitted.~~
~~Side Yard:~~	~~Not permitted.~~
~~Side Yard Adjacent to a Public Street:~~	~~Not permitted. Accessory buildings must not be located closer to a side property line adjacent to a public street than the principal structure.~~
~~Rear Yard:~~	~~Minimum as required by the zoning district regulations for principal structures.~~

~~(4) Industrial Districts -~~

~~Front Yard:~~	~~Not permitted, except that guard, dispatch, security or gate houses are permitted provided they meet or exceed the setback of the existing principal structure or, when a principal structure is not~~

	~~present, the minimum front setback as required by the zoning district regulations for principal structures.~~
~~Side Yard:~~	~~Not permitted, except that guard, dispatch, security or gate houses are permitted provided they have a minimum setback of 10 feet.~~
~~Rear Yard:~~	~~Accessory buildings must meet minimum setback requirements for the applicable zoning district for principal structures except for guard, dispatch, security or gate houses, which must have a minimum setback of 10 feet.~~
~~Side or Rear Yard Adjacent to a Public Street:~~	~~Not permitted, except that guard, dispatch, security or gate houses are permitted provided they meet or exceed the setback of the existing principal structure or, when a principal structure is not present, the minimum front setback as required by the zoning district regulations for principal structures.~~

~~(d) **Maximum Height -**~~

~~(1) In Single-Family Residential Zoning Districts:~~

~~(A) Garages or any accessory structure intended to or capable of storing vehicles:~~	~~See zoning district regulations, Section 19.41 and Section 21.301.10.~~
~~(B) Other Accessory Structures:~~	~~12 feet measured from the lowest exterior point to the highest point of the roof.~~
~~(2) All Other Districts:~~	~~16 feet measured from the lowest exterior point to the highest point of the roof.~~

~~(f) **Maximum Size -**~~

~~(1) In Single-Family Residential Zoning Districts:~~	
~~(A) Parcels with 15,000 square feet or less:~~	~~Equal to the maximum floor area allowed for garages, plus 120 square feet, less the total floor area of all garages on the parcel, but in no event greater than 1,120 square feet for all.~~
~~(B) Parcels greater than 15,000 square feet:~~	~~Included in maximum combined garage accessory building size calculation for applicable zoning district, but in no event shall the total garage and accessory structures floor area exceed the ground floor area of the permanent four season living area plus 120 square feet for an additional accessory building.~~
~~(2) In Multiple-Family Residential Zoning Districts:~~	~~25 square feet per dwelling unit, up to a maximum of 600 square feet.~~
~~(3) All Other Non Industrial Districts:~~	~~Five percent (5%) of the ground floor area of principal building, up to a maximum of 600 square feet.~~
~~(4) All Industrial Districts:~~	~~Five percent (5%) of the ground floor area of principal building, up to a maximum of 600 square feet except for guard, dispatch, security or gate houses, which are limited to a maximum of 250 square feet.~~

~~(g) **Construction and Finish -**~~

~~(1) Accessory buildings, including guard, dispatch, security or gate houses, may be constructed of any material accepted by the Minnesota State Building Code which is appropriate to the application and the location. Accessory buildings must be erected on crushed rock or concrete, or be constructed with a treated wood floor.~~

~~(2) Exterior materials and finish must match or complement the exterior finish of the principal structure in material, color, and texture. Exterior surfaces of all accessory buildings shall be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.~~

~~(h) **Approvals -**~~

~~(1) Except in Single-Family Residential Zoning Districts, no accessory building shall be constructed, erected or installed without approval of Final Site Plans and Building Plans by the issuing authority as set forth in Section 21.501.01(c) of the City Code.~~

~~(2) No accessory building occupying an area greater than 120 square feet shall be constructed, erected or installed without a building permit issued by the issuing authority.~~

~~(i) **Other Structures -**~~

~~(1) Tents and canopies for the purpose of housing motor or recreational vehicles or storage are prohibited.~~

~~(2) Fish houses must be stored in the rear yard of a residential property no closer than five feet from property lines.~~

~~(3) Temporary storage units or containers shall be stored on the property for no more than 30 days per year, per site. Units or containers must be stored on or adjacent to a driveway. Units or containers must maintain a minimum five foot setback from abutting properties and may not be stored within the clear view triangle. A clear view triangle is measured from the street curb or street edge, not including alleys, and for visibility from driveways on the lot or on an adjacent lot. The clear view triangle area for a driveway is formed on each side of the driveway by measuring 15 feet along the street curb or edge and 15 feet along the driveway edge. The Environmental Health Division Manager or designee is permitted to grant an extension to the time period for hardship situations.~~]

***

SEC. 19.51. REFUSE HANDLING AND STORAGE FACILITIES.

***

(c) **Storage Location.**

(1) For single-[ ]family and multiple-[ ]family dwelling units with individual dwelling unit refuse and recycling storage and pick-up, refuse must be stored within a container in compliance with Section 10.05 and Chapter 10, Article VII of this Code. All refuse, recycling, compost, twigs and brush shall be placed at the assigned collection location no more than 12 hours before and the containers be removed no more than 12 hours after the scheduled collection day. The storage of refuse and recycling containers for single-family detached homes shall be setback thirty (30) feet from any four season living area other than the owner's. Refuse and recycling containers shall not be stored more than 5 feet in front of the principal building along any public right-of-way.

***

SEC. 19.52. LANDSCAPING AND SCREENING.

***

(c) **Landscaping Standards.**

***

(2) Minimum Number of Trees and Shrubs. Excluding exceptions specified below in Section 19.52(c)(2)(E), development must at a minimum provide the following numbers of trees and shrubs in addition to any trees and shrubs required for screening in Section 19.52(d):

***

(E) Exceptions:

(i) Single and two-[ ]family dwellings;

***

SEC. 19.62. MULTIPLE-FAMILY DWELLING DESIGN AND PERFORMANCE STANDARDS.

***

(b) **Site plan** - At the time of an application for a building permit or conditional use permit, the applicant shall file three copies of a site plan for the multiple-family dwelling in accordance with the following provisions:

***

(4) The design shall make use of all land contained in the site. All of the site shall be related to the multiple-family use, either parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped. In addition to the requirements of Section [~~19.41(b)~~]21.301.01 of this [~~Chapter~~]Code, the setback from the street shall be proportional to the bulk of the building and its elevation and shall be fixed with consideration of the setback of neighboring buildings and areas.

***

SEC. 19.62.01. RESERVED.[~~**NEIGHBORHOOD UNIT DEVELOPMENTS.**~~

~~(a) **Intent.** The purpose of a Neighborhood Unit Development is to promote creative and efficient subdivision of land into reasonably buildable lots for single-unit detached residential development by allowing flexibility in the application of the dimensional requirements of the primary district to the Neighborhood Unit Development. It is intended that the minimum setbacks of the primary zoning district shall apply at the perimeter of the Neighborhood Unit Development so that the Neighborhood Unit Development is in character with adjacent, similarly-zoned land, and that the flexibility in application of the provisions of the primary zoning district be limited to dimensional requirements related to property lines and buildings internal to the Neighborhood Unit Development. Furthermore, these provisions are intended to:~~

~~(1) Protect natural features in private or public open space,~~

~~(2) Improve the efficiency of public streets and utilities,~~

~~(3) Provide transitions in land use in keeping with the character of adjacent land use, and/or~~

~~(4) Improve the arrangement of structures, facilities and amenities on a site for both private and public benefit.~~

~~(b) **Uses.**~~

~~(1) Only detached single-unit dwellings and accessory uses allowed in the primary zoning district are allowed in the Neighborhood Unit Development subject to the provisions of the primary zoning district.~~

~~(2) Other conditional uses allowed in the primary zoning district shall be approved only to the extent that they are clearly subordinate to the primary use of the property for single-unit residential uses, and only upon approval of a conditional use permit for the intended use granted in accordance with the requirements of this Code.~~

~~(c) **Applicability.**~~

~~(1) Neighborhood Unit Developments may be approved only in the following zoning districts:~~

~~(A) R-1 Single-Family Residential~~

~~(B) R-1A Single-Family Residential~~

~~(C) RS-1 Large Lot Single-Family Residential~~

~~(2) Neighborhood Unit Developments shall not be approved for properties which are part of another Neighborhood Unit Development or part of a Planned Development (PD) Overlay District.~~

~~(d) **Procedures.**~~

~~(1) Applications for approval of a Neighborhood Unit Development shall consist of an application for a Conditional Use Permit and final site plan for a Neighborhood Unit Development, and a concurrent application for a preliminary plat in accordance with the requirements of Chapter 22 of this Code. Documents required for a Subdivision as listed in Chapter 22 of this Code shall be submitted with the application. The preliminary plat, together with the documents required for submission by this Section, shall constitute the final site plan. The final site plan approved by the City Council shall be the document controlling those aspects of site development regulated by this Section.~~

~~(2) **Hearings.**~~

~~(A) The Planning Commission shall hold a Public Hearing in accordance with the requirements of Article II of this Chapter.~~

~~(B) The Planning Commission shall review the conditional use permit application, final site plan and preliminary plat. Following this review, the Planning Commission shall, within 35 days of the original public hearing date, act thereon. The Planning Commission shall:~~

~~(i) Recommend approval, or,~~

~~(ii) Recommend approval with conditions and/or modifications, or,~~

~~(iii) Recommend denial.~~

~~The Planning Commission may extend the review for any period provided that the applicant approves of such extension and waives his or her rights under State statute to file an unapproved subdivision.~~

~~(C) Following its review and decision, the Planning Commission recommendation shall be submitted to the City Council.~~

~~(3) **City Council Action.** City Council action on the conditional use permit and preliminary plat shall be accomplished within 120 days following the delivery of an application completed in compliance with the requirements of this Code, unless an extension of the review period has been agreed to by the applicant. Upon due consideration, the City Council shall either:~~

~~(A) approve the Conditional Use Permit and preliminary plat;~~

~~(B) approve the Conditional Use Permit and preliminary plat with conditions and/or modifications; or~~

~~(C) disapprove the Conditional Use Permit and preliminary plat.~~

~~(4) **Amendment of approved final site plans.**~~

~~(A) Major changes to the approved final site plan require approval of the City Council after review by the Planning Commission. Major changes are defined as a change which involves any of the following:~~

~~(i) Increase in the number of lots or detached dwelling units;~~

~~(ii) Alteration of any condition of approval attached by the City Council; or~~

~~(iii) Increase in impervious surface above that specified by the Council at the time of approval of the final site plan, or above the maximum established by ordinance.~~

~~(iv) Alteration of the buildable area in a manner which exceeds the restrictions of the primary zoning district.~~

~~(B) Minor changes to the approved final site plan may be approved by the Issuing Authority. Minor changes are defined as any change which:~~

~~(i) Is not defined as a major change;~~

~~(ii) Is not specifically addressed by a Condition of Approval imposed on the development by the City Council;~~

~~(iii) Involves minor changes in location of lot lines, easements, buildings, fences, retaining walls required for maintenance of grades, driveways or similar features;~~

~~(iv) Involves changes in elevations of building sites or buildings; or~~

~~(v) Affects any public utility or flow of surface water to or on properties adjacent to the Neighborhood Unit Development;~~

~~(vi) Alteration of the buildable area in a manner which does not exceed the restrictions of the primary zoning district.~~

~~(C) Other changes may be implemented at the sole discretion of the applicant, developer or subsequent property owners, provided that they:~~

~~(i) Are not defined as major or minor changes;~~

~~(ii) Do not violate the provisions of the primary zoning district; or~~

~~(iii) Are not separately governed by other provisions of this Code.~~

~~(5) **Final Plat.** Subdivision of lots for an approved Neighborhood Unit Development shall be accomplished by approval by the City Council of a final plat and a subdivision agreement in accordance with Chapter 22 of this Code.~~

~~(f) **Final Site Plan Content.**~~

~~(1) In addition to documents required by Chapter 22 for application for approval of preliminary plats, the applicant shall submit final site plans which include the following:~~

~~(A) A location map which indicates existing and future land uses.~~

~~(B) Drawings and plans for existing and proposed site features and uses at a scale specified by the Issuing Authority which indicates topography in two-foot contours; existing building outlines; proposed building envelopes; location of significant vegetation; location of streets, drives and parking areas; and other significant features.~~

~~(C) A survey showing the location of all structures, accessory structures, driveways, parking areas, swimming pools and similar features on all abutting properties.~~

~~(D) A drainage, grading, utility, and erosion and sedimentation control plan. Such plans shall comply with the requirements of this Code, including the provisions of Chapter 22.~~

~~(E) Identification of all wetlands on the site, using the 1989 Federal Manual For Identifying and Delineating Jurisdictional Wetlands, copies of documents completed in making the wetlands identification, qualifications of the person performing the identification, a description of any wetlands which are to be burned, filled, or drained pursuant to the development, and a wetland mitigation and replacement plan if burning, filling, or draining of wetlands is to occur. Such plan shall be submitted and implemented in accordance with the provisions of Chapter 22 of the City Code. The requirement of such documentation may be waived in instances where it is determined from aerial photographs, the national Wetlands Inventory, on-site observation, or other pertinent information that the site contains no wetlands.~~

~~(F) Calculation of area, average slope, impervious surface of existing development for each proposed lot, and maximum impervious surface allowed by ordinance on each proposed lot;~~

~~(G) A written report which:~~

~~(i) Completely describes the proposal;~~

~~(ii) Analyzes the site conditions and development objectives which has resulted in the proposal;~~

~~(iii) States which zoning ordinance provisions are being modified by the Neighborhood Unit Development and specifies the locations of those modifications on the final site plan; and~~

~~(iv) Indicates covenants or agreements which will influence the design of buildings, use and maintenance of the proposed development.~~

~~(H) Any other information deemed necessary by the Issuing Authority in order to evaluate the proposed development.~~

~~(I) In addition to documents required for preliminary plat applications, four copies of the above information shall be submitted plus one set of plans reduced to no larger than 8 1/2 inches by 11 inches.~~

~~(2) For City-initiated applications for Conditional Use Permits for Neighborhood Unit Overlay District, the final site plan may consist of any information deemed necessary by the Issuing Authority to identify and protect the public interest.~~

~~(g) **Special Requirements.**~~

~~(1) **Design Requirements.**~~

~~(A) **Mandatory Requirements** - Unless relief from these requirements is granted by the City Council by granting of a variance, the following design requirements shall apply to all approved Neighborhood Unit Developments:~~

~~(i) All lots created in a Neighborhood Unit Development shall have a minimum of 15 feet of frontage on a public street measured at the street right-of-way line. This width must be increased if necessary to provide adequate driveway width and separation between utility services to existing and proposed lots.~~

~~(ii) No portion of the lot connecting the buildable area with the public street providing access to that lot shall be less than 15 feet in width. This width must be increased if necessary to provide adequate driveway width and separation between utility services to existing and proposed lots.~~

~~(iii) The area of any single-unit lot in the development shall not be less than 75 percent of the minimum lot area of the primary zoning district.~~

~~(iv) The minimum setback to property line on the perimeter of the Neighborhood Unit Development shall not be less than the minimum required for the primary zoning district.~~

~~(v) No private, commonly-owned open space on separate lots or parcels is permitted within a Neighborhood Unit Development.~~

~~(vi) The minimum width of the buildable area of the principal structure designated for any proposed lot shall not be less than 60 percent of the minimum lot width required in the primary zoning district.~~

~~(vii) Lots created in a Neighborhood Unit Development shall have reasonable relationships between the orientation of yards of other lots in the Neighborhood Unit Development and yards of other abutting properties. Except where sufficiently separated by distance, vegetation or topography such that the development of the created lot will have little or no impact on adjacent properties, or be impacted by adjacent properties, no lot may be created where the buildable area of that lot is adjacent only to the rear yards of all abutting lots.~~

~~(viii) Neighborhood Unit Developments shall be so designed as to take into account the future development potential of adjacent properties, including, but not limited to, the extension of public streets, creation of additional lots and the legal establishment of uses which may be incompatible with the Neighborhood Unit Development.~~

~~(ix) Driveways used in common by two or more lots shall be used only when installation of public street is impractical. No lots shall be created which are not accessible by emergency and service vehicles.~~

~~(x) All plans shall be based on recent surveys of the subject properties and surrounding parcels.~~

~~(B) **Flexible Requirements** - When the City Council finds that the property contained within the boundaries of the proposed Neighborhood Unit Development is of irregular, narrow, shallow, steep or exceptional character that strict application of certain provisions of this Code prevent reasonable development of the property, those provisions may be modified, but only to the extent specifically approved for each lot on the approved Neighborhood Unit Development. Provisions of the primary zoning district notwithstanding, the City Council, in its approval of a Neighborhood Unit Development, may specify standards for the following:~~

~~(i) Lot area,~~

~~(ii) Lot width,~~

~~(iii) Structural setbacks from property lines internal to the Neighborhood Unit Development,~~

~~(iv) Floor area of principal structures,~~

~~(v) Floor area of accessory structures,~~

~~(vi) Height of structures (including fences),~~

~~(vii) Impervious surface coverage,~~

~~(viii) Private driveways,~~

~~(ix) Public streets, and~~

~~(x) Development of steep slopes.~~

~~(C) **Mitigation** - When any provision of this Code is modified under the provisions of a Conditional Use Permit for a Neighborhood Unit Development, the Council may require reasonable measures to mitigate potential impact on adjacent properties or on the public. Such measures shall be reflected on the approved final site plan and/or as Conditions of Approval.~~

~~(2) **Landscaping and Screening** - Since application of a Neighborhood Unit Development may reduce internal setbacks, minimum lot area and minimum lot width landscaping and screening may be required as a condition of approval of a final site plan.~~

~~(A) In all Neighborhood Unit Developments two 2 1/2 inch caliper measure deciduous trees and two 6 foot high evergreen trees are required per dwelling unit. Planting of the trees is required within six months of occupancy of any new dwelling unit and is required within six months of final plan approval for any existing dwelling unit. Additional plant materials may be required in order to maintain consistency with adjacent developed parcels. Existing trees on each proposed lot which meet these criteria, and which are not removed by development, may be used to satisfy this requirement.~~

~~(B) Solid fencing or walls up to a maximum of six feet in height may be required as a Condition of Approval of a Conditional Use Permit to assure privacy between lots created by a Neighborhood Unit Development.~~

~~(C) In order to mitigate the impact of new driveways on existing development, the Council may require the applicant, with the consent of the affected property owner, to provide landscaping and/or screening on abutting or adjacent impacted property.~~

~~(D) As it may deem appropriate to protect adjacent single-family residential uses, the City Council may attach other conditions to the approval of a Neighborhood Unit Development.~~

~~(E) Where deemed necessary by the City Council, a bond, irrevocable letter of credit or similar instrument may be required to guarantee installation of erosion control, landscaping, fences, screening, common driveways, retaining walls and similar improvements. The amount of the guarantee shall be determined by the Issuing Authority, but shall not exceed 150 percent of the total estimated cost of materials and installation. The instrument shall be released only upon completion of development of all lots, however, the amount guaranteed may be reduced as improvements are completed, subject to the approval of the Issuing Authority.~~

~~(3) **Platting Requirements.**~~

~~(A) The final site plat shall be approved by the City Council and filed with the appropriate office of Hennepin County prior to the issuance of any footing and foundation permits or related building permits.~~

~~(B) All easements not drawn on the final plat shall be filed with the appropriate office of Hennepin County prior to the issuance of any building permits.~~

~~(C) All exceptions to the primary zoning district requirements and all required mitigating measures approved as part of the final site plan shall be documented by easement or covenant and shall be filed with the appropriate office of Hennepin County prior to the issuance of any building permits.~~]

***

SEC. 19.63.08. EXTERIOR MATERIALS AND FINISH.

***

(b) The following regulations apply to all nonresidential primary and accessory buildings and their additions in the following zoning districts:

Single-family Residential R-1 Districts
Single-family Residential R-1A Districts
Large Lot Single-family Residential RS-1 Districts
<u>Townhouse Residential R-3 Districts</u>
Multiple-family Residential R-4 Districts
Multiple-family Residential RM-12 Districts
Multiple-family Residential RM-24 Districts

***

(c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

Multiple-family Residential RM-50 Districts
<u>Multiple-family Residential RM-100 Districts</u>
Neighborhood Office B-1 District
General Commercial B-2 District
General Business B-3 District
Neighborhood Commercial Center B-4 District
Freeway Office and Service C-1 District
Freeway Commercial C-2 District
Freeway Commercial Center C-3 District
Freeway Office C-4 District
Freeway Mixed Use C-5 District
Regional Commercial CR-1 District
Freeway Development FD-1 and FD -2 Districts
Commercial Service CS-0.5 and CS-1 Districts
Commercial Office CO-0.5, CO-1 and CO-2 Districts
Residential Office RO-24 and RO-50 Districts
High Intensity Mixed Use With Residential HX-R District

***

SEC. 19.63.09. HOME ENTERPRISES.

(a) **Home Occupations.**

***

(2) **Permitted Uses.** Permitted home occupations may include such uses as professional home offices, home studios, home beauty shops, architect, artist, and writer uses, clergymen, lawyers, teachers, music and dance instruction for no more than two students at any one time, licensed therapeutic

massage, watch repair, [~~licensed day care,~~] dressmaking, millinery and similar crafts, subject to the performance standard in Section 19.63.09(a)(4).

***

ARTICLE VIII. ANTI-BLIGHT REGULATIONS

***

SEC. 19.84. ZONING REGULATIONS.

***

(b) In use districts in which sexually-oriented businesses are permitted uses, the following conditions shall be met prior to a sexually-oriented business being allowed:

***

(3) No sexually-oriented business shall be located closer than 500 feet from any of the following residential use districts. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest boundary of the residential use district:

Single-Family Residential R-1A District
Single-Family Residential R-1 District
<u>Townhouse Residential R-3 District</u>
Multiple-Family Residential R-4 District
Multiple-Family Residential RM-12 District
Multiple-Family Residential RM-24 District
Multiple-Family Residential RM-50 District
<u>Multiple-Family Residential RM-100 District</u>
Apartment Park R-5 District
Large Lot Single-Family RS-1 District.

***

ARTICLE X. SIGN REGULATIONS

***

Division C. General Regulations

***

SEC. 19.108. GENERAL PROVISIONS, INCLUDING BASIC DESIGN ELEMENTS.

***

(h) **Basic Design Elements for Specific Signs.**

***

(5) **Video Display Sign.** Video display signs must meet the following standards. When attached to walls, video display signs are classified as cabinet signs.

***

(B) District Limitations. The sign must not be located in a Residential (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24, RO-50), Conservation, or Bluff Overlay (BP-1, BP-2) district;

***

(6) **Electronic Graphic Display Sign.** Electronic graphic display signs must meet the following standards. When attached to walls, electronic graphic display signs are classified as cabinet signs.

***

(B) District Limitations. The sign must not be located in a Conservation, Bluff Overlay (BP-1, BP-2) district or Residential district (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24, RO-50);

***

(7) **Multi-vision Sign.** Multi-vision signs must meet the following standards. When attached to walls, multi-vision signs are classified as cabinet signs.

***

(B) District Limitations. The sign must not be located in a Conservation, Bluff Overlay (BP-1, BP-2) district or Residential district (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24, RO-50);

***

(8) **Time and Temperature Sign.** Time and temperature signs must meet the following standards. When attached to walls, time and temperature signs are classified as cabinet signs.

***

(B) District Limitations. The sign must not be located in Residential (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24, RO-50), Conservation or Bluff Overlay (BP-1, BP-2) district;

***

Division D. District Provisions

***

SEC. 19.111. CLASS II SIGN DISTRICTS (R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24, RO-50).

***

Section 4. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

***

CHAPTER 21

ZONING AND LAND DEVELOPMENT

***

ARTICLE II. DISTRICTS AND USES

***

Division B. [~~Reserved~~] Residential Zoning Districts

SEC. 21.203. [~~RESERVED~~] RESIDENTIAL ZONING DISTRICTS.

(a) **Purpose**. It is the purpose of the Residential Zoning Districts to provide areas for various residential housing types at a range of densities and to provide for other necessary and related uses within residential neighborhoods. Residential District provisions are intended to:

(1) Provide locations for residential uses, associated accessory uses and compatible institutional uses;

(2) Minimize negative impacts from incompatible land uses; and

(3) Provide opportunities for a variety of housing types and densities.

(b) **General Standards.** Development in all Residential Zoning Districts must comply with the following standards:

(1) Site area, site width, density and impervious surface. See Section 21.301.01 for applicable standards.

(2) Structure placement. See Section 21.301.02 for applicable standards.

(3) Off-street Parking. See Section 21.301.06 for applicable standards.

(4) Fences. See Section 21.301.08 for applicable standards.

(5) Structure height. See Section 21.301.10 for applicable standards.

(6) Accessory structures and garages. See Section 21.301.19 for applicable standards.

(7) Occupancy. Single family dwelling units, accessory dwelling units and individual units within multiple family dwellings, townhouses, and two-family dwellings may be occupied by no more than one family as defined in Section 19.03.

SEC. 21.203.01. SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT.

(a) **Intent**. The Single-Family Residential (R-1) District is intended to:

(1) Serve as the core zoning district for single-family residential uses;

(2) Allow compatible non-single family residential and institutional uses; and

(3) Protect natural resources and ensure compatible redevelopment through appropriate development standards.

(b) **Uses.** Uses allowed in the R-1 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(c).

(c) **Standards.** Development in the R-1 District must comply with the standards in Section 21.203(b) and the following:

(1) Outside storage of a recreational vehicle. See Section 19.50.03 for applicable standards and permitting.

(2) Additional single-family dwelling standards. See Section 21.302.07 for applicable standards.

SEC. 21.203.02. LARGE LOT SINGLE-FAMILY RESIDENTIAL (RS-1) DISTRICT.

(a) **Intent**. The Large Lot Single-Family Residential (RS-1) District is intended to:

(1) Provide locations for large lot single-family development in areas of steep slopes, significant vegetation, wetlands or in areas substantially developed as large lots in order to preserve the character of the area; and

(2) Protect natural resources and ensure compatible redevelopment through appropriate development standards.

(b) **Uses.** Uses allowed in the RS-1 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(c).

(c) **Standards.** Development in the RS-1 District must comply with the standards in Section 21.203(b) and the following:

(1) Outside storage of a recreational vehicle. See Section 19.50.03 for applicable standards and permitting.

(2) Additional single-family dwelling standards. See Section 21.302.07 for applicable standards.

(3) No additional development is permitted unless public sewer and water services are available.

SEC. 21.203.03. RESTRICTED LARGE LOT SINGLE-FAMILY RESIDENTIAL (R-1A) DISTRICT.

(a) **Intent**. The Restricted Large Lot Single-Family Residential (R-1A) District is intended to:

(1) Set appropriate development standards in areas where public water and sanitary sewer service is not available; and

(2) Protect natural resources and ensure compatible redevelopment through appropriate development standards.

(b) **Uses.** Uses allowed in the R-1A District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(c).

(c) **Standards.** Development in the R-1A District must comply with the standards in Section 21.203(b) and the following:

(1) Outside storage of a recreational vehicle. See Section 19.50.03 for applicable standards and permitting.

(2) Additional single-family dwelling standards. See Section 21.302.07 for applicable standards.

(3) No additional development is permitted unless public sewer and water services are available.

SEC. 21.203.04. TOWNHOUSE RESIDENTIAL (R-3) DISTRICT.

(a) **Intent**. The Townhouse Residential (R-3) District is intended to provide appropriate development standards for predominantly townhouse and rowhouse style development.

(b) **Uses.** Uses allowed in the R-3 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(c).

(c) **Standards.** Townhouse development in the R-3 District must comply with the standards in Section 21.203(b) and the following:

(1) Townhouse standards. See Section 21.302.08 for applicable standards.

SEC. 21.203.05. MULTIPLE-FAMILY RESIDENTIAL (R-4) DISTRICT.

(a) **Intent**. The Multiple-Family Residential (R-4) District is intended to provide appropriate redevelopment standards in areas already developed as predominantly multiple-family residential uses.

(b) **Uses.** Uses allowed in the R-4 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(c).

(c) **Standards.** Development in the R-4 District must comply with the standards in Section 21.203(b) and the following:

(1) Multiple-Dwelling design and performance standards. See Section 19.62 for applicable standards.

(2) Townhouse standards. See Section 21.302.08 for applicable standards.

SEC. 21.203.06. MULTIPLE-FAMILY RESIDENTIAL (RM-12) DISTRICT.

(a) **Intent.** The Multiple-Family Residential (RM-12) District is intended to provide appropriate development standards for multiple-family residential uses with access to arterial and collector streets.

(b) **Uses.** Uses allowed in the RM-12 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(c).

(c) **Standards.** Development in the RM-12 District must comply with the standards in Section 21.203(b) and the following:

(1) Minimum usable open space per dwelling unit: 600 square feet.

(A) Balconies and porches directly accessible from individual dwelling units count toward the usable open space requirement. Balconies and porches of at least 50 square feet in area with a minimum width and length of five feet are eligible for a usable open space bonus as described in the following table.

Porch or Balcony Area	Counts as Usable Open Space of:
First 50 square feet	150 square feet
Each additional one square foot up to a maximum of 50 percent of the usable open space requirement.	2.5 square feet

(2) Multiple-Dwelling design and performance standards. See Section 19.62 for applicable standards.

(3) Townhouse standards. See Section 21.302.08 for applicable standards.

SEC. 21.203.07. MULTIPLE-FAMILY RESIDENTIAL (RM-24) DISTRICT.

(a) **Intent.** The Multiple-Family Residential (RM-24) District is intended to provide appropriate development standards for multiple-family residential uses with access to arterial or collector streets in proximity to neighborhood commercial uses and public open space.

(b) **Uses.** Uses allowed in the RM-24 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(c).

(c) **Standards.** Development in the RM-24 District must comply with the standards in Section 21.203(b) and the following:

(1) Minimum usable open space per dwelling unit: 600 square feet.

(A) Balconies and porches directly accessible from individual dwelling units count toward the usable open space requirement. Balconies and porches of at least 50 square feet in area with a minimum width and length of five feet are eligible for a usable open space bonus as described in the following table.

Porch or Balcony Area	Usable Open Space Bonus
First 50 square feet	150 square feet
Each additional one square foot (up to a maximum of 75 percent of the usable open space requirement).	2.5 square feet

(2) Multiple-Dwelling design and performance standards. See Section 19.62 for applicable standards.

(3) Townhouse standards. See Section 21.302.08 for applicable standards.

SEC. 21.203.08. MULTIPLE-FAMILY RESIDENTIAL (RM-50) DISTRICT.

(a) **Intent.** The Multiple-Family Residential (RM-50) District is intended to:

(1) Provide appropriate development standards for multiple-family residential uses with direct access to arterial or collector streets in proximity to areas of employment and well served by mass transit and public open space; and

(2) Allow the incorporation of certain commercial and personal service activities, which are clearly subordinate to and integrated with the principal residential use.

(b) **Uses.** Uses allowed in the RM-50 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(c).

(c) **Standards.** Development in the RM-50 District must comply with the standards in Section 21.203(b) and the following:

(1) Minimum usable open space per dwelling unit: 300 square feet.

(A) Rooftop decks of 400 square feet or more in area that are open to all building tenants may count as usable open space up to a maximum of 50 percent of the usable open space requirement.

(B) Balconies and porches directly accessible from individual dwelling units count toward the usable open space requirement. Balconies and porches of at least 50 square feet in area with a minimum width and length of five feet are eligible for a usable open space bonus as described in the following table.

Porch or Balcony Area	Usable Open Space Bonus
First 50 square feet	150 square feet
Each additional one square foot (up to a maximum of 100 percent of the usable open space requirement).	2.5 square feet

(2) Floor area of nonresidential uses must not exceed 20 percent of the floor area of residential uses in any development.

(3) Multiple-Dwelling design and performance standards. See Section 19.62 for applicable standards.

***

SEC. 21.203.09. MULTIPLE-FAMILY RESIDENTIAL (RM-100) DISTRICT.

(a) **Intent.** The Multiple-Family Residential (RM-100) District is intended to:

(1) Provide appropriate development standards for multiple-family residential uses with direct access to arterial or collector streets in proximity to areas of employment, supportive commercial and retail services and well served by mass transit and public open space; and

(2) Allow the incorporation of certain commercial and personal service activities, which are clearly subordinate to and integrated with the principal residential use.

(b) **Uses.** Uses allowed in the RM-100 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(c).

(c) **Standards.** Development in the RM-100 District must comply with the standards in Section 21.203(b) and the following:

(1) Minimum usable open space per dwelling unit: 300 square feet.

(A) Rooftop decks of 400 square feet or more in area that are open to all building tenants may count as usable open space up to a maximum of 50 percent of the usable open space requirement.

(B) Balconies and porches directly accessible from individual dwelling units count toward the usable open space requirement. Balconies and porches of at least 50 square feet in area with a minimum width and length of five feet are eligible for a usable open space bonus as described in the following table.

Porch or Balcony Area	Usable Open Space Bonus
First 50 square feet	150 square feet
Each additional one square foot (up to a maximum of 100 percent of the open space requirement).	2.5 square feet

(2) Floor area of nonresidential uses must not exceed 20 percent of the floor area of residential uses in any development.

(3) Multiple-Dwelling design and performance standards. See Section 19.62 for applicable standards.

***

Division H. Uses

SEC. 21.209. USE TABLES.

***

(c) [~~Reserved~~]Residential Zoning Districts.

USE TYPE	ZONING DISTRICT									REFERENCES
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	See Listed Section
RESIDENTIAL										
Dwellings										
Single-family dwelling	P	P	P		P					
Two-family dwelling	P				P					21.302.04
Townhouse/rowhouse				P	P	P	P			21.302.08

USE TYPE	ZONING DISTRICT									REFERENCES
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	See Listed Section
Townhouse/rowhouse in single family zones in existence prior to 01/26/2015	P									
Multiple-family dwelling					P	P	P	P	P	19.62 19.63.01 19.63.02
Multiple-family dwelling in single family zones in existence prior to 01/26/2015	C									19.62 19.63.01 19.63.02
Congregate Living										
State Licensed Residential Care Facility serving six or fewer persons	P	P	P	P	P	P	P	P	P	MN Statute 462.357 Subd. 7
State Licensed Residential Care Facility serving seven or more persons					C	C	C	C	C	21.302.06 MN Statute 462.357 Subd. 8
State Licensed Residential Care Facility serving seven or more persons in single family zones in existence prior to 01/26/2015	C	C	C							21.302.06
City Licensed Congregate Living Facility serving five or more persons					C	C	C	C	C	21.302.06
Congregate Living Facility serving five or more persons (e.g. boarding houses, lodging houses, convents) in single family zones in existence prior to 01/26/2015	C	C	C							21.302.06
Dormitory	C									21.302.06
Other Residential										
Transient Lodging or Bed & Breakfast										21.209(d)
Room or Dwelling Rental – 30 days or greater	A	A	A	A	A	A	A	A	A	Chapter 14 Article VIII
Manufactured home park	C			C	C	C	C	C	C	Chapter 14 Article VI and MN Statute

USE TYPE	ZONING DISTRICT									REFERENCES
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	See Listed Section
										Chapter 327
Neighborhood Unit Developments in existence prior to 01/26/2015	C									21.501.03
Accessory dwelling unit	A		A							21.302.03
Home occupations	A	A	A	A	A	A	A	A	A	19.63.09
Home businesses	C	C	C	C	C	C	C	C	C	19.63.09
Customarily incidental feature for single, two and multiple-family dwellings	A	A	A	A	A	A	A	A	A	21.302.07
Tennis courts accessory to single-family dwellings	CA	CA	CA		CA					
GOVERNMENT, INSTITUTIONAL, OPEN SPACE										
Day Care Facilities and Services										
Licensed Day Care Facility										MN Statute 462.357 Subd. 7
Serving 12 or fewer persons	P	P	P	C	C	C	C	C	C	
Serving 13 to 50 persons				C	C	C	C	C	C	MN Statute 462.357 Subd. 8
Serving 13 or more persons in single family zones in existence prior to 01/26/2015	C	C	C							21.302.06
Licensed Group Family Day Care Facility serving 14 or fewer children	P	P	P	C	C	C	C	C	C	MN Statute 462.357 Subd. 7
Unlicensed family day shelters	C									21.302.21
Educational Facilities										
Schools (K-12),	C			C	C	C	C	C	C	21.302.06
College or university	C			C	C	C	C	C	C	21.302.06
Specialty schools as primary use (music, dance) in single family zones in existence prior to 01/26/2015	C									
Parks and Open Space										
Publicly owned parks and recreational facilities as a principal use (e.g. parks,	P	P	P	P	P	P	P	P	P	

USE TYPE	ZONING DISTRICT									REFERENCES
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	See Listed Section
playgrounds, golf course/club house, tennis courts)										
Private or commercial parks and recreational facilities as a principal use (e.g. playgrounds, golf course/clubhouse and tennis courts)	C			C	C	C	C	C	C	
Community garden	P	P	P	P	P	P	P	P	P	21.302.05(b)(2)
Public Services and Utilities										
Government facility, general	P	P	P	P	P	P	P	P	P	21.302.06
Government facility, limited in existence prior to 01/26/2015	C	C	C	C	C	C	C	C	C	21.302.06
Public utility facility, general	P	P	P	P	P	P	P	P	P	21.302.06
Public utility facility, limited	C	C	C	C	C	C	C	C	C	21.302.06
Social and Cultural Facilities										
Place of assembly (does not include a cemetery)	C			C	C	C	C	C	C	21.302.06
Cemetery, mausoleum	C									21.302.20
Funeral home or mortuary in existence prior to 01/26/2015	C									
Private food service in institutional uses	A	A	A	A	A	A	A	A	A	
Funeral homes or mortuaries accessory to a cemetery or mausoleum	A									21.302.06
Columbaria accessory to place of assembly for worship. cemetery, or mausoleum	A	A	A	A	A	A	A	A	A	
Conservatory or green house, accessory to Institutional use	A	A	A	A	A	A	A	A	A	
RETAIL/SERVICES										
Medical Facilities										

USE TYPE	ZONING DISTRICT									REFERENCES
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	See Listed Section
Office/clinic, medical or dental in existence prior to 01/26/2015.					C					
Office in existence prior to 01/26/2015	C				C					
Retail Sales and Services										
Plant nurseries and greenhouses in existence prior to 01/26/2015	C									
Incidental retail sales and services								A	A	
Restaurants when located within a multiple-family facility								CA	CA	
GENERAL										
Other General Uses										
Agriculture, limited	P	P	P	P	P	P	P	P	P	21.302.05
Off-street parking for a contiguous business, industrial use, public use, public or private school or place of assembly	C			C	C	C	C	C	C	
Antenna	A	A	A	A	A	A	A	A	A	19.63.05
Amateur radio tower	A	A	A		A					15.14, 19.63.05, and 21.301.10
Tower	CA	CA	CA	CA	CA	CA	CA	CA	CA	19.63.05(b)
TEMPORARY/SEASONAL										
Temporary Uses										
Transient merchant sales (in parks only, where incidental and subordinate to a special event)	A	A			A					
Excavation and removal of sand, gravel, black dirt and other types of soil and mineral products not to exceed two years in duration	I	I	I		I					

(d) **Neighborhood and Freeway Commercial Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section
*** **GOVERNMENT, INSTITUTIONAL, OPEN SPACE**									
Educational Facilities									
[~~Child care center~~]Day care facility	C	C	C	A	A	A	A	A	
College or university				CA	CA	CA	C	CA	
Instructional center	C	C	C	CA	CA	CA	CA	CA	
School (K-12)[~~, private or charter~~]				CA	CA	CA	C	CA	
[~~School (K-12), public~~]				[~~CA~~]	[~~CA~~]	[~~CA~~]	[~~C~~]	[~~CA~~]	
Sports training facility				CA	CA	CA	C	CA	
*** **RETAIL/SERVICES**									
Accommodations									
Hotel/motel		C		P	P	P	P	P	
Bed and Breakfast									
Transient lodging within a residential dwelling unit									

***

(f) **Specialized Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX							See Listed Section
*** **GOVERNMENT, INSTITUTIONAL, OPEN SPACE**									
Educational Facilities									
[~~Child care center~~]Day care facility	P	C							
College or university	P								
Instructional center	P								
School (K-12)[~~, private or charter~~]	P								
[~~School (K-12), public~~]	[~~P~~]								
Sports training facility	P								
*** **RETAIL/SERVICES**									
Accommodations									
Hotel/motel	P	P							
Bed and Breakfast									

Transient lodging within a residential dwelling unit									

***

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

SEC. 21.301.01. DEVELOPMENT INTENSITY AND SITE CHARACTERISTICS.

(a) **Purpose**. The tables in this Section depict required floor area ratio, building floor area, impervious surface area, site width and site area standards by zoning district.

(b) **Table Key**. The following labeling conventions apply to each table in this Section.

(1) Floor area ratio – minimum. The floor area ratio on a site must meet or exceed the listed minimum for the respective zoning district.

(2) Floor area ratio – maximum. The floor area ratio on a site must not exceed the listed maximum for the respective zoning district.

(3) Building floor area - minimum. Building floor area, expressed in gross square feet, for each building on a site must meet or exceed the listed minimum for the respective zoning district.

(4) Impervious surface area – maximum. The total impervious surface area on a site may not exceed the listed maximum for the respective zoning district.

(5) Site width - minimum. The site width, measured at the minimum required structure setback for the respective zoning district must meet or exceed the listed minimum for the respective zoning district.

(6) Site area – minimum. The gross site area must meet or exceed the minimum listed for the respective zoning district.

(7) Not applicable. Standards identified in the zoning district row with the letters "NA" do not apply within the respective zoning district.

(8) Density – minimum. The density on a site must meet or exceed the listed density for the respective zoning district.

(9) Density – maximum. The density on a site must not exceed the listed maximum for the respective zoning district.

(c) **[~~Reserved~~] Residential Zoning Districts.**

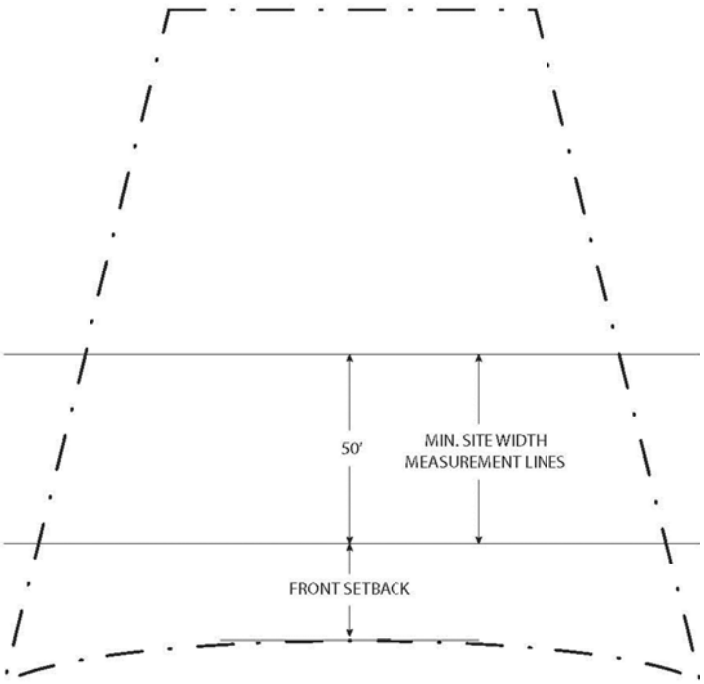
(1) Residential site standards.

Zoning District	**Site Area**	**Site Width**	**Density**		**Impervious Surface Area**
	Minimum	**Minimum**	**Minimum**	**Maximum**	**Maximum**
R-1	11,000 sq. ft. (corner lot 15,000 sq. ft.).	see (A & B) below	NA	NA	35% and see (C) below
RS-1	33,000 sq. ft.	see (A & B) below	NA	NA	35% and see (C) below
R-1A	65,000 sq. ft.	see (A & B) below	NA	NA	see (C) below
R-3	20,000 sq. ft.	120 feet	NA	8 u./ac.	70%
R-4	40,000 sq. ft.	200 feet	4 u./ac.	12 u./ac.	80%
RM-12	40,000 sq. ft.	200 feet	8 u./ac.	12 u./ac.	80%
RM-24	40,000 sq. ft.	200 feet	12 u./ac.	24 u./ac.	85%
RM-50	80,000 sq. ft.	200 feet	20 u./ac. and see (D) below	50 u./ac. and see (E) below	90%
RM-100	80,000 sq. ft.	200 feet	50 u./ac. and see (D) below	100 u./ac. and see (E) below	95%

(A) Site width. Site width for non-corner sites must be at least 80 feet in the R-1 and RS-1 zoning districts and at least 100 feet in the R-1A zoning district. Corner site width at both of the minimum required front setback lines must be at least 120 feet in the R-1, RS-1 and R-1A zoning districts. Single and two-family residential sites approved by the City after August 31,

2006 must meet minimum site width requirements at the front setback line and over the first 50 feet of the site beyond the required front setback line.

(i) Graphic Illustration. Site width measurements.



(B) Median Site Width. Site width for all single and two-family residential lots in the R-1, RS-1 and R-1A zoning districts approved or modified by the City after August 31, 2006 must meet or exceed 80 percent of the median site width of existing lots wholly or partially located within 500 feet of the perimeter of the proposed subdivision measured along existing or proposed public streets. In calculating the median site width, the following sites are excluded:

(i) sites that are not single or two-family residential sites;

(ii) sites within the proposed subdivision;

(iii) corner sites;

(iv) flag sites;

(v) sites approved through the Neighborhood Unit Development (NUD) process;

(vi) for the purposes of calculating single-family residential site width, two-family sites are excluded. In no event is site width for single and two-family residential sites required to exceed 120 feet; and

(vii) for the purposes of calculating two-family residential site width, in cases where horizontally attached two-family residential structures occupy two adjoining lots, site width is determined by adding together the width of each lot. Notwithstanding the requirements of City Code Section 21.301.01(c)(1)(A), legally created two-family residential sites may be subdivided in accordance with Section 21.302.04(c)(16).

(C) Impervious surface area.

(i) The area of impervious surface on a single-family residential site may not exceed 12,000 sq. ft. plus 1,000 sq. ft. for each full acre of lot size over one acre.

(D) Minimum gross density may be reduced by 10 dwelling units per acre provided that structure lot coverage does not exceed 20 percent of the lot area and provided that the remaining vacant lot area provides reasonable opportunity for residential development above the minimum gross density for the entire site.

(E) Maximum gross density may be increased an additional 10 dwelling units per acre provided that the lot area is in excess of 200,000 square feet, that the property fronts on an arterial street and that it is contiguous to public open space larger than the site itself.

(2) Non-residential site standards.

Zoning District	Site Area	Site Width	Floor Area Ratio	Impervious Surface Area
	Minimum	Minimum	Maximum	Maximum
R-1, RS-1, R-1A	30,000 sq. ft.	120 feet	0.5	75%
R-3, R-4, RM-12, RM-24, RM-50, RM-100	40,000 sq. ft.	200 feet	0.5	Same as Section 21.301.01(c)(1)

(3) Building floor area minimum.

Unit	Floor Area
	Minimum*
Single-family (except R-1A)	1,040 sq. ft.
Single-family (R-1A)	1,700 sq. ft.
Two-family	960 sq. ft. per unit (Section 21.302.04)
Apartments and Condominiums	
Efficiency Units	400 sq. ft.
One bedroom	650 sq. ft.
Two bedrooms	800 sq. ft.
Three or more bedrooms	950 sq. ft.
Row Houses, Townhouses and other attached dwelling units of a similar nature	
One bedroom	750 sq. ft.
Two bedrooms	900 sq. ft.
Three bedrooms	1,040 sq. ft.

Note:

* Garages, breezeway, and porch floor area may not count towards the required floor area.

***

SEC. 21.301.02. STRUCTURE PLACEMENT.

(a) **Purpose**. The tables in this Section depict minimum and maximum structure setback requirements by zoning district.

(b) **Table Key**. The following labeling conventions apply to each table in this Section:

(1) Setbacks from public streets. All setbacks from public streets or proposed public streets must be measured from the planned widened rights-of-way in accordance with the Master Street Plan of the City.

(2) Rear and side. For corner sites that abut two public streets and for which it is not apparent due to lot configuration or past approval which property line is the rear and which property line is the side, the applicant may select which property line to consider rear and which to consider side.

(3) Adjacent to residential. For the purpose of determining the required setback adjacent to residential, a site is considered to be "residential" if it is guided residential by the Comprehensive Plan.

(4) Where applicable, at least 75 percent of any building façade with street frontage must meet the listed maximum setback requirement. The City Council may waive maximum setback requirements through the planned development process for buildings with more than two street frontages.

(c) **Encroachments**. Selected site features and equipment are allowed to encroach into the required setback area to the extent specified in Section 19.08.

(d) **[~~Reserved.~~] Residential District Setbacks.**

(1) Residential structure setbacks in residential districts.

Zoning District	Along Streets	Rear	Side Not Along Streets
	Minimum	Minimum	Minimum
R-1, RS-1	30 feet or as required in Subsection (3) below, whichever is greater*. Setbacks also subject to the exception in Subsection (4) below.	30 feet 5 feet for garages and accessory structures not connected to water or sanitary sewer	10 feet 5 feet for garages and accessory structures not connected to water or sanitary sewer service

		service	
R-1A	75 feet or as required in Subsection (3) below, whichever is greater*. Setbacks also subject to the exception in Subsection (4) below.	75 feet 5 feet for garages and accessory structures not connected to water or sanitary sewer service	30 feet 5 feet for garages and accessory structures not connected to water or sanitary sewer service
R-3	30 feet*	30 feet	10 feet
R-4, RM-12, RM-24, RM-50	40 feet*	30 feet 10 feet for garages and accessory structures not connected to water or sanitary sewer	10 feet plus 0.25 feet for each foot in height over 30 feet
RM-100	10 feet or width of required public easement*	20 feet 10 feet for garages and accessory structures not connected to water or sanitary sewer	10 feet plus 0.25 feet for each foot in height over 30 feet

Note:

* No portion of an accessory structure may be closer to the property line adjacent to a public street than the principal structure.

(2) Non-residential structure setbacks in residential districts.

Zoning District	**Along Streets**	**Rear**	**Side Not Along Streets**
	Minimum	**Minimum**	**Minimum**
R-1, RS-1, R-1A, R-3, R-4, RM-12, RM-24, RM-50, RM-100	50 feet (75 feet in R-1A)	30 feet	20 feet or the height of the structure, whichever is greater

(3) Prevailing setback.

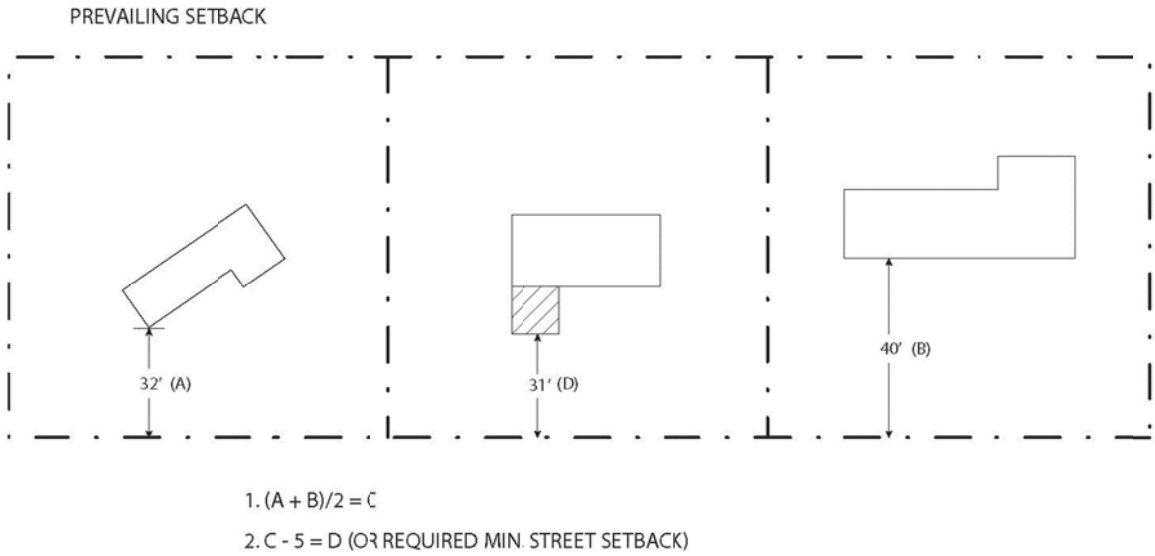
(A) Intent. Prevailing setback standards are intended to promote the compatibility of infill redevelopment with existing development in older neighborhoods.

(B) Applicability. New single-family and two-family dwellings or additions in the R-1, R-1A and RS-1 Zoning Districts must meet increased setback standards along a street if the new dwelling directly abuts to one or more single-family dwellings that were in existence on October 7, 1974.

(C) Measurement. The prevailing setback is the average minimum setback of each single-family dwelling on directly abutting sites along the same street segment and within the same block face.

(D) Standard. When applicable and not otherwise set through a condition of approval, the required setback from a front or side property line adjacent to a street is five feet less than the prevailing setback, except that the structure may not have a setback from the front or side property line adjacent to a street that is less than the zoning district minimum and in no case may the additional required setback be more than 65 feet from the property line.

(i) Graphic Illustration. Prevailing setback.



(4) Exception for Setbacks from Side Property Lines Abutting Streets. Where single-family dwellings were legally constructed with a setback of 20 feet or more from a side property line abutting a street, the dwelling may be expanded without a setback variance provided the existing setback is maintained or increased. Where garages were legally constructed with a setback of 20 feet or more from a side property line abutting a street, the garage may be expanded without a setback variance provided the existing setback is maintained or increased and provided additional or expanded garage doors are not proposed to face the side property line abutting a street.

***

SEC. 21.301.04 SIDEWALKS.

***

(b) **Where Required.**

(1) **Public sidewalks**. All new development or significant redevelopment must construct public sidewalks and provide sidewalk easements conforming to the standards of this Section and approved by the City parallel and adjacent to any public street abutting the development site and where otherwise specified on the sidewalk plan of the City or through condition of approval. The following exceptions apply:

(A) Individual Single and Two-[ ]Family Dwellings. Construction of a streetside public sidewalk is not required for redevelopment or expansion of an individual single or two-family dwelling where no sidewalk was previously present, however a sidewalk easement, petition and waiver of assessment hearing for potential future construction must be provided for construction of new two-[ ]family dwellings.

***

SEC. 21.301.05. DRIVE-THROUGH FACILITIES.

Drive-through facilities must comply with the following standards:

***

(d) **Screening**. All elements of the drive through service area, including but not limited to menu boards, order stations, teller windows, and vehicle lights from the stacking lanes, must be screened from view of residential properties zoned R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, ~~or~~ RM-50 or RM-100 located within 300 feet. Screening must comply with the perimeter screening standards specified in Section 19.52(d).

(e) **Speakers**. In addition to meeting the requirements of the City Noise Code (See Chapter 10, Article IV), if within 300 feet of residential properties zoned R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24 ~~or~~ RM-50 or RM-100, speakers must not produce noise that exceeds 75 dBA measured 5 feet from the speaker.

(f) **Hours of Operation**. Restaurant drive-through windows must not be operated between the hours of 10 p.m. and 6 a.m. if any portion of the drive-through or stacking spaces are within 300 feet of residential properties zoned R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24 ~~or~~ RM-50 or RM-100.

***

SEC. 21.301.06. PARKING AND LOADING.

***

(b) **Location** -

(1) **Accessory off-street parking location**:

(A) **One and two-family dwellings**. Spaces accessory to one and two-family dwellings must be on the same site as the principal use served.

(B) **Multiple-[ ]family dwellings**. Spaces accessory to multiple-[ ]family dwellings must be on the same site as the principal use served within 400 feet of the main entrance to the principal building served.

***

(d) **Number of off-street parking spaces required**.

(1) The minimum number of off-street parking spaces provided within a development must meet the provisions of this subsection, varying by land use as provided in the following table. If more than one land use is present on a site, the required parking is determined by adding together the required number of parking spaces for each use.

If the number of off-street parking spaces results in a fraction, each fraction of one-half or more will constitute another space required. A lesser number of constructed off-street parking spaces may be allowed through flexibility measures (see Section 21.301.06(e) of this Code, parking reduction flexibility measures). The requirements for off-street surface parking space dimensions are set forth in Bloomington Code Section 21.301.06(c).

MINIMUM OFF-STREET PARKING REQUIREMENTS

***

NON-RESIDENTIAL

***

Car Wash	
Full Service, or Automatic	Eight queuing spaces per bay plus one space per 375 square feet of gross floor area;
Self Service Car Wash	Six queuing spaces per bay for Self Service Wash
[~~Child Care Center~~]Day Care Facility	1.2 spaces for each ten program participants based on the facility's licensed capacity, plus one space per caregiver on the maximum shift.

***

(i) **Single-[ ]Family and Two-[ ]Family Residential Driveways and Off-Street Parking**.

***

(3) **Driveway dimensions**.

(A) **Minimum driveway width**. The width of the driveway must be at least ten feet.

(B) **Maximum driveway width for single-[ ]family sites with a garage of 30 feet or less in width**. The width of the driveway must not exceed the width of the garage it serves.

(C) **Maximum driveway width for single-[ ]family sites with a garage over 30 feet in width**.

***

SEC. 21.301.07. EXTERIOR LIGHTING.

***

(c) **Lighting standards.** In addition to the following specific requirements, all exterior lighting must comply with the standards set forth in Section 21.301.07.

***

(5) **Brightness of signs and unshielded decorative light sources.**

***

(B) Dusk to Dawn Luminance Standards

(i) All sign and decorative light sources must not exceed the luminance standards below:

Location	All Signs (except those sign types listed in the next column)	Electronic Graphic Display, Video or Time and Temperature Signs, and Decorative Light Sources
Within the residential zoning districts of R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24, and RO-50 or within 500 feet of and visible from Protected Residential Property	125 nits	350 nits
Within all other Zoning Districts when greater than 500 feet and not visible from Protected Residential Property within 500 feet	200 nits	425 nits
On sites adjacent to I-494, I-35W, or within the South Loop District and not visible from a Protected Residential Property within 500 feet	300 nits	500 nits

***

(12) **Lighting standards.** All exterior lighting must comply with the following standards, which vary by use. In the event more than one use is present, the highest regulatory standards apply. Single-[ ]family and two-[ ]family dwellings and residential parking lots with fewer than twelve parking spaces are exempt from the minimum light levels required but shall comply with the lights source and height requirements for any lighting installed. Maintained lighting levels shall be calculated at a Light Loss Factor of 0.81 or the actual tested Light Loss Factor for the source, whichever is less.

***

SEC. 21.301.10. HEIGHT.

***

(b) **Height Limits.**

(1) Buildings and structures other than towers.

***

(B) Single and two-family residential uses. In addition to the height limits map, all sites with single and two-family residential uses must also meet the following additional height limitations:

(i) buildings must not exceed two stories in height;

(ii) at the 5 foot side setback line, building height must not exceed 19 feet;

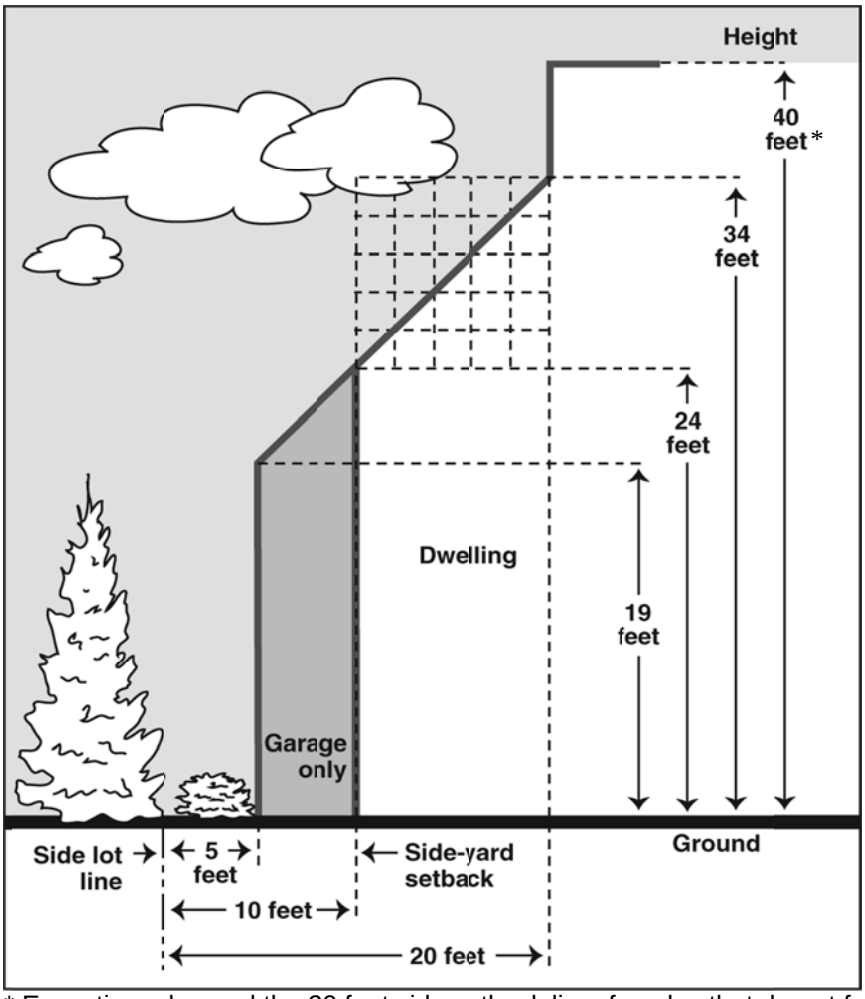
(iii) for portions of buildings between the 5 foot [~~side setback line~~] and the 20 foot side setback line, building height may increase at no more than a 1:1 ratio to side setback (for example, at 10 feet from the side lot line, building height is limited to 24 feet, see Figure 21.301.10 (b) (1) (B) (vii));

(iv) beyond the 20 foot side setback line, building height must not exceed 40 feet on facades facing a street. Facades that do not face a street have no height limit beyond the 20 foot side setback line;

(v) flat roofed buildings must not exceed 30 feet in height at any point on a site; and

(vi) structures other than buildings must not exceed 30 feet in height.

(vii) Graphic illustration. Single and two-[ ]family residential height limits near side lot lines.



* Exception – beyond the 20 foot side setback line, facades that do not face a street have no height limit.

***

SEC. 21.301.19. ACCESSORY STRUCTURES.

(a) **Purpose and intent.** To regulate the number, size, location and appearance of all structures accessory to the principal buildings on lots. These regulations apply to attached garages and detached structures, including but not limited to garages, carports, storage buildings, gazebos, screen houses, playhouses, guard houses, dispatch houses, security houses, gate houses and similar structures.

(b) **Number.**

Zoning District	Number Allowed
Single-family Districts R-1, R-1A, RS-1	Two detached structures on any lot. In addition, one structure not exceeding 50 square feet in area nor five feet in height

	is permitted solely for pool equipment, subject to the setback requirements of Section 19.42(f) of this Chapter.
All Other Districts	One detached structure per principal building, plus one guard, dispatch, security or gate house per site or development.

(c) **Location.**

Zoning District	Minimum Setback in Yards Along Streets	Minimum Rear Setback	Minimum Side Setback Not Along Streets
Single-family Districts R-1, R-1A, RS-1	Same as principal structures in the zoning district; however, detached structures are not permitted to be located closer to the property line along a street than the principal structure.	5 feet 10 feet if connected to water or sanitary sewer service	5 feet 10 feet if connected to water or sanitary sewer service
All Other Districts	Same as principal structures in the zoning district; however, detached structures are not permitted to be located closer to the property line along a public street than the principal structure.	Same as principal structures in the zoning district	10 feet
Guard, dispatch, security or gate houses in all but R-1, R-1A, RS-1 and R-3 Districts	Same as principal structures in the zoning district.	10 feet	10 feet

(d) **Maximum Height.**

Zoning District	Structure Type	Maximum Height	Special Regulations
Single-family Districts R-1, R-1A, RS-1	Accessory structures, excluding garages	15 feet measured from the lowest exterior point to the highest point of the roof and in no event may the overall height exceed the height of the dwelling.	
	Garages	See Section 21.301.10 for applicable standards and in no event may the overall height exceed the height of the dwelling.	(1) The overall height of any garage door opening, measured from the floor to the trim covering the door header, may not exceed eight feet. (2) Where the height of a side wall exceeds ten feet from the floor of the garage to the top of the side wall, the side and rear setbacks of the garage must be increased one inch for each inch of side wall height over ten feet.

All Other Districts	Accessory structures	16 feet measured from the lowest exterior point to the highest point of the roof.	

(e) **Maximum Size.**

Zoning District	Parcel Size	Maximum Size	Special Regulations
Single-family Districts R-1, R-1A, RS-1	15,000 square feet or less	1,120 sq. ft. for garages and accessory structures combined; however, the combined area may not exceed the ground floor area of the permanent four season living area plus 120 sq. ft.	(1) Not withstanding the maximum size provisions, each single-family dwelling may have a garage structure with a total floor area of up to 600 feet. (2) Exception for tuck under garages. In those instances where all garage space and accessory storage space on a site is attached to and located below floor area used for permanent four season living area, there is no limit on the amount of garage floor area. In these instances, the total floor area of all detached accessory buildings is limited to 120 square feet.
	Greater than 15,000 square feet	1,120 sq. ft. plus an amount of floor area equal to five percent of lot area above 15,000 sq. ft., up to a maximum of 2,000 sq. ft. for garages and accessory structures combined; however, the combined area may not exceed the permanent four season living area plus 120 sq. ft.	
Multi-family Districts R-3, R-4, RM-12, RM-24, RM-50, RM-100	Any	25 square feet per dwelling unit, up to a maximum of 600 square feet except for guard, dispatch, security or gate houses, which are limited to a maximum of 250 square feet.	NA
All Other Districts	Any	Five percent of the ground floor area of the principal building, up to a maximum of 600 square feet except for guard, dispatch, security or gate houses, which are limited to a maximum of 250 square feet.	NA

(1) Second level storage area within garages and accessory structures, with 6-foot or greater clearance, is counted toward the maximum garage and accessory structure floor area.

(f) **Construction and Finish.**

(1) Accessory buildings, including guard, dispatch, security or gate houses, may be constructed of any material accepted by the Minnesota State Building Code, which is appropriate to the application and the location. Accessory buildings must be erected on crushed rock or concrete or be constructed with a treated wood floor.

(2) Exterior materials and finish must match or complement the exterior finish of the principal structure in material, color, and texture. Exterior surfaces of all accessory buildings must be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.

(g) **Approvals and Permits.**

(1) Except in Single-family Zoning Districts, no accessory building may be constructed, erected or installed without approval of Final Site Plans and Building Plans by the Issuing Authority as set forth in Section 21.501.01(c) of the City Code.

(2) No accessory building occupying an area greater than 120 square feet may be constructed, erected, or installed without a building permit issued by the Issuing Authority.

(h) **Other Structures.**

(1) Tents, canopies and similar temporary structures for the purpose of housing motor or recreational vehicles or storage are prohibited.

(2) Fish houses must be stored in the rear yard of a residential property no closer than five feet from property lines.

(3) Temporary storage units or containers may be stored on the property for no more than 30 days per year, per site. Units or containers must be stored on or adjacent to a driveway. Units or containers must maintain a minimum five-foot setback from abutting properties and may not be stored within the clear view triangle (see Section 21.301.08(f)(3)(C) for clear vision triangle illustration). The Environmental Health Division Manager or designee is permitted to grant an extension to the time period for hardship situations.

***

Division B. Use Standards

SEC. 21.302.03. ACCESSORY DWELLING UNITS

***

(b) **Standards.**

***

(6) Convertibility. With respect to the point of attachment, degree of attachment, and the coordination of floor plans between the single-[ ]family dwelling unit and the associated Accessory Dwelling Unit, the Accessory Dwelling Unit must be designed and constructed to allow conversion of the Accessory Dwelling Unit back to single-family residential space in the future.

(7) Home occupations. Home occupations are allowed within an Accessory Dwelling Unit, subject to existing performance standards, provided the combined impacts of home occupations in the Accessory Dwelling Unit and associated single-[ ]family dwelling unit do not exceed the performance standards for one single-[ ]family dwelling unit, including but not limited to the number of employees, signs, deliveries, pick-ups, and client appointments per site. Home businesses are not allowed within Accessory Dwelling Units.

(8) Size. Accessory Dwelling Units must be at least 300 square feet in area but must be less than 960 square feet in area. Accessory Dwelling Unit floor area must not exceed 33 percent of the four season living area of the associated single-[ ]family dwelling unit (exclusive of the Accessory Dwelling Unit). The associated single-[ ]family dwelling unit must continue to meet minimum floor area requirements.

(9) Utilities. Accessory Dwelling Units are prohibited on sites not served by municipal sewer and water. Separate utility metering for the Accessory Dwelling Unit is prohibited.

(10) Ownership. Accessory Dwelling Units may not be subdivided and may not be otherwise separated in ownership from the associated single-[ ]family dwelling unit.

(11) Bedrooms. No more than two bedrooms are permitted in the Accessory Dwelling Unit.

(12) Rental license. Rental of either the Accessory Dwelling Unit or associated single-[ ]family dwelling unit requires a rental license pursuant to Chapter 14 (Licenses and Permits) of the City Code. Only one rental license is permitted per residential site.

(13) Occupants. Occupancy is limited to two persons in the Accessory Dwelling Unit.

(14) Appearance. Accessory Dwelling Units and associated single-[ ]family dwelling units must clearly be designed and constructed to maintain the outward appearance of one single-[ ]family dwelling; the appearance of a two-family dwelling must be avoided.

(15) Single-[ ]family dwelling standards. Accessory Dwelling Units in combination with their associated single-[ ]family dwelling unit must conform to all City Code requirements for single-family dwellings, including but not limited to setback, height, impervious surface, motor vehicle, recreational vehicle and accessory structure standards.

(16) Building Code Compliance. The Accessory Dwelling Unit and the associated single-[ ]family dwelling unit must meet current Minnesota State Building Code provisions, including but not limited to fire resistance and sound insulation standards between units.

(c) **Site plan requirements**. Any application for an Accessory Dwelling Unit must be accompanied by:

(1) an existing conditions survey showing property lines, existing and proposed structures, existing and proposed impervious surface areas (call out overall percentage impervious), setbacks, and required off-street parking;

(2) a letter of narrative describing the proposed Accessory Dwelling Unit;

(3) elevation drawings depicting both the existing and proposed structure from all four directions; and

(4) a floor plan of both the single-[ ]family dwelling and the associated Accessory Dwelling Unit indicating points of entrance and floor areas.

(5) In the event an Accessory Dwelling Unit is proposed entirely within the existing floor area of a single-[ ]family dwelling, the existing conditions survey is not required and elevation drawings are required only for those elevations proposed to be altered.

***

SEC. 21.302.04. TWO-FAMILY DWELLINGS.

(a) **Purpose.** The following standards are intended to accommodate two-family dwellings within predominantly single-[ ]family dwelling areas while protecting the public health, safety, and general welfare of the community.

(b) **Review and Approval.** Two-family dwellings must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit. Because groupings of two-family dwellings have higher levels of neighborhood impact than stand alone, infill two-family dwellings, approval of groupings of two-family dwellings warrants a higher level of review and discretion. Plans for groupings of two-family dwellings may only be approved when a rezoning to a planned development overlay zoning district has been approved by the City Council. Two-family dwellings qualify as a grouping when the parcel on which a two-family dwelling is proposed [~~is~~] within 500 feet of a parcel occupied by an existing or proposed two-family dwelling, measured without regard to intervening streets, structures or other features.

(c) **Standards.**

***

(3) Site Width. Two-family dwelling sites must be at least 100 feet in width for interior lots and 120 feet in width for corner lots and must meet the [~~prevailing~~]median lot width requirements of City Code Section [~~19.42(h)~~]21.301.01.

***

(7) Garage Frontage. Two-family dwelling garage [~~width~~]doors facing a public or private street is limited to [~~6~~]40 percent of the structure width facing the same street.

***

SEC. 21.302.06. INSTITUTIONAL USE STANDARDS.

***

(b) **Standards.**

(1) Street adjacency.

(A) New institutional use sites located in residential zoning districts of R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, ~~and~~ RM-50, and RM-100 may not be established unless adjacent to an arterial or collector street, along at least one shared property line. Conversion of existing institutional use sites or buildings from one institutional use to another is allowed only when the new institutional use is allowed in the underlying zoning district, all necessary land use approvals are issued and all applicable City Code standards are met.

***

(2) Maximum Floor Area Ratio. Institutional uses must not exceed the following floor area ratio standards, which vary by zoning district and street adjacency.

	Maximum Floor Area Ratio	
	When Adjacent to Arterial or Collector Street	**When not Adjacent to Arterial or Collector Street**
Single-family Districts R-1, R-1A, RS-1	0.35	0.20
Multi-family Districts	0.50	0.35

R-3, R-4, RM-12, RM-24		
Multi-family District RM-50, RM-100	1.00	0.50
Other Districts Without District Based Standards B-3, I-1, I-2, I-3, FD-1, FD-2, SC	0.50	0.50
All Other Districts	See District Requirements	See District Requirements

***

SEC. 21.302.07. SINGLE-FAMILY RESIDENTIAL STANDARDS.

(a) **Purpose.** The following standards are intended to accommodate single-family dwellings while protecting the public health, safety, and general welfare of the community.

(b) **Standards.**

(1) Private Swimming Pools

(A) Location.

(i) Front yard – not permitted.

(ii) Side and rear yard not abutting a public street – a minimum setback from property lines must be provided of at least 18 feet to the water's edge of the pool and 15 feet to any appurtenant equipment.

(iii) Side and rear yard abutting a public street – minimum setback matches the required setback of the principal structure in the zoning district, see City Code Section 21.301.02.

(iv) Pools and appurtenant equipment may not encroach into public easements.

(2) Permanent or Seasonal Recreational Courts

(A) Location.

(i) Front yard – not permitted.

(ii) Side and rear yard not abutting a public street – a minimum setback from property lines must be provided of at least 15 feet

(iii) Side and rear yard abutting a public street – minimum setback matches the required setback of the principal structure in the zoning district, see City Code Section 21.301.02.

(iv) Permanent or seasonal recreational courts may not encroach into public easements.

SEC. 21.302.08. TOWNHOUSE STANDARDS.

(a) **Purpose.** The following standards are intended to accommodate townhouse developments while protecting the public health, safety, and general welfare of the community.

(b) **Review and Approval.** Townhouse developments must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit.

(c) **Standards.**

(1) Zoning District. Townhouses must be located within the R-3, R-4, RM-12, or RM-24 residential zoning district.

(2) Setbacks. See City Code Section 21.301.02 for setback requirements, which vary by zoning district.

(3) Minimum Units per Townhouse Development: Three

(4) Units per Building.

(A) Minimum number of units per building: Two

(B) Maximum number of units per building: Six

(5) Floor Area. Townhouses must meet the floor area requirements of City Code Section 21.301.01(c)(3).

(6) Site Size. Townhouse development sites must meet the minimum land area requirements of City Code Section 21.301.01(c)(1), which vary by zoning district.

(7) Separation between Buildings. A minimum of 20 feet must separate residential buildings within a townhouse development.

(8) Height. Townhouse structure height must meet the height limits of City Code Section 21.301.10.

(9) Attachment Required. Each unit in a townhouse development must have at least one common wall of at least 10 feet in length configured in a side by side fashion, not vertically stacked.

(10) Articulation.

(A) Townhouse developments are subject to the following articulation regulations:

(i) Units attached in a single building must be compatible in design, color scheme, and palette of materials.

(ii) Location of window openings on a façade visible from a public street must be placed to avoid large blank wall surfaces.

(iii) Any building containing more than three units with common walls must be designed so that the front façade and roofline of each attached unit is visually distinct from the other through staggering or offset in design.

(11) Garages.

(A) Garage doors, when fronting public streets, must not exceed 50 percent of the structure width.

(B) Garages, when fronting public streets, must be recessed from the building face or porch façade by a minimum of 4 feet.

(C) To avoid parked vehicles encroaching into streets, townhouse driveway depth must be less than 10 feet or greater than 20 feet. Driveway depth is measured from the garage door to the property line when adjacent to public streets and from the garage door to the private street when adjacent to private streets.

(D) Where two-car garages for two different units are adjacent to one another, the garage faces for the two units must be offset relative to each other as measured from the street by a minimum of 4 feet.

(E) Garage door openings, measured from the floor to the trim covering the door header must not exceed 8 feet in height.

(12) Access Points. The number of public street curb cuts to service a townhouse development must be minimized where feasible by sharing driveways and linking parking lots.

(13) Open Space and Impervious Surface.

(A) At least 20 percent of townhouse development sites must be used for accessible landscaped open space; and

(B) Impervious surface area must not exceed 80 percent of the townhouse development site area.

(14) Stormwater. To mitigate the impacts of stormwater runoff rates and volume, townhouse developments must meet the following stormwater standards:

(A) Erosion control plans must be approved by the City Engineer prior to issuance of a building permit; and

(B) Stormwater management plans must be approved by the City Engineer prior to issuance of a building permit.

(15) Landscaping. Townhouse development landscaping must meet the landscaping requirements of Section 19.52.

(16) Utilities. Townhouse developments are prohibited on sites not served by municipal sewer and water. Utility connections must satisfy the requirements of City Code Sections 11.12 and 11.34.

(17) Building Code Compliance. Townhouse developments must meet current Minnesota State Building Code provisions, including but not limited to fire resistance and sound insulation standards between units.

(18) Accessory Buildings. Accessory buildings on townhouse development sites must meet the standards of City Code Section 21.301.19.

(19) Exterior Storage. See City Code Section 19.50(a) for exterior storage requirements.

