

**CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA**

ORDINANCE NO. 181

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET CITY CODE
TITLE 11, CHAPTER 2-2, CONCERNING DEFINITIONS AND
TITLE 11, CHAPTER 25 CONCERNING RESIDENTIAL DISTRICT
AND LOT STANDARDS**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET,
MINNESOTA ORDAINS:

SECTION 1. Section 11-2-2 of the Elko New Market City Code is hereby amended to add the following definitions:

DWELLING: A residential building or portion thereof intended for occupancy by a single family with facilities for living, sleeping, cooking and eating, but not including hotels, motels, boarding or rooming houses, tourist homes, mobile homes or trailers. The principal types include single-family, two-family, townhouse, and apartments.

APARTMENT – A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in a building with more than two dwelling units.

SINGLE FAMILY – A freestanding dwelling unit designed exclusively for and occupied exclusively by one family.

TWO FAMILY – A structure having two dwelling units contiguous to each other only by the sharing of one or more common wall or floor, and each unit equipped with separate sleeping, clooking, eating, living, and sanitation facilities. Each unit having a separate entrance/exit and designed exclusively for occupancy by two families living independently of each other.

TOWNHOUSE – A residential building containing three or more dwelling units with at least one common wall, each unit is so oriented to have all exits open to the outside.

DWELLING, MULTI-FAMILY: A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other. Multi-family dwellings include apartments, condominiums and townhouses.

SECTION 2. Section 11-2-2 of the Elko New Market City Code is hereby amended to delete the following definitions:

~~DUPLEX: A dwelling structure having two (2) or more dwelling units, attached by common walls or floors, and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.~~

~~DWELLING: A building that contains one or two (2) dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes, as defined in section 202, "definitions", of the 2000 international building code, as may be amended from time to time.~~

~~DWELLING, TWO-FAMILY: A structure having two (2) dwelling units, attached by a common wall or floors, and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.~~

~~DWELLING UNIT: A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses or tourist homes.~~

~~TOWNHOUSES: Structures housing three (3) or more dwelling units contiguous to each other only by the sharing of one common wall, such structures to be of the townhouse or row house type as contrasted to multiple dwelling apartment structures~~

SECTION 3. Section 11-25A-1 of the Elko New Market City Code is hereby amended to read as follows:

The purpose of the R-1 Suburban Single-Family Residential District is to provide for low density detached single-family uses in developed and developing areas of the community that are predominantly residential in character. The R-1 zoning district is intended for those areas containing unique physical features worthy of preservation, or those areas not located near major transportation corridors, higher density housing, commercial zoning districts, or historic residential development centers.

SECTION 4. Section 11-25B-1 of the Elko New Market City Code is hereby amended to read as follows:

The purpose of the R-2 Urban (Small Lot) Single-Family Residential District is to provide for single-family dwelling units at a relatively dense urban scale in areas of the community that are located near major transportation corridors, higher density housing, commercial zoning districts, or historic residential development centers.

SECTION 5. Section 11-25B-7 of the Elko New Market City Code is hereby amended to read as follows:

The following minimum requirements shall be observed in an R-2 district, subject to additional requirements, exceptions and modifications set forth in this title:

- A. Lot area: Eight thousand four hundred (8,400) square feet.
- B. Lot width: Seventy feet (70').

C. Setbacks:

1. Front yard: Thirty feet (30').
2. Side yard:
 - a. Interior: Seven feet (7').
 - b. Corner: Twenty five feet (25').
3. Rear yard: Thirty feet (30').

SECTION 6. Section 11-25C-1 of the Elko New Market City Code is hereby amended to read as follows:

The purpose of the R-3 Medium Density Residential District is to establish low to moderate density residential housing in single or multiple-family structures that satisfies the following planning objectives:

- A. Create a cohesive medium density neighborhood that provides attractive living environments and contributes to the City's identity.
- B. Provide attractive and durable medium density housing options as a means of addressing the City's life cycle housing needs.
- C. Preserve natural land forms, open spaces, greenways for scenic enjoyment and recreational use through the regulation of medium density residential land use.
- D. Allow for the subdivision of twinhome, quadraminium and townhome base lots to permit individual private ownership of a single dwelling within such a structure.
- E. Comply with the provisions of this chapter, other applicable provisions of this title, and the City subdivision ordinance.

SECTION 7. Section 11-25C-2 of the Elko New Market City Code is hereby amended to read as follows:

Subject to applicable provisions of this title, the following are permitted uses in the R-3 District:

Residential programs as regulated by State Statute.

Single family dwelling units

Two family dwelling units

Townhouses and condominiums, up to eight attached units

Apartments, up to eight attached units.

SECTION 8. Section 11-25C-7 of the Elko New Market City Code is hereby amended to read as follows:

The following minimum requirements shall be observed in the R-3 district governing common areas:

- A. Ownership: All common areas within an R-3 development including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:
 - 1. By a condominium association pursuant to Minnesota statutes section 515A.1-106, as may be amended.
 - 2. By the owner of each townhome unit lot, with each owner of a unit having an equal and undivided interest in the common area.