(20) Subdivision. The City Council may approve the subdivision of townhouse dwellings and the lot upon which the townhouse dwelling is located or is proposed to be constructed to allow separate ownership of each unit of the townhouse dwelling subject to the following standards:

(A) The subdivision of the lot must be accomplished by a plat in accordance with the subdivision regulations of the City Code, Chapter 22;

(B) A homeowner's association must be established and a maintenance agreement must be recorded with Hennepin County for each parcel created that contains an agreement by each property owner to:

(i) continually maintain all portions of the building's exterior with materials and finish that are accepted by the Minnesota State Building Code as appropriate to the application and the location;

(ii) use compatible exterior materials on the entire building with respect to material type, color and texture;

(iii) properly maintain the approved landscaping plans, screening plans and any approved stormwater management plan for the properties; and

(iv) provide adequate maintenance and repair of all common walkways, driveways, and, if allowed, common sewer and water facilities.

(C) Outstanding violations of the City Code, if any, must be corrected prior to approval of the final plat by the City or surety (cash, bond or letter of credit) must be deposited with the City to assure correction.

***

SEC. 21.302.20. CEMETERIES AND CREMATORIA STANDARDS.

(a) **Purpose.** The following standards are intended to accommodate cemeteries and crematoria while protecting the public health, safety and general welfare of the community.

(b) **Cemeteries.**

(1) Site Area. Minimum site area is 10 acres.

(2) Grave site location. Grave sites must be setback 10 feet from any property line.

(c) **Columbaria.** Columbaria are permitted as accessory uses to cemeteries subject to the following standards:

(1) Location. Must satisfy the minimum setback requirements of the principal structure in the zoning district;

(2) Size. Columbaria, not counting landscaping, plazas or screening, may not exceed 600 square feet; and

(3) Height. Columbaria may not exceed seven feet in height.

(4) Approval Process. Columbaria must receive Final Site and Building Plan approval prior to construction.

(d) **Crematoria**. Crematoria are permitted as accessory uses to cemeteries, mortuaries or funeral chapels and where otherwise allowed within zoning districts subject to the following standards:

(1) Location. A crematorium must be at least 500 feet from any residentially used lot.

***

SEC. 21.302.21. FAMILY DAY SHELTER, UNLICENSED STANDARDS.

(a) **Purpose.** The following standards are intended to accommodate unlicensed family day shelters within the R-1 zoning district while protecting the public health, safety and general welfare of the community.

(b) **Standards.**

(1) Must be located on property owned by a place of assembly.

(2) Maximum permitted hours of operation are from 7:00 a.m. to 7:00 p.m.

(3) Maximum capacity is 16 persons.

(4) At least one paid staff person must supervise the shelter during permitted hours of operation.

***

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

Division A. Approvals and Permits

***

SEC. 21.501.04. CONDITIONAL USE PERMITS.

***

(i) **General Standards**. In addition to use specific standards for conditional uses listed elsewhere in the City Code, the following general standards also apply to conditional uses:

(1) In the R-1, R1-A and RS-1 zoning districts, except for the uses listed below, a conditional use must be located on a site immediately adjacent to a commercial zoning district, an industrial zoning district, the intersection of two streets classified by the Comprehensive Plan as arterial streets, or the intersection of a street classified by the Comprehensive Plan as an arterial street and a railroad. Exceptions include:

(A) Places of assembly[~~,~~]and [~~private~~]schools[~~, including music and dance schools, and licensed day-care facilities serving 13 or more persons~~];

(B) [~~Boarding houses, lodging houses~~]Licensed congregate living facilities serving 5 or more persons and licensed residential facilities serving seven or more persons;

(C) Home businesses; [~~and~~]

(D) Towers[~~.~~];

(E) Tennis courts accessory to single-family dwellings; and

(F) Private or commercial parks and recreational facilities as a principal use.

***

SEC. 21.501.13. NEIGHBORHOOD UNIT DEVELOPMENTS.

(a) **Intent.** The purpose of a Neighborhood Unit Development is to promote creative and efficient subdivision of land into reasonably buildable lots for single-unit detached residential development by allowing flexibility in the application of the dimensional requirements of the primary district to the Neighborhood Unit Development. It is intended that the minimum setbacks of the primary zoning district shall apply at the perimeter of the Neighborhood Unit Development so that the Neighborhood Unit Development is in character with adjacent, similarly-zoned land, and that the flexibility in application of the provisions of the primary zoning district be limited to dimensional requirements related to property lines and buildings internal to the Neighborhood Unit Development. Furthermore, these provisions are intended to:

(1) Protect natural features in private or public open space,

(2) Improve the efficiency of public streets and utilities,

(3) Provide transitions in land use in keeping with the character of adjacent land use, and/or

(4) Improve the arrangement of structures, facilities and amenities on a site for both private and public benefit.

(b) **Uses.**

(1) Only detached single-unit dwellings and accessory uses allowed in the primary zoning district are allowed in the Neighborhood Unit Development subject to the provisions of the primary zoning district.

(2) Other conditional uses allowed in the primary zoning district may be approved only to the extent that they are clearly subordinate to the primary use of the property for single-family residential uses, and only upon approval of a conditional use permit for the intended use granted in accordance with the requirements of this Code.

(c) **Applicability.**

(1) New Neighborhood Unit Developments are not permitted after January 26, 2015.

(2) Existing Neighborhood Unit Developments may be amended in accordance with Section 21.501.13(d).

(d) **Procedures.**

(1) **Review and Approval.**

(A) Major changes to the approved final site plan require approval of the City Council after review by the Planning Commission. Major changes are defined as a change that involves any of the following:

(i) Increase in the number of lots or detached dwelling units;

(ii) Alteration of any condition of approval attached by the City Council;

(iii) Increase in impervious surface above that specified by the Council at the time of approval of the final site plan, or above the maximum established by ordinance; or

(iv) Alteration of the buildable area in a manner that exceeds the restrictions of the primary zoning district.

(B) Minor changes to the approved final site plan may be approved by the Issuing Authority. Minor changes are defined as any change that:

(i) Is not defined as a major change;

(ii) Is not specifically addressed by a Condition of Approval imposed on the development by the City Council;

(iii) Involves minor changes in location of lot lines, easements, buildings, fences, retaining walls required for maintenance of grades, driveways or similar features;

(iv) Involves changes in elevations of building sites or buildings;

(v) Does not affect any public utility or flow of surface water to or on properties adjacent to the Neighborhood Unit Development; or

(vi) Alters the buildable area in a manner that does not exceed the restrictions of the primary zoning district.

(C) Other changes may be implemented at the sole discretion of the applicant, developer or subsequent property owners, provided that they:

(i) Are not defined as major or minor changes;

(ii) Do not violate the provisions of the primary zoning district; or

(iii) Are not separately governed by other provisions of this Code.

(2) **Application Content.** Applications for an amendment to a Neighborhood Unit Development must consist of an application for a Conditional Use Permit and revised Final Site Plan for a Neighborhood Unit Development. If the amendment requires platting, a concurrent application for a preliminary plat in accordance with the requirements of Chapter 22 of this Code is required. The preliminary plat, together with the documents required by this Section, constitute the Final Site Plan. The Final Site Plan approved by the City Council will be the document controlling those aspects of site development regulated by this Section.

(A) **Conditional Use.** See Section 21.501.04 for applicable regulations.

(B) **Final Site Plan.** In addition to documents required by Chapter 22 for application for approval of preliminary plats, the applicant must submit final site plans which include the following:

(i) A location map which indicates existing and future land uses.

(ii) Drawings and plans for existing and proposed site features and uses at a scale specified by the Issuing Authority which indicates topography in two-foot contours; existing building outlines; proposed building envelopes; location of significant vegetation; location of streets, drives and parking areas; and other significant features.

(iii) A survey showing the location of all structures, accessory structures, driveways, parking areas, swimming pools and similar features on all abutting properties.

(iv) A drainage, grading, utility, and erosion and sedimentation control plan. Such plans shall comply with the requirements of this Code, including the provisions of Chapter 22.

(v) Identification of all wetlands on the site, using the 1989 Federal Manual For Identifying and Delineating Jurisdictional Wetlands, copies of documents completed in making the wetlands identification, qualifications of the person performing the identification, a description of any wetlands which are to be burned, filled, or drained pursuant to the development, and a wetland mitigation and replacement plan if burning, filling, or draining of wetlands is to occur. Such plan shall be submitted and implemented in accordance with the provisions of Chapter 22 of the City Code. The requirement of such documentation may be waived in instances where it is determined from aerial photographs, the national Wetlands Inventory, on-site observation, or other pertinent information that the site contains no wetlands.

(vi) Calculation of area, average slope, impervious surface of existing development for each proposed lot, and maximum impervious surface allowed by ordinance on each proposed lot;

(vii) A written report that:

(a) Completely describes the proposal;

(b) Analyzes the site conditions and development objectives which has resulted in the proposal;

(c) States which zoning ordinance provisions are being modified by the Neighborhood Unit Development and specifies the locations of those modifications on the final site plan; and

(d) Indicates covenants or agreements which will influence the design of buildings, use and maintenance of the proposed development.

(viii) Any other information deemed necessary by the Issuing Authority in order to evaluate the proposed development.

(C) **Final Plat.** Subdivision of lots for an approved Neighborhood Unit Development must be accomplished by approval by the City Council of a final plat and a subdivision agreement in accordance with Chapter 22 of this Code.

(f) **Special Requirements.**

(1) **Design Requirements.**

(A) **Mandatory Requirements** - Unless relief from these requirements is granted by the City Council by the granting of a variance, the following design requirements apply to all approved Neighborhood Unit Developments:

(i) All lots created in a Neighborhood Unit Development must have a minimum of 15 feet of frontage on a public street measured at the street right-of-way line. This width must be increased if necessary to provide adequate driveway width and separation between utility services to existing and proposed lots.

(ii) No portion of the lot connecting the buildable area with the public street providing access to that lot may be less than 15 feet in width. This width must be increased if necessary to provide adequate driveway width and separation between utility services to existing and proposed lots.

(iii) The area of any single-unit lot in the development may not be less than 75 percent of the minimum lot area of the primary zoning district.

(iv) The minimum setback to property line on the perimeter of the Neighborhood Unit Development may not be less than the minimum required for the primary zoning district.

(v) No private, commonly-owned open space on separate lots or parcels is permitted within a Neighborhood Unit Development.

(vi) The minimum width of the buildable area of the principal structure designated for any proposed lot may not be less than 60 percent of the minimum lot width required in the primary zoning district.

(vii) All revisions must be based on recent surveys of the subject properties and surrounding parcels.

***

Section 5. That Chapter 22 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

CHAPTER 22

SUBDIVISION AND PLATTING

***

Division C. Process

***

SEC. 22.05. PRELIMINARY PLATS.

***

(f) **Application Content.**

***

(2) Type II and III preliminary plat applications must include all information required for Type I preliminary plat applications plus the following additional items:

(A) Where applicable, tree preservation plans in accordance with City Code Section 19.53;

(B) Where applicable, calculations documenting [~~prevailing~~]median lot width in the surrounding neighborhood in accordance with City Code Section [~~19.42 (h)~~]21.301.01;

***

Passed and adopted this _____day of _____, 2015.

_____
Mayor

ATTEST:

_____
Secretary to the Council

APPROVED:

_____
City Attorney