- B. Homeowners' Association: A homeowners' association shall be established for all quadraminium, threeplex and fourplex multiple-family and townhome developments within the R-3 district, subject to review and approval of the city attorney. The association shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

SECTION 9. Section 11-25C-9 of the Elko New Market City Code is hereby amended to read as follows:

The following minimum requirements shall be observed in an R-3 district subject to additional requirements, exceptions and modifications set forth in this title:

A. Lot Area:

1. Single-family dwellings:

- a. Minimum lot area per dwelling unit: 7,200 square feet.
- b. Minimum unit lot area: Sufficient area to include the living area, garages, decks, patios, or porches of the individual dwelling unit.

2. Two-family dwellings:

- a. Minimum lot area per dwelling unit: 6,000 square feet.
- b. Minimum unit lot area: Sufficient area to include the living area, garages, decks, patios, or porches of the individual dwelling unit.

3. Structures with more than two-dwelling units:

- a. Minimum lot area per dwelling unit: 3,500 square feet.
- b. Minimum base lot area: 15,000 square feet.

c. Minimum unit lot area: Sufficient area to include the living area, garages, decks, patios, or porches of the individual dwelling unit.

B. Lot Width:

- 1. Single-family dwelling units: 60 feet for single family dwelling units
- 2. Two-family dwellings: 100 feet
- 3. Structures with more than two-dwelling units: 100 feet
- 4. Unit lot: Minimum of 25' in width and of sufficient area to include the living area, garages, decks, patios, or porches of the individual dwelling unit.

C. Setbacks:

- 1. Single-family dwellings:
 - a. Front: 25 feet from public right-of-way
25 feet from back of curb line of private drives
 - b. Side: 7 feet
25 feet from side/corner
 - c. Rear: 20 feet
 - d. Rear yard abutting street: 25 feet
 - e. Major Collector or Arterial street: 45 feet
 - f. Wetland: 40 feet from delineated edge
- 2. Two-family dwellings:
 - a. Front: 25 feet from public right-of-way
25 feet from back of curb line of private drives
 - b. Side: 7 feet
25 feet from side/corner
 - c. Rear: 20 feet
 - d. Rear yard abutting street: 25 feet
 - e. Major Collector or Arterial street: 45 feet
 - f. Wetland: 40 feet from delineated edge
 - g. Setback between buildings: For lots with more than one principal structure on a base lot, the setback between buildings shall be a minimum of 20 feet.
- 3. Structures with more than two-dwelling units:
 - a. Front: 25 feet from public right-of-way
25 feet from back of curb line of private drives

	<u>15 feet from private parking areas</u>
b. Side:	<u>10 feet</u>
	<u>25 feet from side/corner</u>
c. Rear:	<u>20 feet</u>
d. Rear yard abutting street:	<u>25 feet</u>
e. Major Collector or Arterial street:	<u>45 feet</u>
f. Wetland:	<u>40 feet from delineated edge</u>
g. Setback between buildings:	<u>For lots with more than one principal structure on a base lot, the setback between buildings shall be a minimum of 20 feet.</u>

SECTION 10. Section 11-25D-2 of the Elko New Market City Code is hereby amended to read as follows:

Subject to applicable provisions of this title, the following are permitted uses in the R-4 District:

Apartments containing more than eight (8) attached units

Townhouses and condominiums containing more than eight (8) attached units

Parks, play fields, recreational uses and directly related buildings and structures

Residential programs as regulated by State Statute.

SECTION 11. Section 11-25D-7 of the Elko New Market City Code is hereby amended to read as follows:

The following minimum requirements shall be observed in the R-4 district governing common areas:

- A. Ownership: All common areas within an R-4 development including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:
 - 1. Condominium ownership pursuant to Minnesota statutes section 515A.1-106, as may be amended from time to time.
 - 2. Townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
- B. Homeowners' Association: A homeowners' association shall be established for all townhome developments within the R-4 district, subject to review and approval of the city attorney, and shall be responsible for all exterior building

maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

SECTION 12. Section 11-25D-9 of the Elko New Market City Code is hereby amended to read as follows:

The following minimum requirements shall be observed in an R-4 district subject to additional requirements, exceptions and modifications set forth in this title:

- A. Lot Area:
 - 1. Minimum base lot area: 15,000 square feet.
 - 2. Minimum unit lot area: Sufficient area to include the living area, garages, decks, patios, or porches of the individual dwelling unit.

- B. Lot Width:
 - 1. Base lot: 100 feet
 - 2. Unit lot: Minimum of 25' in width and of sufficient area to include the living area, garages, decks, patios, or porches of the individual dwelling unit.

- C. Setbacks:
 - 1. Front: 30 feet from public right-of-way
30 feet from back of curb line of private drives, guest parking areas
 - 2. Side: 30 feet
30 feet from side/corner
 - 3. Rear: 30 feet
 - 4. Rear yard abutting street: 30 feet
 - 5. Major Collector or Arterial street: 50 feet
 - 6. Wetland: 40 feet from delineated edge
 - 7. Setback between buildings: For lots with more than one principal structure on a base lot, the setback between buildings shall be a minimum of 20 feet.

SECTION 13. This Ordinance shall take effect immediately upon its passage and publication.

ADOPTED this 20th day of December, 2018 by the City Council for the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk