

## ELKO NEW MARKET - PLANNING COMMISSION MEETING

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PC Members: Steve Thompson , Brad Smith, Heather Vetter, Nicole Kruckman, Thomas Humphrey, and Harry Anderson  
City Staff: City Planner Bob Kirmis, Community Development Specialist Renee Christianson and City Engineer Rich Revering



### AGENDA

**TUESDAY, AUGUST 28, 2018 @ 7:00 PM**  
COUNCIL CHAMBERS – NEW MARKET AREA HALL  
601 MAIN STREET, PO BOX 99, ELKO NEW MARKET, MN 55020

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**  
Consider Approval of the Agenda
- 4. PUBLIC COMMENT** (public opportunity to comment on items not listed on the agenda)
- 5. ANNOUNCEMENTS**
  - A. Introduction of Planning Commissioner Thomas Humphrey
- 6. APPROVAL OF MINUTES**  
Consider Approval of the following:
  - A. June 26, 2018 Meeting Minutes
- 7. PUBLIC HEARINGS**
  - A. None
- 8. GENERAL BUSINESS**
  - A. Residential Lot Size Requirements
  - B. Office Use in B1 Neighborhood Business District
- 9. MISCELLANEOUS**
  - A. City Staff/Consultant Business Updates & Reports
  - B. Vacant Lot Inventory
  - C. Planning Commission Questions & Comments
- 10. ADJOURNMENT**

#### **BOARD NOTICE:**

TO DETERMINE IF A QUORUM WILL BE PRESENT, PLEASE CONTACT ELKO NEW MARKET AREA HALL AT 952-461-2777  
IF YOU ARE UNABLE TO ATTEND

#### **PUBLIC NOTICE:**

ANYONE SPEAKING TO THE BOARD SHALL STATE THEIR NAME AND ADDRESS FOR THE RECORD

**MINUTES  
CITY OF ELKO NEW MARKET  
PLANNING COMMISSION MEETING  
June 26, 2018  
7:00 PM**

**1. CALL TO ORDER**

Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 7:00 p.m.

Commission members present: Thompson, Kruckman, Smith, Vetter, Hartzler and Ex-officio member Anderson

Members absent and excused: None

Staff Present: Community Development Specialist Christianson, City Planner Kirmis and City Engineer Revering

**2. PLEDGE OF ALLEGIANCE**

Chairman Thompson led the Planning Commission in the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

A motion was made by Kruckman and seconded by Vetter to approve the agenda as written. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

**4. PUBLIC COMMENT**

There were no public comments.

**5. ANNOUNCEMENTS**

Community Development Specialist Christianson advised the Planning Commission that Kent Hartzler's resignation (from the Commission) will take effect following the meeting and that the June 26, 2018 meeting is therefore his last as a member of the Elko New Market Planning Commission.

**6. APPROVAL OF MINUTES**

A motion was made by Thompson and seconded by Smith to approve the minutes of the May 29, 2018 Planning Commission meeting as written. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

**7. PUBLIC HEARINGS**

**A. Rezoning and Preliminary Plat of Dakota Acres 1<sup>st</sup> Addition - Syndicated Properties, Applicant**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated June 26, 2018 related to the Dakota Acres rezoning and preliminary plat request.

Christianson explained that the applicant purchased the 2.17-acre subject property from the City of Elko New Market in the fall of 2017 and that the property, together with additional property to the north, east and west had been approved for a 71-unit townhome development prior to the recession.

Christianson noted that the original development was planned to be developed in multiple phases. The first phase, which was platted as Dakota Acres, contained 21 lots (townhome units). Eight of the originally approved 21 units were constructed before the recession, leaving 13 platted townhome units vacant. Christianson explained that the original developer defaulted on assessments against the properties and the City ultimately assumed possession of his remaining property (13 platted lots and the remaining outlots).

Christianson explained that the applicant also purchased the originally platted 13 units, and townhomes are currently under construction on all 13 of those lots.

Christianson explained that the applicant has, at this time, requested formal approval of the following:

1. The **rezoning** the 2.17-acre subject property to PUD, Planned Unit Development (to accommodate layout changes from the previously approved PUD).
2. A **preliminary plat** entitled Dakota Acres 1st Addition, containing 28 residential (townhouse) lots and one outlot.

Community Development Specialist Christianson summarized the following development issues identified in her memorandum dated June 26, 2018:

- Comprehensive Plan land use directives
- Purpose of PUD (and requested flexibilities)
- Lot sizes and widths
- Setbacks
- Height requirements
- Building design requirements
- Garbage/trash
- Site circulation
- Off-street parking
- Lighting
- Landscaping
- Easements
- Utilities
- Transportation/access issues/closing Oriole St access
- Sidewalk and trails

- Open space/park dedication

Christianson stated that Planning Staff is supportive of the project and has recommended approval of the rezoning and preliminary plat subject to various conditions as provided in the Staff report dated June 26, 2018.

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 7:20 p.m.

The following comments were received at the public hearing:

Chris Flaherty - 25830 Oriole Street. Mr. Flaherty raised concern over the existing Oriole Street access (to James Parkway) and expressed his support for the removal of such access as part of the development project.

Jon Krapu - 25825 Oriole Street. Mr. Krapu reiterated Mr. Flaherty's concern over the existing Oriole Street access. Similarly, he expressed his support for the removal of the access.

Joe Lehrer - Applicant (Syndicated Properties, LLC.). Mr. Lehrer advised the Planning Commission that he was available to respond to questions. Mr. Lehrer also noted the following:

- In response to received feedback, the applicant prefers to leave the Oriole
- is open to either leaving the existing Oriole Street access to James Parkway open, or removing it.
- The inclusion of the freestanding single-family home in the project represents an attempt to maximize the number of units in the project.
- The single-family home is to be handicap accessible and its connection to the neighboring multi-family building to the north is not possible due to grade issues.

Following the received public testimony, a motion was made by Thompson and seconded by Hartzler to close the public hearing at 7:20 pm. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

Following the closure of the public hearing, the following comments/questions were raised by the Planning Commission:

- All Commissioners expressed support for the closure of the Oriole Street access to James Parkway. Prompted by comments provided by the City Engineer, the Commission specifically recommended that, as a condition of project approval, the developer be responsible for the removal of the Oriole Street access and establishment of curbing and turf (consistent with City requirements) in such area.
- Question was raised related to the need for a vehicle turnaround area at the northern terminus of Oriole Street.

- Concern was voiced over the 5-foot structure setbacks proposed along the subject site's western property line.
- One Planning Commissioner voiced concern over the inclusion of a single family detached home in the project and the allowance of a 5-foot setback for such home along the project's private street.
- Question was raised regarding setback requirements which are to be imposed upon patios.

Following the Planning Commission discussion, Community Development Specialist Christianson reviewed Staff's fourteen recommended conditions of project approval as provided in her staff report dated June 26, 2018.

With no further comments from the Planning Commission or City Staff, a motion was made by Hartzler and seconded by Vetter to recommend approval of the request to rezone property to Planned Unit Development (PUD), and preliminary plat approval of Dakota Acres 1<sup>st</sup> Addition, consisting of 28 lots and 1 outlot on 2.71 acres, as proposed by Syndicated Properties, for the following reasons:

- 1) The proposed development of 28 units on 2.71 acres meets the intent of the Comprehensive Plan Residential Mixed Use land use density objectives, being 12.9 units per acre.
- 2) The property had previously been approved for townhome development and the proposed development is very similar, in terms of site layout and land use, as the previously approved development.
- 3) The proposed development is compatible with the adjacent land uses.

And noting that the lots shall be subject to the requirements of the R-4 High Density Residential Zoning District except as follows:

	<b>R4 District Requirements</b>	<b>Approved for Dakota Acres 1<sup>st</sup> Addition</b>
<b>Permitted Uses</b>	Multiple Family Dwellings Containing more than 8 units	Multiple Family Dwellings containing less than 8 units, as depicted on plans dated 6/21/18
<b>Front setback to curb of private street</b>	30'	3' for single unit building 20' for all 4-unit and 7-unit buildings
<b>Setback between buildings</b>	20'	10' to 55' (25' average) as depicted on plans dated 6/21/18
<b>Setback to periphery property lines</b>	30'	5' along west side, as depicted on plans dated 6/21/18
<b>Setback to major collector street</b>	50'	30'
<b>Easements</b>	10' along perimeter and 5' along interior lot lines	Not required along western property line or interior lot lines
<b>Building Design/Exterior Finish</b> <b>11-25D-8</b>	Minimum 25% of all building facades shall have an exterior of brick, stucco or	Stone on front and sides of buildings, as depicted on proposed building elevations dated 11/19/17.

<b>Garage Width</b>	<b>Stall Area &amp;</b>	Attached garage of minimum 540 sq ft & minimum width of 20'	Attached garages of 418 sq ft minimum & 19' minimum width
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And noting the following improved subdivision design elements:

- 1) The proposed open space and recreation areas designated for the project residents will exceed the minimum area required by City Code.
- 2) The landscaping plan exceeds the minimum requirements of City Code by providing more than the minimum required number of trees, and also provides for an aesthetically pleasing variety of trees and plantings through the site.

And with the following conditions:

- 1) PUD and Preliminary plat approval is granted in accordance with the following drawings: Preliminary Plat drawing prepared by Stantec and dated 6/20/18, Preliminary Grading & Construction plans containing 7 sheets prepared by Larsen Engineering and dated 6/21/18, Landscaping plan prepared by RHA Architects and dated 8/15/16, Building elevations and sample floor plans prepared by RHA Architects and dated 11/19/17 (7-unit, 4-unit and 1-unit buildings).
- 2) The civil plans must address comments of City staff as depicted on the drawing dated 6/21/18 and the landscape plan must be corrected to address comments of City staff as depicted on drawing dated 6/20/18, both on file with the Elko New Market Community Development office.
- 3) Syndicated Properties must enter into a Developer's Agreement with the City of Elko New Market at the time of final plat approval.
- 4) The proposed development must be added to the Dakota Acres Townhome Association, or a new Townhome Association must be formed. If a new association is formed, it must work out an agreement for access through the two existing private drives (Oriole and Cardinal Streets) with the Dakota Acres Townhome Association.
- 5) The applicant must comply with the recommendations of the City Engineer, Public Works Director and City Attorney.
- 6) A park dedication fee in lieu of land dedication is being required.
- 7) An in-ground irrigation system is required.
- 8) Additional access to James Parkway and Dakota Avenue will not be permitted.
- 9) Drainage and utility easements must be provided for the sanitary sewer and water main lines running through the site.
- 10) Ground level patios must be provided for all townhome units. Patios shall not exceed 8' x 8' in size and may not encroach into adjacent properties, except that they may encroach into the common area outlot subject to the same being permitted by the homeowners association. Privacy fences constructed of wood, vinyl or brick and of consistent design shall be provided between rear yard patio areas prior to issuance of a certificate of occupancy. 3 and 4 season porch additions may not be added to the townhome units.
- 11) Developer shall work with the Elko New Market Postmaster to find an acceptable location within the development for mailbox banks. Mailboxes shall be moved off of James Parkway.
- 12) Townhome buildings shall contain not less than three earhttone colors. Adjacent townhome buildings on the same side of the street shall not be of identical color.

- 13) A lighting plan meeting the requirements of City Code must be submitted for review by City staff. The lighting plan shall utilize the Domus style fixture or visually equivalent.
- 14) Garbage receptacles shall be stored within garages or fully screened from view.
- 15) The developer shall be responsible for the removal of the Oriole Street access (to James Parkway) and restoration of area, as approved by the City Engineer.

And noting that:

- 1) The conditions contained in the Dakota Acres Development Contracts, recorded in the Office of the Scott County Recorder as Documents #736584 and #771917 are released upon rezoning of the property to PUD and no longer apply.

Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

## **8. GENERAL BUSINESS**

### **A. The Preserve at Elko New Market Concept Plan - Kevin Komorouski, applicant**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated June 26, 2018 regarding “The Preserve at Elko New Market” concept plan.

Prior to making her formal presentation, Christianson advised the Planning Commission that the applicant (Kevin Komorouski) was not in attendance at the meeting and that the applicant’s engineer, Reese Sudtelgte of ISG Engineering, would be representing the request and available to answer questions.

Christianson explained that the applicant has requested feedback and recommendation from the Planning Commission on a proposed 35 lot single-family development located upon a 10-acre site located south of County Road 2 and west of the Whispering Creek 2nd Addition. Christianson noted that the subject site presently lies outside of the City and that annexation of the property would be necessary prior to the acceptance of any development applications.

Community Development Specialist Christianson also noted that proposed lot sizes are smaller than that currently allowed in the City’s R-1 District and that a PUD zoning designation would be requested to accommodate lot area and width flexibility. It was noted that the developer is proposing the following lot sizes and widths:

- 70’ x 130’ (9,100 square feet) along the east side of the proposed public street
- 50’ x 130’ (6,500 square feet) along the west side of the proposed public street

Christianson also indicated that the developer has proposed 5-foot side yard setbacks.

Community Development Specialist Christianson summarized the following development issues as identified in her memorandum dated June 26, 2018:

- Comprehensive Plan land use directives (2030 Plan and draft 2040 Plan)
- Purpose of PUD (and requested flexibilities)
- Lot sizes and widths
- Setbacks
- Height requirements
- Building design requirements
- Site circulation
- Landscaping and buffers
- Utilities
- Wetland delineations
- Transportation issues
- Sidewalk and trails
- Open space/park dedication (including specific Park Commission recommendations)

In conclusion, Community Development Specialist Christianson asked the Planning Commission to provide comment and recommendation regarding the following:

1. *Does the Planning Commission support the annexation of the property for residential development?*
2. *Does the Planning Commission support the lot sizes as proposed? If not, what lot sizes (area and width) are supported by the Planning Commission?*
3. *Does the Planning Commission support the proposed 5' side setback?*
4. *Would the Planning Commission support a deviation from the requirement that the lots be designed to accommodate a 3-car attached garage?*

Following Christianson's presentation, the Planning Commission provided the following feedback regarding the proposed land use and concept plan (for the applicant's consideration):

- All Planning Commissioners agreed that use of the site for single-family residential use is appropriate and support the annexation of the subject property for such use.
- All Planning Commissioners supported Planned Unit Development (PUD) zoning for the property.
- All Planning Commissioners expressed support for the proposed 70-foot wide lots but were opposed to the inclusion of 50-foot wide lots within the development. In this regard, the Planning Commission recommended that all single-family residential lots within the development be a minimum of 70-feet in width.

- The Planning Commission did not support the application of 5-foot side yard setbacks. Rather, setbacks of 5 feet along the garage side of homes and 10 feet along occupied portions of the home were supported or 15 feet between each home.
- The following recommendations/comments were raised regarding desired trail and sidewalk locations.
  - The Commission recommended that sidewalks be provided on the east side of the proposed north-south street and the south side of Park Street.
  - Consistent with the recommendation of the Park Commission, the developer provide a location for a future trail connection leading from the development to the future trail along the south side of County Road 2.
  - Consistent with the recommendation of the Park Commission, the developer contribute to the cost of a future trail segment along County Road 2.
  - The Commission suggested that a trail connection to the DNR wetland area located south of the subject site be provided within the 10-acre site to the west (when it is developed), due to grade issues on the subject property.
  - Concern was raised regarding the impact an on-street bicycle lane may have upon on-street parking to the east of the subject property.
- The Planning Commission offered varied opinions related to the imposition of architectural requirements (which exceed the minimum requirements of the Ordinance). One Commissioner expressed a concern that such requirements significantly impact the “affordability” of homes. Another Commissioner supported the idea of imposing some architectural requirements (as part of PUD approval) but not to an extreme degree. There was discussion regarding requiring some brick/stone on the fronts of homes.
- The Commissioners recognized that proposed “narrow” lot widths likely limit the ability of the applicant to provide homes with three-car attached garages.
- The Planning Commission recommended that the developer make contact with the neighboring property owner to the west.

In conclusion, the Planning Commission supported annexation of the property for a proposed residential development, noting the above recommendations.

## **9. MISCELLANEOUS**

### **A. City Staff/Consultant Business Updates and Reports**

Community Development Specialist Christianson made reference to her memorandum dated June 8, 2018 (included in the Planning Commission meeting packet) which provided updates on various City projects. Specific discussion did however, take place regarding the following projects:

- Commercial vehicle parking amendment

- Dakota Acres property transaction
- Barsness property status

## **B. Planning Commission Questions and Comments**

Chairman Thompson Tenure. Planning Commission Chairman Thompson advised the Commission and City Staff that he will be moving out of the City of Elko New Market (to the City of Savage) in the near future and that his resignation from the Commission will be forthcoming. Thompson further indicated that the date of his resignation will be dependent upon the timing of the sale of his home. Thompson recommended that another Commissioner participate in the upcoming Planning Commissioner interviews rather than himself due to his pending resignation.

Commissioner Hartzler Resignation. Chairman Thompson, along with other members of the Planning Commission, formally thanked Commissioner Hartzler for his years of public service with both the City of Elko and the City of Elko New Market.

### **10. ADJOURNMENT**

A motion was made by Hartzler and seconded by Smith to adjourn the meeting at 8:56 p.m. Vote for: Thompson, Kruckman, Smith and Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

Submitted by:



Renee Christianson, Community Development Specialist



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Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**RE:** RESIDENTIAL LOT SIZE REQUIREMENTS  
**DATE:** AUGUST 28, 2018

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### **Background / History**

In March of this year staff began a discussion with the Planning Commission regarding minimum residential lot size requirements. The City's code currently contains one residential zoning district intended for new single family residential development (R-1) and one residential zoning district intended to cover those existing smaller lots in older areas of the City (R-2).

The R-1 district standards are as follows:

Minimum lot size:	12,000 sq ft
Minimum lot width:	85'
Front setback:	30'
Side setback:	10'
Rear setback:	30'

*\*Applying the minimum lot size and width requirement would result in a minimum lot depth of 141'*

The R-2 district standards are as follows:

Minimum lot size:	10,000 sq ft
Minimum lot width:	50'
Front setback:	30'
Side setback:	10'
Rear setback:	30'

*\*Applying the minimum lot size and width requirement would result in a minimum lot depth of 200'.*

More recently, staff has repeatedly heard from residential developers that market is going to smaller lots. Because of our City's larger minimum lot size requirements, we are commonly seeing developer's asking to develop their properties using PUD zoning, rather than utilizing the standard R-1 zoning district requirements. This was the case with Boulder Heights and Boulder Pointe 7<sup>th</sup> Addition, and also the

proposed Preserve at Elko New Market. Staff is also in discussions with at least two other residential developers who have verbally stated their intent to develop using smaller / narrower lots, should they decide to move forward.

At the March 27<sup>th</sup> Planning Commission meeting staff received mixed feedback regarding the topic of possibly reducing the City's minimum lot size requirements. Comments received are captured in the attached 3/27/18 meeting minutes. The Planning Commission recommended that staff conduct additional research on the topic and that staff arrange a tour of various neighborhoods containing narrower lots in other communities. Although a tour has not yet been arranged, staff has conducted more detailed research on the topic and would like to continue discussion on the topic.

### **Research**

Staff reviewed, in detail, the ordinances of the cities shown below. Staff reviewed those ordinances to see which zoning districts new single-family residential developments would be allowed, and the research is contained in the attached table which summarizes the various zoning districts and minimum standards. Staff also telephoned staff from most of the cities to determine what options developers would have for zoning districts for new developments, and what type of development is primarily being seen in each community.

- Apple Valley
- Belle Plaine
- Burnsville – (10,000 sq ft minimum lot size and 80' minimum lot width. Community is built out.)
- **Eagan** – Staff indicated that the City is mostly built-out so they are seeing primarily infill or redevelopment. Most new developments are zoned R1. The City is open to R1S/small lots if a site warrants it, such as in steep slopes, etc. The Eagan City Council seems to support keeping the larger lots / R1 zoning if there are no challenges with the site, but R1S (smaller lots) are allowed in certain situations.
- **Farmington** – Developers have the option of requesting either R1 or R2 zoning. With the flexibility of being able to request either R1 or R2 zoning, Farmington is not seeing many PUD's being requested for lot size deviations.
- **Jordan** - New development is guided to the R1 district. R2 district is intended to cover the older existing portions of town only. New developments are not allowed to utilize R2 zoning. A recent PUD was approved for some lot size variations and front yard setbacks. Jordan has only had a few new plats since the recession.
- **Lakeville** – The majority of residential development in Lakeville over the past five years has been RS3 or RS4 (a fairly even distribution). More recently developments are trending to RS4 development. RS4 development would be preferred by the City closer to major road corridors or commercial development, and RS3 development would be preferred further away from major road corridors. Some PUD's are being processed, but not primarily for lot size deviations. The City has discussed and is not willing to go to less than a 70' minimum lot width for single family detached homes, unless the homes would be part of an association with common maintenance. Lakeville's RS4 district allows 8,400 sq ft lots with a 70' minimum lot width.
- Lonsdale
- New Prague – (9,000 sq ft minimum lot size and 65' minimum lot width)
- **Prior Lake** – Developers wishing to develop single family lots do not have the option of requesting R2 zoning. The City's R1 district has a minimum lot size of 12,000 square feet and 86' lot widths. Staff indicated that everything is processed by PUD to allow smaller lot sizes. 550 lots were platted in 2017, all by way of PUD. The City Council wants to keep current standards and use PUD's as a mechanism to negotiate higher development standards. The PUD standards state that a PUD

cannot be used solely to increase density. The predominant lot size being approved is 65' wide and approximately 9,000 square feet; have gone as narrow as 45' to 50' in some circumstances.

- **Savage** - All developments are using a PUD process. Much of the community is built out. Few parcels left to develop. They are not seeing anyone doing standard R1 lots. After the comp plan is complete they may reduce the R1 standards. All PUDs are being approved with 70' or 75' lots. Developers do not have the option of requesting the R2 zoning for new developments; R2 is intended for the original townsite areas only.
- **Shakopee** – Majority of new developments are utilizing R1B or R1C zoning (50' & 60' lot widths). Shakopee has not used the R1A district (12,800 sq ft lots) very much in recent past. The City only recently updated its code to allow PUD zoning. City has not used PUD's for exclusively single family developments. PUD's have not used for lot size deviations since their code allows small lot sizes.

### **R1 Versus R2 ??**

Historically, the City has represented that all newly proposed single family detached development should meet the standards of the R1 district, or be zoned PUD. Staff points out that technically, under the current Comprehensive Plan, either the R1 or R2 zoning district could be sought. A developer could request either R1 or R2 zoning on a property. If a developer could request R2 zoning on a property, the majority of the City's PUD requests could possibly be eliminated. In reviewing the question, staff reviewed both the currently adopted 2030 Comprehensive Plan, the draft 2040 Comprehensive Plan, the Zoning Ordinance, and consulted with the City Attorney on the matter.

### **2030 Comprehensive Plan**

The Low Density Residential District section of the adopted Comprehensive Land Use Plan describes the objective of the district, the development location criteria, the density requirements, and typical uses as shown below. Staff's opinion is that nothing contained in the 2030 plan would indicate a developer could not apply for R2 zoning in the areas guided for Low Density Residential Development. In fact, staff believes the language below would support a developer's ability to utilize either the R1 or R2 district because the language supports 'low to medium residential densities that provide for a variety of housing options'.

*Objective: This classification is characterized by a low to medium range of residential densities that provide opportunities for a variety of housing options. Single family detached homes at the lowest of the urban densities are typical uses. Lower densities are often required to preserve and protect environmentally sensitive land. Single family attached dwellings such as duplexes, townhomes, and four-plexes should be allowed and may be mixed with detached homes in Planned Unit Developments. Support facilities that are compatible with neighborhoods and accessory uses are allowed within this District.*

#### Development Location Criteria:

- *The characteristics of a proposed development will be based upon consideration of several factors including, but not limited to, topography, geography, existing development and character of the surrounding area, transportation system access, and market conditions.*
- *Final density and development design will be a function of adopted zoning and subdivision standards and procedures.*

*Density: The average density is 2.7 dwelling units per net acre, with a range of 2 to 5 units a net acre.*

#### Minimum Requirements for Development:

- *Lot sizes typically are 10,000 – 12,000 square feet, but can be larger or smaller depending on the type of development and the specific property’s characteristics.*
- *The minimum area for Planned Unit Developments should be 10 acres in order to provide for the open space and mix of housing styles at higher densities, but may be smaller based on the benefit provided to the City or the objectives of the City.*
- *Public street frontage is required for all development, unless alternate access is expressly approved by the City for a Planned Unit Development or similar arrangement.*

Typical Uses: *Single family detached dwellings; other dwelling designs (townhomes, four-plexes and retirement complexes or other similar residential varieties) by Conditional Use Permit and/or Planned Unit Development; schools, churches, recreational open space, parks and playgrounds, and public buildings.*

### **2040 Comprehensive Plan – DRAFT**

The Low Density Residential District section of the draft Comprehensive Land Use Plan describes the objective of the district, the development location criteria, the density requirements, minimum requirements for development, and typical uses as shown below. Staff’s opinion is that nothing contained in the draft 2040 plan would indicate a developer could not apply for R2 zoning in the areas guided for Low Density Residential Development.

Objective: *This land use classification is characterized by low residential densities that provide opportunities for a variety of detached single family residential housing options. Traditional single family detached homes at the lowest of the urban densities are typical uses. Lower densities are often required to preserve and protect environmentally sensitive land. At the present time, this land use designation corresponds with the R1 and R2 zoning districts.*

#### Development Location Criteria:

- *The characteristics of a proposed development will be based upon consideration of several factors including, but not limited to, topography, geography, existing development and character of the surrounding area, transportation system access, and market conditions.*
- *Final density and development design will be a function of adopted zoning and subdivision standards and procedures.*

Density: *Residential densities with a range of 2.5 to 5 units per net acre.*

#### Minimum Requirements for Development:

- *Lot sizes typically are 9,000 – 12,000 square feet, but can be larger or smaller depending on the type of development and the specific property’s characteristics.*
- *Planned unit development may be utilized to provide for a mixture of housing styles at higher densities provided the objectives of planned unit development, as provided in the City’s Zoning Ordinance, are achieved.*

Typical Uses: *Single family detached dwellings; other dwelling designs by planned unit development; parks and playgrounds. Accessory uses that are compatible with low density residential neighborhoods.*

### **Zoning Ordinance**

The Zoning Ordinance states that the purpose of the R1 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 Zoning Ordinance states that the purpose of the R2 Urban (Small Lot) Single-Family Residential District is to provide for single family dwelling units at a relatively dense urban scale.

Staff's opinion is that nothing contained in the Zoning Ordinance would indicate a developer could not apply for R2 zoning in the areas guided for Low Density Residential Development.

**City Attorney Opinion**

The City Attorney has reviewed the adopted City policy documents and ordinances and has opined that nothing contained in these documents would indicate a developer could not apply for either R1 or R2 zoning for a new single-family detached development.

**Infrastructure Costs**

At the March Planning Commission meeting there was discussion regarding the cost difference associated with wider lots versus narrower lots. The City Engineer did note that there is a cost difference in constructing the initial infrastructure, and also a long-term financial impact to the City (maintenance and reconstruction). The City Engineer has advised staff that the rough estimated cost to construct a residential street, including providing sanitary sewer and water in that street, is approximately \$400 per lineal foot. The below tables depict the number of lots that could be created on a 1/2 mile length of road, using varying lot widths. The table also depicts the estimated cost of constructing the street/sewer/water in front of each lot. The analysis shows lot widths varying from 60' to 85' in width.

**Estimated Construction Cost for Residential Development with Double-Loaded Lots**

<b>Potential Number of Lots</b>	
2640	feet of street/sewer/water (1/2 mile)
85	foot lot width
31	lots on each side of the street
62	total lots
<b>Estimated Construction Cost for Street/Sewer/Water</b>	
2640	feet of street/sewer/water (1/2 mile)
\$400	dollars per lineal foot to construct street/sewer/water
\$1,056,000	total estimated construction cost
\$17,000	per lot to construct street/sewer/water

<b>Potential Number of Lots</b>	
2640	feet of street/sewer/water (1/2 mile)
80	foot lot width
33	lots on each side of the street
66	total lots
<b>Estimated Construction Cost for Street/Sewer/Water</b>	
2640	feet of street/sewer/water (1/2 mile)
\$400	dollars per lineal foot to construct street/sewer/water
\$1,056,000	total estimated construction cost
\$16,000	per lot to construct street/sewer/water

<b>Potential Number of Lots</b>	
2640	lineal feet of street
75	foot lot width
35	lots on each side of the street
70	total lots
<b>Estimated Construction Cost for Street/Sewer/Water</b>	
2640	feet of street/sewer/water (1/2 mile)
\$400	dollars per lineal foot to construct street/sewer/water
\$1,056,000	total estimated construction cost
\$15,000	per lot to construct street/sewer/water

<b>Potential Number of Lots</b>	
2640	lineal feet of street
70	foot lot width
38	lots on each side of the street
75	total lots
<b>Estimated Construction Cost for Street/Sewer/Water</b>	
2640	feet of street/sewer/water (1/2 mile)
\$400	dollars per lineal foot to construct street/sewer/water
\$1,056,000	total estimated construction cost
\$14,000	per lot to construct street/sewer/water

<b>Potential Number of Lots</b>	
2640	feet of street/sewer/water (1/2 mile)
65	foot lot width
41	lots on each side of the street
81	total lots
<b>Estimated Construction Cost for Street/Sewer/Water</b>	
2640	feet of street/sewer/water (1/2 mile)
\$400	dollars per lineal foot to construct street/sewer/water
\$1,056,000	total estimated construction cost
\$13,000	per lot to construct street/sewer/water

<b>Potential Number of Lots</b>	
2640	feet of street/sewer/water (1/2 mile)
60	foot lot width
44	lots on each side of the street
88	total lots
<b>Estimated Construction Cost for Street/Sewer/Water</b>	
2640	feet of street/sewer/water (1/2 mile)
\$400	dollars per lineal foot to construct street/sewer/water
\$1,056,000	total estimated construction cost
\$12,000	per lot to construct street/sewer/water

### **Requested Action**

Staff is seeking discussion and feedback from the Planning Commission on this topic. Perhaps a developer could have the option of applying for either R1 or R2 zoning for their proposed single family residential subdivision. The Planning Commission could guide R2 zoning (smaller lots) closer to transportation corridors, higher density housing or commercial areas, while the Commission could support R1 (larger lots) zoning in others areas. This would give developers some options for smaller lot sizes in certain areas without needing to request a PUD. If the Planning Commission supports this approach, staff would recommend the following:

- Changes to the minimum standards in the R2 district (8,400 sq ft minimum lot size & 70' minimum width).
- Add clarifying language to the both the Comprehensive Land Use Plan and also the R1 & R2 district "purpose" to further clarify where the City would support the R1 & R2 zoning.

Alternatively, the Commission / City could choose to keep the standards that are in place today, clarify that the R2 zoning is intended only for the originally platted/townsite areas of the community, and continue to use the PUD as a tool to allow flexibility in the development of residential lots in exchange for improved subdivision design.

Staff requests Planning Commission input on the matter.

### **Attachments**

March 27, 2018 PC Meeting Minutes

Residential Lot Size / Zoning District Research

Elko New Market Residential Zoning District Standards (R1, R2, R3, R4)

And noting that:

- 1) A park dedication fee will be required in lieu of the park land dedication requirements of the City Code / Subdivision Ordinance.

## 8. GENERAL BUSINESS

### **B. Discussion Regarding Residential Minimum Lot Size Requirements**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated March 27, 2018 related to the topic. Christianson stated that she is introducing the topic of possibly reducing the City's residential minimum lot size requirements to the Planning Commission to determine if there is interest in researching the topic further. She stated that the City's current minimum residential lot size is 12,000 square feet and minimum lot width is 85'. She stated that during her time at the City, all residential developers that she has interacted with have indicated that the market is not demanding 85' wide lots. They are generally looking to 70' to 75' wide lots. She stated that lot size requirement relates to the cost of development and ultimately the affordability of housing.

Christianson noted that research of thirteen other communities was conducted and Elko New Market has larger minimum requirements than the majority of Cities researched. She indicated that she is looking for feedback from the Planning Commission on the matter. She read aloud a statement from Commissioner Hartzler who was unable to attend the meeting. The following comments were received:

- Commissioner Hartzler emailed comments (read aloud by Christianson): As I've stated before, I'm against changing lot sizes. If the developers want smaller lots, that's what the PUD is for, and it gives us additional control of those developments. Once the minimum lot size is decreased, it will never be put back. I don't consider this a hindrance to development in the community. SAC and WAC are probably the biggest deterrents.
- Chairman Thompson stated that he believes smaller, smarter development is better. He stated that the PUD is getting over-used, and creates more red tape for developers to administer the PUD.
- Commissioner Kruckman stated that the houses are getting bigger and questioned why minimum lot size requirements should get smaller.
- Commissioner Smith stated that he agrees that lots are getting smaller and square footage of houses are staying the same. He suggested that the City may see more growth in the area if the City is more flexible with the lot sizes.
- Commissioner Vetter inquired about the cost difference between allowing narrower lots versus wider lots.
- City Engineer Rich Revering stated that the cost difference can make the difference in a project being viable vs. not viable. He stated that there is also a long-term financial impact to the City to have more density (more houses) paying for the cost of maintaining the infrastructure. He stated his belief that it is a more efficient use of

the infrastructure and the land. He stated that the Elko New Market area has a lot of wetlands which makes it even more challenging to develop in Elko New Market.

- Chairman Thompson stated that reducing lot sizes helps with sprawl.
- Commissioner Kruckman stated that she would not want to live on a smaller lot.
- Mayor Crawford stated the market is going to smaller lots, and the millennials want smaller lots.
- Khai Le stated that if smaller lots are allowed, developers can reduce the price of lots to attract buyers to Elko New Market.

The Commission discussed the progression of the housing market and lot sizes over the last hundred years, noting that there have been societal shifts.

Following discussion on the matter, the Planning Commission recommended that a tour of various neighborhoods containing varying lot widths be conducted during the summer months, and that additional research be conducted on the matter.

## **9. MISCELLANEOUS**

### **A. City Staff / Consultant Business Updates and Reports**

Community Development Specialist Christianson provided updates on the following City projects:

- Dakota Acres (Syndicated Properties property)
- Christmas Pines

### **B. Planning Commission Questions and Comments**

There were no Planning Commission questions.

## **10. ADJOURNMENT**

A motion was made by Smith and seconded by Kruckman to adjourn the meeting at 8:08 p.m. Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

Submitted by:



Renee Christianson  
Community Development Specialist

Residential Lot Size Comparison / Research - March 2018

City	Zoning District	Minimum Lot Area	Minimum Lot Width	Front Setback	Rear Setback	Side Setback	Density	Purpose	Comments	
Apple Valley	R-1, One Family Residential	40,000 s.f.	80'	30'	30'	10' & 5'		District is intended for those areas which are designated for single-family in the comprehensive plan	District allows only single family detached. Smaller lot areas and widths allowed by PUD	Left message 8/23/18
Apple Valley	R-2, One Family Residential	18,000 s.f.	80'	30'	30'	10' & 5'		District is intended for those areas which are designated for single-family in the comprehensive plan	District allows only single family detached. Smaller lot areas and widths allowed by PUD	
Apple Valley	R-3, One Family Residential	11,000 s.f.	80'	30'	30'	10' & 5'		District is intended for those areas which are designated for single-family in the comprehensive plan	District allows only single family detached. Smaller lot areas and widths allowed by PUD	
Apple Valley	M-1, Multiple Family								Districts allows single family detached and townhomes	
Belle Plaine	R-1, Single Family Residential	12,000 s.f.	85'	30'	30'	10'		Purpose is to provide for single-family detached residential dwelling units.	District allows only single family detached dwellings. Smaller lot areas and widths allowed by PUD	Left message 8/23/18
Belle Plaine	R-2, Single Family Residential	20,000 s.f.	100'	30'	30'	10'		Purpose is to provide for single-family detached residential dwelling units on large lots.	District allows only single family detached dwellings.	
Belle Plaine	R-3 Single & Two Family Residential	8,000 s.f. for single family & 10,500 s.f. for two family	70' for single family & 75' for two family	30'	30'	5'		Purposes to provide for single and two family residential dwelling units.	District allows both single and two-family dwellings	
Burnsville	R-1, One Family Residential	10,000 s.f.	80'	30'	30'	10'			District allows only single family detached dwellings. Smaller lot areas and widths allowed by PUD zoning district.	
Burnsville	R-2, Two-Family Residential District	15,000 s.f. for two-family dwellings	100'	30'	30'	10'			District allows only two family dwellings. Smaller lot areas and widths allowed by PUD zoning district.	
Eagan	R1, Residential Single District	12,000 s.f.	85'	30'	15'	10'			District purpose is for single family residential development. District allows only single family detached dwellings.	Talked to Mike? Community is mostly built out so they are seeing primarily infill or redevelopment. Most new developments are zoned R1. City is open to R15/smaller lots if the site warrants it, such as steep slopes, etc. City Council seems to support the larger lots / R1 zoning if there are no challenges with the site.
Eagan	R-15, Small Lot Residential	8,000 s.f.	65'	30'	15'	6'			District for new single family residential developments on smaller lots to allow for varied housing styles and values within the City. Such district is intended to satisfy issues with existing single-family developments that do not meet R-1 requirements, and to allow for cluster-type development for infill developments when appropriate. District allows only single family detached dwellings.	
Elko New Market	R-1, Single Family Residential	12,000 s.f.	85 feet	30'	30'	10'			District allows only single family dwellings. Smaller lots allowed by PUD zoning.	
	R-2, Urban (Small Lot) Single Family Residential	10,000 s.f.	50 feet	30'	30'	5'			District allows only single family dwellings. Smaller lots allowed by PUD zoning.	
Farmington	R-1, Low Density Residential	10,000 s.f.	75 feet	20'	6'	6'	No less than 1 unit per acre, no more than 3.5 units per acre	Provides for existing and future low density single family development with full public utilities.	District allows only single family dwellings	Talked with Adam Kienberger on 8.23.18. Developers have the option of requesting R1 or R2 zoning. With the flexibility in these two districts, Farmington is not seeing many PUD's being requested based on lot size deviations.
Farmington	R-2, Low/Medium Density Residential	6,000 s.f. for single family detached & 11,000 s.f. for twinhomes/two-family	60' for single family detached & 37.5' for twinhomes/two-family	20'	6'	6'	No less than 3.5 units per acre, no more than 6 units per acre	Purpose is intended as an area which incorporates older existing development as well as undeveloped land suitable for single and two family development that is served with full public utilities.	District allows both single and two-family dwellings	
Jordan	R-1, Single-Family Residential District	10,500 s.f. for single family or 5,000 s.f. for PUD's	75 feet	30'	35'	8'		Purpose is to allow and preserve areas of quiet, low-density neighborhoods for single family homes.	District allows only single family dwellings. PUD's allowed by conditional use permit, up to 4-unit buildings	New development is guided to the R1 district. R2 district is intended to cover the older existing portions of town only. New developments are not allowed to utilize R2 zoning. A recent PUD was approved for some lot size variations and front yard setbacks. Jordan has only had a few new plats since the recession.
Jordan	R-2, Medium Density Residential Single Family	6,000 s.f. for single family and 10,000 s.f. for two family	60 feet for single family & 80 feet for two family	30'	35'	8'		Purpose is to allow and preserve an older neighborhood, most of which is located near downtown in the oldest part of the City which was platted prior to 1950 into small and modest-size lots.	District allows single family dwellings; two-family dwellings and PUD's allowed by conditional use permit.	
Lakeville	RS-1, Single-Family Residential District	20,000 s.f.	100 feet	30'	30'	10'		Purpose is to provide low density single-family detached residential dwelling units.	District allows only single family detached dwellings	Spoke with Frank on 8/23/18. The majority of residential development Lakeville is seeing is RS3 or RS4, a fairly even distribution over the past 5 years. More recently trending to R4 development. R4 development would be preferred closer to major road corridors and R3 development would be away from major road corridors. Some PUD's being processed but not primarily for lot size deviations. City has discussed and is not willing to go less than 70' lot widths for single family detached homes, unless part of an association.
Lakeville	RS-2, Single-Family Residential District	15,000 s.f.	100 feet	30'	30'	15'		Purpose is to provide an option for low density single-family detached residential dwelling units and directly related uses in environmentally sensitive areas of the City as defined by the Comprehensive Plan.	District allows only single family detached dwellings	
Lakeville	RS-3, Single-Family Residential District	11,000 s.f.	85 feet	30'	30'	10'		Purpose is to provide an option for low density single-family detached residential dwelling units and directly related uses in areas without environmental constraints and amenities.	District allows only single family detached dwellings	
Lakeville	RS-4, Single Family Residential	8,400 s.f.	70'	20'	30'	7'		Purpose is to provide for low density single-family detached residential dwelling units and directly related uses in areas without environmental constraints and amenities.	District allows only single family detached dwellings	
Lakeville	RST-1, Single and Two Family Residential District	8,400 s.f. for single family and 15,000 s.f. for two family	70' for single family & 100' for two family	20' & 30'	30'	7' & 10'		Purpose is to provide for one and two unit dwellings and directly related uses.	District allows single family detached dwellings and two family dwelling units.	
Lakeville	RST-2, Single and Two Family Residential District	8,400 s.f. for single family and 15,000 s.f. for two family	70' for single family & 100' for two family	20' & 30'	30'	7' & 10'		Purpose is to provide for a transition in housing density and styles between low density traditional single-family areas and medium density housing areas.	District allows single family detached dwellings, detached townhomes, and two family dwelling units.	
Lonsdale	R-1, Single Family Detached Residential	18,000 s.f.	100'	35'	30'	15'		Purpose is to provide single family neighborhoods that are intended to preserve the character of a small town atmosphere that are connected to sewer and water.	District allows single family dwellings	
Lonsdale	R-1A, Single Family Detached Residential	11,000 s.f.	80'	30'	20'	10'		Purpose is to provide for single family neighborhoods that are intended to preserve the character of a small town atmosphere that are connected to public sewer and water.	District allows only single family dwellings.	
Lonsdale	R-2, Single Family Detached Residential	10,000 s.f. for single family detached & 12,000 s.f. for a duplex	75' for single family detached and 80' for duplex	30'	20'	10'		Purpose is to provide single family detached urban lots and also allow attached single and two family dwellings as conditional uses, all of which are connected to public sewer and water systems.	District allows single family detached dwellings, and two family dwellings and attached single family dwellings as a conditional use.	
Lonsdale	R-2A, Single Family Detached & Duplex Residential	10,000 s.f. for single family detached & 12,000 s.f. for a duplex	75' for single family detached and 80' for duplex	30'	20'	10'		Purpose is to provide detached single family urban lots, attached single family and two family dwellings or duplex as permitted uses, all of which shall be connected to public water and sewer systems.	District allows single family detached, single family attached, and duplexes - all as permitted uses.	
Lonsdale	R-3, Townhouse and 4-Plexes	3,500 s.f. per dwelling unit	none	25'	30'	10' for attached units and 5' for detached units		Purpose is to provide for areas that are capable of supporting multiple family dwellings in terms of public utilities and services, and thereby allowing for a variety of housing types in greater densities of up to 10 dwelling units per acre.	District allows 4-plexes, attached single family, and townhomes. Single family detached dwellings allowed by conditional use permit.	
New Prague	RL-90, Single Family Residential	9,000 s.f.	65'	30'	30'	7'		Purpose is to allow detached single family, low density development in developed and developing areas of the City that are predominantly residential in character.	District allows only single family dwellings. PUD's allowed by conditional use permit.	Left message 8/23/18
New Prague	RL-84, Single Family Residential	8,400 s.f.	60'	30'	30'	7'		Purpose is intended to allow existing and infill detached single family, low density development in previously platted areas of the City.	District allows only single family dwellings. PUD's allowed by conditional use permit.	
New Prague	RL-70, Single Family Residential	7,000 s.f.	50'	30'	30'	7'		Purpose is to allow existing and infill detached single family residences in areas historically platted for small lots.	District allows only single family dwellings. PUD's allowed by conditional use permit.	
New Prague	RM - Medium Density Residential District	7,000 s.f. for single family & 7,000 s.f. for two family units & 3,000 s.f. per dwelling unit for 3 to 8 unit bldgs	50' for single family & 100' for multi family	30'	30'	7'		Purpose is to provide single family and attached two to eight unit residences at densities of up to 12 units per acres in areas appropriate for buffering single family districts from business and industrial districts and major roadways.	District allows single family, two family, townhomes and apartment buildings - up to 8 attached units	

Prior Lake	R-1, Low Density Residential	12,000 s.f.	86'	25'	25'	10'	Minimum density of 2 units per acre and maximum density of 4 units per acre.	Purpose is to provide areas where the emphasis is on single-family residential development.	District allows only single family dwellings. Cluster housing allowed by conditional use permit, up to 4 units bldgs.	Talked to Casey. Seeing tons of new developments, all being processed as PUDs. Prelim platted 550 lots in 2017, all by PUD. Staff held workshop with City Council to see if they wanted to reduce the minimum lot size standards to avoid all requests for PUD's. Council wanted to keep current standards and use PUD as mechanism to negotiate higher development standards. Their PUD district standards state that it cannot be used solely to increase density. Have gotten extra trails, and financial contributions to fund extra road work. The predominant lot size being approved is 65' wide and approx 9,000 s.f. Have gone as narrow as 45' to 50' in some circumstances.
Prior Lake	R-2, Medium Density Residential	6,000 s.f. for single family & 12,000 s.f. for two family	60' for single family & 75' for two family & 100' for cluster housing	25'	25'	10'	Minimum density of 4.1 units per acre and maximum density of 7.0 units per acre.	Purpose is to provide areas which are or will be developed with a mixture of residential dwelling types that are of a overall low to medium density.	District allows single family and two family dwellings. Cluster housing allowed by conditional use permit, up to 4-unit buildings.	
Savage	R-1, Low Density Residential	10,890 s.f.	82.5'	30'	25' to 40' / varies	5' to 15' / varies	up to 3 units per acre	Purpose is to provide low density residential development in areas where adequate public facilities and services exist and where the development is appropriate given surrounding land uses.	Smaller lot areas and widths allowed by PUD (in a PRD, Planned Residential District)	Left message 8/23/18
Savage	R-2 Medium Density Residential	8,500 s.f. for single family & 6,500 s.f. for two family dwellings and townhomes & 4,000 s.f. per unit for multiple family dwellings	70' for single family & 50' for two family & 25' for townhome	25'	25' to 40' / varies	5' to 15' / varies		Purpose is to provide for housing development at densities between five units per acre and twelve units per acre, allowing for a greater diversity of housing choices within the city and the potential for preservation of natural resources through cluster development techniques.	District allows single family detached, two family dwellings, townhomes up to 6 units in a row or 8 units back to back, and multiple family dwellings containing no more than 8 units.	
Shakopee	R-1A, Low Density Residential	12,800 s.f.	95'	35'	40'	15'	Maximum density of 3 units per acre, excluding ROW	Purpose is to allow large-lot single family development in areas of the city served by sanitary sewer and water.	District allows only single family detached dwellings	Talked to Mark Knobles. Majority of new residential developments are utilizing R1B or R1C zoning (50' & 60' lots widths). Have not used the R1A district (12,800 s.f.) that much recently. Have not used PUD's for exclusively single family developments.
Shakopee	R-1B, Urban Residential Zone	6,000 s.f.	60'	30'	30'	10'	up to 5 units per acre	Purpose is to provide an area for residential development where public sanitary sewer and water are available	District allows only single family detached dwellings. In lieu of a minimum lot area requirement, a maximum density requirement of 5 units per acre is imposed	
Shakopee	R-1C, Old Shakopee Residential Zone	5,000 s.f.	50' for single family & 70' for two family	30'	30'	10'	Maximum density of 7.5 units per acre, excluding ROW	Purpose is to provide an area for the continuation of existing residential development and development of existing lots in the older residential areas where public sanitary sewer and water are available.	District allows single family detached dwellings and two family dwellings. In lieu of a minimum lot area requirement, a maximum density requirement of 7.5 units per acre is imposed	
Shakopee	R-2, Medium-Density Residential	None	60' for single family detached & 70' for two family & 100' for multi family	35'	non	10'	5.1 to 8 units per acre	Purpose is to provide an area which will allow 5.01 to 8 residential dwellings per acre and also provide a transitional zone between single family residential and other land uses.	District allows single family detached, single family attached dwellings up to 4 units, townhomes containing 2 to 4 units - & townhomes/multi-family up to 6 units per building by CUP	

# ARTICLE A. R-1 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

## 11-25A-1: PURPOSE:

## 11-25A-2: PERMITTED USES:

## 11-25A-3: PERMITTED ACCESSORY USES:

## 11-25A-4: CONDITIONAL USES:

## 11-25A-5: INTERIM USES:

## 11-25A-6: USES BY ADMINISTRATIVE PERMIT:

## 11-25A-7: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:

## 11-25A-8: BUILDING HEIGHT:

### **11-25A-1: PURPOSE:**

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. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25A-2: PERMITTED USES:**

Subject to applicable provisions of this title, the following are permitted uses in the R-1 District:

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

Residential programs as regulated by State Statute.

Single-family detached dwellings. (Ord. 166, 2-22-2018)

### **11-25A-3: PERMITTED ACCESSORY USES:**

Subject to applicable provisions of this title, the following are permitted accessory uses in the R-1 District:

Accessory structures as regulated by [chapter 6](#) of this title.

Daycare facilities (in home) as regulated by State Statute.

Gardening and other horticultural uses where no sale of products is conducted on the premises.

Ground source heat pump systems as regulated by [chapter 14](#) of this title.

Keeping of backyard chickens as regulated by section [6-4-5-1](#) of this Code.

Keeping of domestic animals for noncommercial purposes.

Off street parking as regulated by [chapter 9](#) of this title.

Permitted home occupations as regulated by section [11-5-17](#) of this title.

Private recreational vehicles and equipment as regulated by section [11-8-2](#) of this title.

Roof mounted wind energy systems which extend not more than six feet (6') above the highest point of the roof as regulated by [chapter 14](#) of this title.

Secondary or accessory use antennas as regulated by [chapter 13](#) of this title.

Solar energy systems as regulated by [chapter 14](#) of this title.

Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011; Ord. 85, 12-1-2011; Ord. 130, 4-28-2016, eff. 6-1-2016)

#### **11-25A-4: CONDITIONAL USES:**

Subject to applicable provisions of this title, the following are conditional uses in the R-1 District and require a conditional use permit based upon procedures set forth in section [11-3-2](#) of this title:

Accessory structures as regulated by [chapter 6](#) of this title.

Cemeteries; provided, that:

A. The site accesses a collector or arterial street.

B. The site is landscaped in accordance with [chapter 10](#) of this title.

Essential services involving transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts; provided, that the applicable provisions of section [11-4-5](#) of this title are determined to be satisfied.

Golf courses including clubhouses containing the following accessory uses: restaurants/bars, pro shops, meeting rooms and locker rooms.

Satellite TVROs greater than one meter (1 m) in diameter as regulated by [chapter 13](#) of this title.

Stands for agricultural products produced on the premises by owner.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25A-5: INTERIM USES:**

Subject to applicable provisions of this title, the following are interim uses in the R-1 district and are governed by the procedures set forth in section [11-3-3](#) of this title:

Driving ranges as a principal use shall meet the following requirements:

A. Driving ranges shall be designed with buffer areas that provide protection to surrounding development from golf balls.

B. A gradual physical and visual transition shall be provided between the driving range and any adjacent areas with natural vegetation.

C. All maintenance facilities shall be located on the premises in a manner that minimizes visual impacts on surrounding development.

Interim home occupations as regulated by section [11-5-17](#) of this title.

Mining, sand and gravel extraction, and land reclamation and alteration; provided, that the uses will be in compliance with the provisions hereof or other applicable provisions of this code. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25A-6: USES BY ADMINISTRATIVE PERMIT:**

Subject to applicable provisions of this title, the following uses are allowed by administrative permit in an R-1 district based upon procedures set forth in section [11-3-4](#) of this title:

Amateur radio antennas as regulated by [chapter 13](#) of this title.

Essential services, except transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts, as regulated by section [11-4-5](#) of this title.

Model homes as regulated by section [11-5-10](#) of this title.

Personal wireless service antennas located upon a structure as regulated by [chapter 13](#) of this title.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25A-7: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:**

The following minimum requirements shall be observed in an R-1 district, subject to additional requirements, exceptions and modifications set forth in this title:

#### A. Lot Area:

1. Lot area (interior): Twelve thousand (12,000) square feet.
2. Lot area (corner): Twelve thousand five hundred (12,500) square feet.

#### B. Lot Width:

1. Lot width (interior): Eighty five feet (85').
2. Lot width (corner): One hundred feet (100').

#### C. Setbacks:

1. Front yard: Thirty feet (30').
2. Side yards:
  - a. Interior: Ten feet (10').
  - b. Corner: Twenty five feet (25').
3. Rear yard: Thirty feet (30').

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25A-8: BUILDING HEIGHT:**

Structures shall not exceed thirty five feet (35') in height, except as provided in section [11-5-2](#) of this title.  
(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

# ARTICLE B. R-2 URBAN (SMALL LOT) SINGLE-FAMILY RESIDENTIAL DISTRICT

## 11-25B-1: PURPOSE:

## 11-25B-2: PERMITTED USES:

## 11-25B-3: PERMITTED ACCESSORY USES:

## 11-25B-4: CONDITIONAL USES:

## 11-25B-5: INTERIM USES:

## 11-25B-6: USES BY ADMINISTRATIVE PERMIT:

## 11-25B-7: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:

## 11-25B-8: BUILDING HEIGHT:

### **11-25B-1: PURPOSE:**

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.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25B-2: PERMITTED USES:**

Subject to applicable provisions of this title, the following are permitted uses in an R-2 District:

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

Residential programs as regulated by State Statute.

Single-family detached dwellings.

(Ord. 166, 2-22-2018)

### **11-25B-3: PERMITTED ACCESSORY USES:**

Subject to applicable provisions of this title, the following are permitted accessory uses in the R-2 District:

Accessory structures as regulated by [chapter 6](#) of this title.

Daycare facilities (in home) as regulated by State Statute.

Gardening and other horticultural uses where no sale of products is conducted on the premises.

Ground source heat pump systems as regulated by [chapter 14](#) of this title.

Keeping of backyard chickens as regulated by section [6-4-5-1](#) of this Code.

Keeping of domestic animals for noncommercial purposes.

Off street parking as regulated by [chapter 9](#) of this title.

Permitted home occupations as regulated by section [11-5-17](#) of this title.

Private recreational vehicles and equipment as regulated by section [11-8-2](#) of this title.

Roof mounted wind energy systems which extend not more than six feet (6') above the highest point of the roof as regulated by [chapter 14](#) of this title.

Secondary or accessory use antennas as regulated by [chapter 13](#) of this title.

Solar energy systems as regulated by [chapter 14](#) of this title.

Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011; Ord. 85, 12-1-2011; Ord. 130, 4-28-2016, eff. 6-1-2016)

#### **11-25B-4: CONDITIONAL USES:**

Subject to applicable provisions of this title, the following are conditional uses in the R-2 District and require a conditional use permit based upon procedures set forth in section [11-3-2](#) of this title:

Accessory structures as regulated by [chapter 6](#) of this title.

Cemeteries; provided, that:

A. The site accesses a collector or arterial street.

B. The site is landscaped in accordance with [chapter 10](#) of this title.

Commercial outdoor recreation.

Essential services, except transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts, as regulated by section [11-4-5](#) of this title.

Satellite TVROs greater than one meter (1 m) in diameter as regulated by [chapter 13](#) of this title.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25B-5: INTERIM USES:**

Subject to applicable provisions of this title, the following are interim uses in the R-2 district and are governed by the procedures set forth in section [11-3-3](#) of this title:

Interim home occupations as regulated by section [11-5-17](#) of this title.

Mining, sand and gravel extraction, and land reclamation and alteration; provided, that the use will be in compliance with the provisions hereof or other applicable provisions of this code.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25B-6: USES BY ADMINISTRATIVE PERMIT:**

Subject to applicable provisions of this title, the following uses are allowed by administrative permit in an R-2 district based upon procedures set forth in and regulated by section [11-3-4](#) of this title:

Essential services, except transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts, as regulated by section [11-4-5](#) of this title.

Model homes as regulated by section [11-5-10](#) of this title.

Personal wireless service antennas located upon a structure as regulated by [chapter 13](#) of this title.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25B-7: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:**

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: Ten thousand (10,000) square feet.

B. Lot width: Fifty feet (50').

C. Setbacks:

1. Front yard: Thirty feet (30').

2. Side yard:

a. Interior: Five feet (5').

b. Corner: Twenty five feet (25').

3. Rear yard: Thirty feet (30').

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25B-8: BUILDING HEIGHT:**

Structures shall not exceed thirty five feet (35') in height, except as provided in section [11-5-2](#) of this title.  
(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

# ARTICLE C. R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

## 11-25C-1: PURPOSE:

## 11-25C-2: PERMITTED USES:

## 11-25C-3: PERMITTED ACCESSORY USES:

## 11-25C-4: CONDITIONAL USES:

## 11-25C-5: INTERIM USES:

## 11-25C-6: USES BY ADMINISTRATIVE PERMIT:

## 11-25C-7: COMMON AREAS:

## 11-25C-8: DESIGN AND CONSTRUCTION STANDARDS:

## 11-25C-9: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:

## 11-25C-10: BUILDING HEIGHT:

### **11-25C-1: PURPOSE:**

The purpose of the R-3 Medium Density Residential District is to establish low to moderate density residential housing in 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.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25C-2: PERMITTED USES:**

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

Residential programs as regulated by State Statute.

Threeplex, fourplex, and sixplex multiple-family dwellings.

Townhouses and condominiums (not exceeding 8 units per building).

Two-family dwellings.

(Ord. 166, 2-22-2018)

### **11-25C-3: PERMITTED ACCESSORY USES:**

Subject to applicable provisions of this title, the following are permitted accessory uses in the R-3 District: Accessory structures as regulated by [chapter 6](#) of this title.

Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.

Daycare facilities (in home) as regulated by State Statute.

Gardening and other horticultural uses where no sale of products is conducted on the premises.

Ground source heat pump systems as regulated by [chapter 14](#) of this title.

Keeping of domestic animals for noncommercial purposes.

Off street parking as regulated by [chapter 9](#) of this title.

Permitted home occupations as regulated by section [11-5-17](#) of this title.

Play and recreational facilities, accessory to an existing permitted use.

Private recreational vehicles and equipment as regulated by section [11-8-2](#) of this title.

Roof mounted wind energy systems which extend not more than six feet (6') above the highest point of the roof as regulated by [chapter 14](#) of this title.

Secondary or accessory use antennas as regulated by [chapter 13](#) of this title.

Solar energy systems as regulated by [chapter 14](#) of this title.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011; Ord. 85, 12-1-2011)

#### **11-25C-4: CONDITIONAL USES:**

Subject to applicable provisions of this title, the following are conditional uses in the R-3 district and require a conditional use permit based upon procedures set forth in section [11-3-2](#) of this title:

Commercial outdoor recreation; provided, that:

- A. The use will not negatively impact neighboring uses.
- B. The potential traffic generated by such use can be adequately accommodated (both volume and weight) upon the city streets serving the property upon which the use is located.
- C. Adequate improved off street parking shall be provided.

Essential services involving transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts; provided, that the applicable provisions of section [11-4-5](#) of this title are determined to be satisfied.

Manufactured home parks; provided, that:

- A. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
- B. The following minimum lot requirements within the manufactured home park are:
  - 1. Minimum lot area: Ten thousand five hundred (10,500) square feet.
  - 2. Minimum lot width: Eighty five feet (85').

3. Maximum impervious surface: Thirty five percent (35%).

C. The following principal structure setbacks are satisfactorily met:

1. Front yard: Thirty feet (30').
2. Side yard: Ten feet (10') on each side.
3. Side yard street: Thirty feet (30').
4. Rear yard: Twenty five feet (25') or thirty feet (30') on double frontage lots abutting a public right of way.

D. Accessory buildings, uses and equipment shall comply with the applicable provisions of [chapter 6](#) of this title.

E. The total ground floor area of all residential buildings shall not exceed a lot coverage of thirty percent (30%).

F. All residences are limited to a maximum height of one story or twenty five feet (25').

G. The public improvements within manufactured home parks are developed in accordance with the city subdivision ordinance, which include:

1. Street and storm sewer improvements.
2. Sanitary sewer improvements.
3. Water improvements.
4. Public utilities (telephone, cable, electric and/or gas service).

Satellite TVROs greater than one meter (1 m) in diameter as regulated by [chapter 13](#) of this title.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25C-5: INTERIM USES:**

Subject to applicable provisions of this title, the following are interim uses in an R-3 district and require an interim use permit based upon procedures set forth in and regulated by section [11-3-3](#) of this title:

Interim home occupations as regulated by section [11-5-17](#) of this title.

Mining, sand and gravel extraction, and land reclamation and alteration; provided, that the use will be in compliance with the provisions hereof or other applicable provisions of this code.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25C-6: USES BY ADMINISTRATIVE PERMIT:**

Subject to applicable provisions of this title, the following uses are allowed by administrative permit in an R-3 district based upon procedures set forth in and regulated by section [11-3-4](#) of this title:

Essential services, except transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts, as regulated by section [11-4-5](#) of this title.

Model homes as regulated by section [11-5-10](#) of this title.

Personal wireless service antennas located upon a structure as regulated by [chapter 13](#) of this title.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

## **11-25C-7: COMMON AREAS:**

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 twinhome, quadraminium and 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.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

## **11-25C-8: DESIGN AND CONSTRUCTION STANDARDS:**

- A. Unit Width: The minimum width of a dwelling unit within the R-3 district shall be twenty five feet (25').
- B. Decks Or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
- C. Minimum Overhang: In case of gable roof, a minimum eighteen inch (18") roof overhang or soffit shall be required for all residential structures.
- D. Exterior Building Finish: The exterior of townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure facing the public right of way to create an architecturally balanced appearance. A minimum of twenty five percent (25%) of the area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
- E. Garages: Each dwelling unit shall include an attached garage that shall comply with the following minimum size standards:
  - 1. For dwellings with basements: Four hundred forty (440) square feet.
  - 2. For dwellings without basements: Five hundred forty (540) square feet.
  - 3. Garages shall be a minimum of twenty feet (20') in width.
- F. Exterior Storage: Exterior storage shall be allowed only in designated areas which are screened in accordance with subsection [11-5-6A](#) of this title and under the ownership of the property owners' association subject to other applicable provisions of this title.
- G. Utilities:
  - 1. Underground Or Exterior Service: All utilities serving an R-3 subdivision, including telephone, electricity, gas and telecable, shall be installed underground. Exterior utility meters and/or fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
  - 2. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.

3. Water Connection: Individual unit shutoff valves shall be provided.
  4. Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.
- H. Streets: All streets shall be public and shall comply with the design standards and specifications as governed by the city subdivision ordinance.
- I. Drives:
1. Dead end private driveways shall serve a maximum of two (2) structures or four (4) units per side.
  2. Private drives shall be under the ownership and control of the property owners' association who shall be responsible for the maintenance, repair, and replacement of surfacing. Said association shall maintain a capital improvement program for the driveways under its ownership.
  3. Provisions for adequate turnaround shall be made at the terminus of all private drives.
  4. Private drives shall include plans and areas for snow storage.
  5. Private drives shall be a minimum of twenty eight feet (28') in width.
- J. Guest Parking: At minimum, one-half ( $\frac{1}{2}$ ) of guest parking spaces per unit shall be provided in an off street parking lot or private drive. The design of the off street parking lot shall conform to the requirements of [chapter 9](#) of this title.
- K. Landscaping And Screening: Detailed landscaping and screening shall be provided and implemented pursuant to section [11-5-4](#) and [chapter 10](#) of this title.
- L. Lighting: Lighting plans shall be provided and implemented pursuant to section [11-4-7](#) of this title.
- M. Open Space And Recreational Uses: In addition to the park dedication requirements stipulated by the city subdivision ordinance, a minimum of ten percent (10%) of the gross development project area shall be in usable open space and recreational use for the project residents. Such areas shall be specifically designed for both the active and passive use by the project residents and may include swimming pools, trails, nature areas, tot lots, exercise equipment, saunas, etc. Said areas and facilities shall be private, except in those cases where the city agrees to assume responsibility for all or a portion of the recreational space. In those cases where private ownership is maintained, the land and facilities shall be subject to the requirements set forth in a planned unit development agreement.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25C-9: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:**

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. Two-unit dwellings:

- a. Minimum lot area per dwelling unit: Seven thousand five hundred (7,500) square feet.
- b. Minimum base lot area: Fifteen thousand (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.

2. Structures with more than two (2) dwelling units:

- a. Minimum lot area per dwelling unit: Five thousand (5,000) square feet.
- b. Minimum base lot area: Twenty thousand (20,000) 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. Base lot: One hundred feet (100').
2. Unit lot: Sufficient area to include the living area, garages, decks, patios, or porches of the individual dwelling unit.

C. Setbacks:

1. Base lot:

a. Front yards: Twenty five feet (25').

b. Side yards:

(1) Interior: Ten feet (10').

(2) Corner: Twenty five feet (25').

c. Rear yards: Twenty feet (20').

d. Rear yards abutting street: Twenty five feet (25').

2. Building setbacks for developments that include more than one principal structure on a base lot shall conform to the following internal setbacks:

a. Setback between buildings within the same base lot shall maintain a minimum separation of twenty feet (20').

b. Buildings shall be set back a minimum of thirty feet (30') from the back of the curb line of private drives, guest parking areas, and public rights of way.

c. Buildings shall be set back a minimum of forty feet (40') from the designated wetland boundary.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

**11-25C-10: BUILDING HEIGHT:**

Structures shall not exceed thirty five feet (35') in height, except as provided in section [11-5-2](#) of this title.  
(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

# ARTICLE D. R-4 HIGH DENSITY RESIDENTIAL DISTRICT

## 11-25D-1: PURPOSE:

## 11-25D-2: PERMITTED USES:

## 11-25D-3: PERMITTED ACCESSORY USES:

## 11-25D-4: CONDITIONAL USES:

## 11-25D-5: INTERIM USES:

## 11-25D-6: USES BY ADMINISTRATIVE PERMIT:

## 11-25D-7: COMMON AREAS:

## 11-25D-8: DESIGN AND CONSTRUCTION STANDARDS:

## 11-25D-9: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:

## 11-25D-10: BUILDING HEIGHT:

### **11-25D-1: PURPOSE:**

The purpose of the R-4 High Density Residential District is to create, preserve and enhance areas for multi-family use at higher densities for both permanent and transient families. The district shall be applied in areas served by public utilities, with good accessibility to thoroughfares, public community centers, libraries, shopping, and where such development is consistent with the Comprehensive Plan and planning policies. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25D-2: PERMITTED USES:**

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

Multiple-family dwelling structures containing more than eight (8) dwelling units.

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

Residential programs as regulated by State Statute. (Ord. 166, 2-22-2018)

### **11-25D-3: PERMITTED ACCESSORY USES:**

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

Accessory structures as regulated by [chapter 6](#) of this title.

Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.

Daycare facilities (in home) as regulated by State Statute.

Ground source heat pump systems as regulated by [chapter 14](#) of this title.

Keeping of animals subject to [title 6, chapter 4](#) of this Code or as may be amended.

Off street parking as regulated by [chapter 9](#) of this title.

Permitted home occupations as regulated by section [11-5-17](#) of this title.

Play and recreational facilities accessory to an existing permitted use.

Roof mounted wind energy systems which extend not more than six feet (6') above the highest point of the roof as regulated by [chapter 14](#) of this title.

Secondary or accessory use antennas as regulated by [chapter 13](#) of this title.

Solar energy systems as regulated by [chapter 14](#) of this title.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011; Ord. 85, 12-1-2011)

**11-25D-4: CONDITIONAL USES:**

Subject to applicable provisions of this title, the following are conditional uses in an R-4 District and require a conditional use permit based upon procedures set forth in and regulated by section [11-3-2](#) of this title:

Commercial daycare facilities as regulated by section [11-5-14](#) of this title.

Commercial outdoor recreation; provided, that:

- A. The use will not negatively impact neighboring farming operations or residential uses.
- B. The potential traffic generated by such use can be adequately accommodated (both volume and weight) upon the city streets serving the property upon which the use is located.
- C. Adequate improved off street parking is provided.

Essential services involving transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts; provided, that the applicable provisions of section [11-4-5](#) of this title are determined to be satisfied.

Manufactured home parks; provided, that:

- A. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
- B. The following minimum lot requirements within the manufactured home park are:
  - 1. Minimum lot area: Ten thousand five hundred (10,500) square feet.
  - 2. Minimum lot width: Eighty five feet (85').
  - 3. Maximum impervious surface: Thirty five percent (35%).
- C. The following principal structure setbacks are satisfactorily met:
  - 1. Front yard: Thirty feet (30').
  - 2. Side yard: Ten feet (10').
  - 3. Side yard street: Thirty feet (30').
  - 4. Rear yard: Twenty five feet (25').
  - 5. Rear yard abutting street: Thirty feet (30').
- D. Accessory buildings, uses and equipment shall comply with the applicable provisions of [chapter 6](#) of this title.
- E. The total ground floor area of all residential buildings shall not exceed a lot coverage of thirty percent (30%).
- F. All residences are limited to a maximum height of one story or twenty five feet (25').
- G. The public improvements within manufactured home parks are developed in accordance with the city subdivision ordinance, which include:
  - 1. Street and storm sewer improvements.
  - 2. Sanitary sewer improvements.
  - 3. Water improvements.
  - 4. Public utilities (telephone, cable, electric and/or gas service).

Personal wireless service antennas not located on a public structure, or existing tower; provided, that the applicable provisions of [chapter 13](#) of this title are determined to be satisfied.

Satellite TVROs greater than one meter (1 m) in diameter as regulated by [chapter 13](#) of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25D-5: INTERIM USES:**

Subject to applicable provisions of this title, the following are interim uses in an R-4 district and require an interim use permit based upon procedures set forth in section [11-3-3](#) of this title:

Interim home occupations as regulated by section [11-5-17](#) of this title.

Mining, sand and gravel extraction, and land reclamation and alteration; provided, that the use will be in compliance with the provisions hereof or other applicable provisions of this code.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25D-6: USES BY ADMINISTRATIVE PERMIT:**

Subject to applicable provisions of this title, the following uses are allowed by administrative permit in an R-4 district based upon procedures set forth in and regulated by section [11-3-4](#) of this title:

Essential services, except transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts, as regulated by section [11-4-5](#) of this title.

Model homes as regulated by section [11-5-10](#) of this title.

Personal wireless service antennas located upon a structure as regulated by [chapter 13](#) of this title.

(Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25D-7: COMMON AREAS:**

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. Twinhome, fourplex, and 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. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-25D-8: DESIGN AND CONSTRUCTION STANDARDS:**

- A. Unit Width: The minimum width of a dwelling unit within the R-4 district shall be twenty five feet (25').

- B. Decks Or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
- C. Minimum Overhang: In the case of a gable roof, a minimum twelve inch (12") roof overhang or soffit shall be required for all residential structures.
- D. Exterior Building Finish: The exterior of townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure facing the public right of way to create an architecturally balanced appearance. A minimum of twenty five percent (25%) of the area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
- E. Garages: Each dwelling unit shall include an attached garage that shall comply with the following minimum size standards:
1. For dwellings with basements: Four hundred forty (440) square feet.
  2. For dwellings without basements: Five hundred forty (540) square feet.
  3. Garage width: Twenty feet (20').
- F. Exterior Storage: Exterior storage shall be allowed only in designated areas which are screened in accordance with section [11-5-6](#) of this title and under the ownership of the property owners' association subject to other applicable provisions of this title.
- G. Utilities:
1. Underground Or Exterior Service: All utilities serving an R-4 subdivision, including telephone, electricity, gas and telecable, shall be installed underground. Exterior utility meters and/or fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
  2. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.
  3. Water Connection: Individual unit shutoff valves shall be provided.
  4. Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.
- H. Streets: All streets shall be public and shall comply with the design standards and specifications as governed by the city subdivision ordinance.
- I. Drives:
1. Dead end private driveways shall serve a maximum of two (2) structures or four (4) units per side.
  2. Private drives shall be under the ownership and control of the property owners' association who shall be responsible for the maintenance, repair, and replacement of surfacing. Said association shall maintain a capital improvement program for the driveways under its ownership.
  3. Provisions for adequate turnaround shall be made at the terminus of all private drives.
  4. Private drives shall include plans and areas for snow storage.
  5. Private drives shall be a minimum of twenty eight feet (28') in width.
- J. Guest Parking: At minimum, one-half ( $\frac{1}{2}$ ) of guest parking spaces per unit shall be provided in an off street parking lot or private drive. The design of the off street parking lot shall conform to requirements of [chapter 9](#) of this title.
- K. Landscaping And Screening: Detailed landscaping and screening plans shall be provided and implemented pursuant to section [11-5-4](#) and [chapter 10](#) of this title.
- L. Lighting: Detailed lighting plans shall be provided and implemented pursuant to section [11-4-7](#) of this title.
- M. Open Space And Recreational Uses: In addition to the park dedication requirements stipulated by the city subdivision ordinance, a minimum of ten percent (10%) of the gross development project area shall

be in usable open space and recreational use for the project residents. Such areas shall be specifically designed for both the active and passive use by the project residents and may include swimming pools, trails, nature areas, tot lots, exercise equipment, saunas, etc. Said areas and facilities shall be private, except in those cases where the city agrees to assume responsibility for all or a portion of the recreational space. In those cases where private ownership is maintained, the land and facilities shall be subject to the requirements set forth in a planned unit development agreement. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25D-9: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:**

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: Minimum lot area shall be fifteen thousand (15,000) square feet.

B. Lot Width: Minimum lot width shall be eighty five feet (85').

C. Periphery Lot Setbacks:

1. Minimum Setback: A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.
2. Yards Bordering A Major Collector Or Arterial Street: An additional twenty feet (20') of setback to the side yard or rear yard requirements noted above is required to support a landscaped buffer yard.

D. Internal Setbacks: The following minimum internal setbacks shall be imposed on medium density developments that include more than one principal structure on a base lot:

1. Setback between buildings within the same base lot shall maintain a minimum separation of twenty feet (20').
2. Buildings shall be set back a minimum of thirty feet (30') from the back of the curb line of private drives, guest parking areas, and public rights of way.
3. Buildings shall be set back a minimum of forty feet (40') from the designated wetland boundary. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25D-10: BUILDING HEIGHT:**

Structures shall not exceed thirty five feet (35') in height, except as provided in section [11-5-2](#) of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)



601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**RE:** B1 ZONING DISTRICT - USES  
**DATE:** AUGUST 28, 2018

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### **Background / History**

In the summer of 2017 the City approved a rezoning of the property where the Elko New Market Retail Center is now located. The property has previously been zoned PUD, and the property was rezoned to B1, Neighborhood Business District. The B1 zoning district allows a fairly wide variety of uses including various retail, service, and restaurant uses. The purpose of the district as stated in the Zoning Ordinance is “to provide for the establishment of local centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished.”

The retail center on the property was completed in the spring of 2018 and is now home to the New Market Bank, China City restaurant, and Salon Allure. A new lease has also been signed for a Martial Arts studio. The owner of the building continues to negotiate leases on the one remaining space, as well as space in the second phase of the building. He has received much interest from office type uses, such as real estate offices, financial advisors, attorneys, etc.

Office use is not currently listed as a permitted use in the B1 zoning district. “Professional and Commercial (leased) Offices” are listed as a conditional use, subject to certain conditions. Staff disagrees with office uses being required to obtain a conditional use permit in this zoning district. Staff’s opinion is that any vibrant commercial district includes a mix of uses that support and complement each other.

Staff would like to discuss this matter with the Planning Commission and get feedback on possibly changing the ordinance to allow office uses in the B1 zoning district, and perhaps simplifying the current list of permitted and conditional uses to be more user friendly.

### **Requested Action**

Staff is seeking discussion and feedback from the Planning Commission on this topic.

### **Attachments**

Elko New Market B1 Zoning District Standards

# ARTICLE A. B-1 NEIGHBORHOOD BUSINESS DISTRICT

## 11-26A-1: PURPOSE:

## 11-26A-2: PERMITTED USES:

## 11-26A-3: PERMITTED ACCESSORY USES:

## 11-26A-4: CONDITIONAL USES:

## 11-26A-5: INTERIM USES:

## 11-26A-6: USES BY ADMINISTRATIVE PERMIT:

## 11-26A-7: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:

## 11-26A-8: BUILDING HEIGHT:

### **11-26A-1: PURPOSE:**

The purpose of the B-1 neighborhood business district is to provide for the establishment of local centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-26A-2: PERMITTED USES:**

Subject to applicable provisions of this title, the following are permitted uses in the B-1 district:

Antique or gift shops.

Appliance stores.

Art and school supply stores.

Bakery goods sales and baking of goods for the retail sales on the premises.

Banks.

Barbershops.

Beauty shops.

Bicycle sales and repair.

Bookstores.

Camera and photographic supply and processing stores.

Candy, ice cream, popcorn, nuts, frozen dessert and soft drink shops.

Clothing.

Convenience grocery stores (not supermarket type and without motor fuel facilities).

Delicatessens.

Drugstores.

Dry cleaning and laundry pick up stations including incidental pressing and repair.

Fitness centers.

Florists.

Furniture sales and repair.

Hardware stores.

Hobby stores.

Jewelry sales and jewelry repair.

Laundromats, self-service.

Locksmiths.

Meat markets but not including processing for a locker.

Medical and dental clinics or offices.

Music stores.

Office supply and stationery stores.

Paint, wallpaper sales.

Personal services subject to any applicable city, county or state licensing requirements.

Personal wireless service antennas located on a public structure or existing tower as regulated by [chapter 13](#) of this title.

Photographic studios.

Private educational services.

Record shops.

Restaurants within a building having a principal use other than a restaurant and without an accessory drive-through facility.

Sexually oriented uses - principal and accessory, subject to the provisions of section [11-5-16](#) of this title.

Veterinary clinics (without animal kennels). (Ord. 50, 1-28-2010; amd. 2011 Code; Ord. 80, 11-17-2011)

### **11-26A-3: PERMITTED ACCESSORY USES:**

The following are permitted accessory uses in a B-1 district:

Accessory and secondary use antennas as regulated by [chapter 13](#) of this title.

Residential Lot Size Requirements

Page 3 of 10

August 28, 2018

Ground source heat pump systems as regulated by [chapter 14](#) of this title.

Off street parking as regulated by [chapter 9](#) of this title, with the exception of semitrailer trucks.

Solar energy systems as regulated by [chapter 14](#) of this title.

Structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.

Wind energy systems up to thirty five feet (35') in height as regulated by [chapter 14](#) of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011; Ord. 85, 12-1-2011)

#### **11-26A-4: CONDITIONAL USES:**

Subject to applicable provisions of this title, the following are conditional uses in the B-1 district and require a conditional use permit based upon procedures set forth in section [11-3-2](#) of this title:

Accessory drive-through facilities; provided, that:

- A. Not less than one hundred twenty feet (120') of segregated automobile stacking shall be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty feet (60') per lane.
- B. The stacking lane and its access shall be designed to control traffic in a manner to protect the buildings and will not interfere with on site traffic circulation or access to the required parking space.
- C. No part of the public street or boulevard may be used for stacking of automobiles.
- D. The stacking lane, order board telecom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
- E. The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights of way.
- F. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with section [11-4-7](#) of this title.

Accessory outdoor dining/seating, the area of which exceeds fifteen percent (15%) of the gross floor area of the principal use, provided that:

- A. The dining/seating facilities are an accessory to a principal use allowed within the B-1 district.
- B. The dining/seating area shall be located on private property.
- C. The dining/seating area shall not exceed forty five percent (45%) of the gross floor area of the principal use.
- D. The outdoor dining/seating area shall be defined with the use of landscaping, temporary fencing or other means that contains the tables and chairs for the use as demonstrated on a site plan and approved by the city.
- E. The consumption of alcoholic beverages within the outdoor dining/seating area may be allowed subject to applicable liquor licensing provisions of this code.
- F. Signage shall be posted that restricts consumption of alcohol outside of the designated outdoor dining/seating area.
- G. No food or beverages shall be served to persons outside of the designated outdoor seating area except in association with other city approvals.
- H. If outdoor alcohol service is available, patrons shall access the outdoor dining/seating area through the principal building.
- I. Dining/seating areas shall be located so as not to obstruct required entrances and exits.

- J. If located on private sidewalks or walkways, the dining/seating area shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians.
- K. Parking shall comply with [chapter 9](#) of this title.
- L. All exterior sound equipment shall be shut off at ten o'clock (10:00) P.M. and shall comply with city noise regulations.
- M. Except as otherwise limited by this use or the city noise regulations, the maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota pollution control agency and the federal environmental protection agency.
- N. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause glare upon other public or private property outside the designated area or as permitted in section [11-4-7](#) of this title.
- O. The outdoor dining/seating area shall not abut an R-1 or R-2 zoning district.

Accessory outdoor sales and display, the area of which exceeds fifteen percent (15%) of the gross floor area of the principal use, provided that:

- A. The sales and display activities are an accessory to a principal use allowed within the B-1 district.
- B. The sales/display area shall not exceed forty five percent (45%) of the gross floor area of the principal use.
- C. The sales and display area shall be screened from view of neighboring residential uses.
- D. The sales and display area shall be surfaced to control dust and erosion.
- E. Parking shall comply with [chapter 9](#) of this title.
- F. Except as otherwise limited by this use or the city noise regulations, the maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota pollution control agency and the federal environmental protection agency.
- G. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause glare upon other public or private property outside the designated area or as permitted in section [11-4-7](#) of this title.

Commercial car washes (drive-through and self-service); provided, that:

- A. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
- B. Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the city engineer.
- C. At the boundaries of a residential district, a strip of not less than five feet (5') shall be landscaped and screened in compliance with section [11-5-4](#) and [chapter 10](#) of this title.
- D. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section [11-5-4](#) of this title.
- E. The entire area, other than occupied by the building or plantings, shall be surfaced with material which will control dust and drainage, which is subject to the approval of the city engineer.
- F. The entire area shall have a drainage system which is subject to the approval of the city.
- G. All lighting shall be hooded and so directed that the light source is not visible from the public right of way or from an abutting residence and shall be in compliance with section [11-4-7](#) of this title.
- H. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the city engineer.
- I. Provisions are made to control and reduce noise.

Commercial daycare facilities as regulated by section [11-5-14](#) of this title.

Commercial, private, and public satellite dish transmitting or receiving antennas greater than two meters (2 m) in diameter as regulated by [chapter 13](#) of this title.

Essential services involving transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts; provided, that the applicable provisions of section [11-4-5](#) of this title are determined to be satisfied.

Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community; provided, that:

- A. Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
- B. Equipment is completely enclosed in a permanent structure with no outside storage.
- C. Adequate screening and landscaping from neighboring residential districts is provided in accordance with section [11-5-4](#) and [chapter 10](#) of this title.

Motor fuel stations; provided, that:

A. Motor Fuel Facilities: Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

B. Architectural Standards:

- 1. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.
- 2. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.
- 3. Exterior wall treatments such as brick, stone (natural or artificial), decorative concrete block and stucco shall be used.

C. Canopy: A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards:

- 1. The edge of the canopy shall be thirty feet (30') or more from the front and/or side lot line; provided, that adequate visibility both on site and off site is maintained.
- 2. The canopy shall not exceed eighteen feet (18') in height and shall provide fourteen feet (14') of clearance to accommodate a semitrailer truck passing underneath.
- 3. The canopy fascia shall not exceed three feet (3') in vertical height.
- 4. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
- 5. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure; provided, that the individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right of way.
- 6. Canopy posts/signposts shall not obstruct traffic or the safe operation of the gas pumps.

D. Pump Islands: Pump islands shall comply with the following performance standards:

- 1. Pump islands shall be elevated six inches (6") above the traveled surface of the site.

2. All pump islands shall be set at least thirty feet (30') back from any property line. Additionally, the setback between the pump islands' curb face shall be at least twenty four feet (24').
- E. Dust Control And Drainage: The entire site, other than taken up by a building, structure, or plantings, shall be surfaced with asphalt, concrete, cobblestone, or paving brick. Plans for surfacing and drainage shall be subject to approval of the city engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:
1. A minimum of four hundred (400) cubic feet of permanent pool storage capacity per acre of drainage area.
  2. A minimum pool depth of four feet (4').
  3. A minimum oil containment capacity of eight hundred (800) gallons.
  4. Minimum maintenance inspection of two (2) times per year and/or after measurable spill events. A measurable spill shall be defined by the Minnesota pollution control agency (MPCA). Any measurable spill event shall be reported to the MPCA.
- F. Landscaping:
1. Minimum required green area shall be in accordance with the provisions of [chapter 10](#) of this title.
  2. At the boundaries of the lot, the following landscape area shall be required:
    - a. From side and rear property lines, an area of not less than ten feet (10') wide shall be landscaped in compliance with [chapter 10](#) of this title.
    - b. From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with [chapter 10](#) of this title.
    - c. Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in accordance with section [11-5-4](#) and [chapter 10](#) of this title.
    - d. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.
- G. Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section [11-4-7](#) of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:
1. Canopy Lighting: Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy shall not exceed one hundred fifteen (115) foot-candles at ground level.
  2. Illumination: Maximum site illumination shall not exceed limits set forth in section [11-4-7](#) of this title.
  3. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with [chapter 9](#) of this title.
- H. Circulation And Loading: The site design shall accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas shall be exclusive of off street parking stalls and drive aisles. A site plan shall be provided to illustrate adequate turning radius, using appropriate engineering templates.
- I. Parking:
1. Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s).
  2. Parking spaces shall be screened from abutting residential properties in accordance with section [11-5-4](#) of this title.

- J. Noise: Public address system shall not be audible at any property line. Playing of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated by section [11-4-8](#) of this title.
- K. Outside Storage, Sales And Service: No outside storage or sales shall be allowed, except as follows:
1. Public phones may be located on site as long as they do not interrupt on site traffic circulation and are not located in a yard abutting residentially zoned property.
  2. Propane sales of twenty (20) pound capacity tanks may be located outside, provided the propane tanks are secured in a locker and meet all state and city building and fire codes.
  3. A compressed air service area may be located on site as long as it does not interrupt on site traffic circulation.
- L. Litter Control: The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at convenient locations on site to facilitate litter control.
- M. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the city council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein. Personal wireless service antennas not located upon a public structure or existing tower as regulated by [chapter 13](#) of this title.

Professional and commercial (leased) offices; provided, that:

- A. The gross floor area of the office building shall not exceed ten thousand (10,000) square feet.
- B. The services which are provided are for the local area rather than the community or region.
- C. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets.
- D. The architectural appearance of the building housing the office use shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.
- Satellite antennas greater than two meters (2 m) in diameter as regulated by [chapter 13](#) of this title.

Wind energy systems up to seventy five feet (75') in height as regulated by [chapter 14](#) of this title. (Ord. 5, 12-14-2006; amd. Ord. 74, 8-11-2011; Ord. 80, 11-17-2011; Ord. 85, 12-1-2011)

#### **11-26A-5: INTERIM USES:**

Subject to applicable provisions of this title, the following are interim uses in the B-1 district and require an interim use permit based upon procedures set forth in and regulated by section [11-3-3](#) of this title:

Farms, farmsteads and farming.

Mining, sand and gravel extraction, and land reclamation and alteration; provided, that the uses will be in compliance with the provisions hereof or other applicable provisions of this code. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

#### **11-26A-6: USES BY ADMINISTRATIVE PERMIT:**

Subject to applicable provisions of this title, the following uses are allowed by administrative permit in a B-1 district based upon procedures set forth in and regulated by section [11-3-4](#) of this title:

Accessory outdoor dining/seating, the area of which does not exceed fifteen percent (15%) of the gross floor area of the principal use, provided that:

- A. The dining/seating facilities are an accessory to a principal use allowed within the B-1 district.
- B. The dining/seating area shall be located on private property.
- C. The outdoor dining/seating area shall be defined with the use of landscaping, temporary fencing or other means that contains the tables and chairs for the use as demonstrated on a site plan and approved by the city.
- D. The consumption of alcoholic beverages within the outdoor dining/seating area is prohibited except upon approval of a conditional use permit.
- E. No food or beverages shall be served to persons outside of the designated outdoor seating area except in association with other city approvals.
- F. Dining/seating areas shall be located so as not to obstruct required entrances and exits.
- G. If located on private sidewalks or walkways, the dining/seating area shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians.
- H. Parking shall comply with [chapter 9](#) of this title.
- I. All exterior sound equipment shall be shut off at ten o'clock (10:00) P.M. and shall comply with city noise regulations.
- J. Except as otherwise limited by this use or the city noise regulations, the maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota pollution control agency and the federal environmental protection agency.
- K. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause glare upon other public or private property outside the designated area or as permitted in section [11-4-7](#) of this title.
- L. The outdoor dining/seating area shall not abut an R-1 or R-2 zoning district.

Accessory outdoor sales and display, the area of which does not exceed fifteen percent (15%) of the gross floor area of the principal use, provided that:

- A. The sales and display activities are an accessory to a principal use allowed within the B-1 district.
- B. The sales and display area shall be screened from view of neighboring residential uses.
- C. The sales and display area shall be surfaced to control dust and erosion.
- D. Parking shall comply with [chapter 9](#) of this title.
- E. Except as otherwise limited by this use or the city noise regulations, the maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota pollution control agency and the federal environmental protection agency.
- F. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause glare upon other public or private property outside the designated area or as permitted in section [11-4-7](#) of this title.

Essential services, except transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts, as regulated by section [11-4-5](#) of this title.

Model homes as regulated by section [11-5-10](#) of this title.

Personal wireless service antennas located upon a public or quasi-public structure or existing tower as regulated by [chapter 13](#) of this title.

Temporary outdoor uses as regulated by section [11-5-11](#) of this title. (Ord. 5, 12-14-2006; amd. 2011 Code; Ord. 74, 8-11-2011; Ord. 80, 11-17-2011)

### **11-26A-7: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:**

The following minimum requirements shall be observed in a B-1 district, subject to additional requirements, exceptions and modifications set forth in this title:

Residential Lot Size Requirements

Page 9 of 10

August 28, 2018

A. Lot area: Twenty thousand (20,000) square feet.

B. Lot width: One hundred feet (100').

C. Setbacks:

1. From streets:

a. Principal/minor arterial streets: Sixty five feet (65').

b. Collector streets: Sixty five feet (65').

c. Local streets: Thirty five feet (35').

2. Side yards: Twenty feet (20').

3. Rear yards: Thirty feet (30'). (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

**11-26A-8: BUILDING HEIGHT:**

Structures shall not exceed thirty five feet (35') in height, except as provided in section [11-5-2](#) of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)



601 Main Street  
Elko New Market, MN 55054  
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## MEMORANDUM

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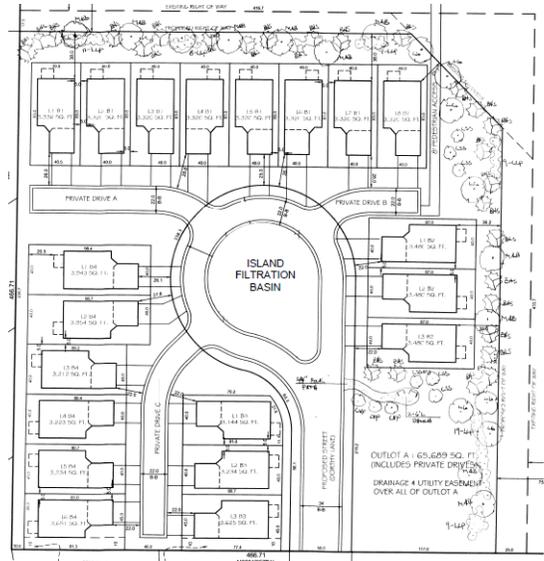
**TO:** CITY COUNCIL, PLANNING COMMISSION, EDA & CHAMBER OF COMMERCE  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**SUBJECT:** COMMUNITY DEVELOPMENT UPDATES  
**DATE:** AUGUST 16, 2018

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### Background / History

The purpose of this memo is to provide updates regarding miscellaneous projects and activities being worked on by Community Development staff. Below is a summary of projects that are currently being worked on, inquiries received, and miscellaneous information:

**Christmas Pines** – The City Council approved the application for final plat approval of Christmas Pines on April 26<sup>th</sup>. This is a residential detached townhome subdivision containing 20 lots. During the month of June the developer contacted City staff to inquire about additional measures to minimize project costs. The City's Parks Commission has offered an alternative to the cash contribution requirement and the City has also agreed to assess some development fees to the lots rather than requiring up-front payments. In August the developer inquired about obtaining an early grading permit, in advance of executing the full development contract. Staff offered that an early grading permit is feasible and offered to prepare the permit/contract. The owner / developer is Onsite Marketing. The plat and development contract need to be signed by the developer; the project has been fully approved by the City.



**Pheasant Hills** – On July 12<sup>th</sup> City staff met with the property owner and a potential developer/contractor who are evaluating the feasibility of this potential residential development. The development had received PUD and preliminary plat approval prior to the recession but was never completed/constructed. The original construction plans from 2006 were reviewed and alternative methods to reduce construction costs were discussed. The owner and developer are continuing to evaluate the financial viability of the project and expect to have further feedback for the City on this topic in late August, 2018.



**Dakota Acres / City Owned Property** – On June 14<sup>th</sup> the City Council approved a purchase agreement for the sale of a 3.1 acre City-owned property in Dakota Acres. The property can reasonably be used for medium or high density residential development. The buyer's intended use of the property is a 56-unit apartment development (three separate buildings). Below is a rendering of a proposed sixteen-unit building. The purchaser is currently in their due-diligence period and staff would expect a closing on the property in approximately September/October, 2018.



**Dakota Acres / Syndicated Properties** – On May 15<sup>th</sup> the City issued building permits to construct 13 townhome units in Dakota Acres. All units contain three bedrooms and are expected to be rental units. Work continues to progress on these 13 units.



**Dakota Acres 1<sup>st</sup> Addition** – On June 26<sup>th</sup> the City's Planning Commission considered a request for rezoning and preliminary plat approval of Dakota Acres 1<sup>st</sup> Addition, a townhome development containing 28 units. The Planning Commission has recommended approval of the development to the City Council. On August 6<sup>th</sup> the developer informed city staff that they ran into a difficulty in the development proforma and are re-evaluating costs associated with the project.



**Elko New Market Retail Center** - There are currently two vacant spaces within the retail center. The owner representative has indicated he expects leases to be signed on those two spaces by the end of August, 2018 and occupied by the end of 2018.



**China City** – The new Chinese restaurant, China City, opened! The City issued the final certificate of occupancy on the interior finish; there are no outstanding items.

**Building Permits** – The City issued permits for one single family home in July, 2018.

**Code Enforcement** – City staff has received 37 complaints from area residents since May of 2018; complaints are typically about the condition of properties in the City. Staff has been working on a number of City Code violations occurring at properties throughout the City.

**Convenience Store Marketing** – Staff emailed demographic and marketing information to the real estate division of Kwik Trip, and also left a voice message.

**Grocery Store Leads** – There are no current grocery store leads. Staff received several inquiries in the spring of 2017; activity regarding these leads has ceased, at least for the time being. Staff provided market information to the mayor for conveyance to HyVee on November 11, 2017

**Industrial Lead** – Ryan Companies is currently working on a large industrial lead for Park I-35, a user that would construct a 1.5 million square foot distribution center. The City has not currently been asked to provide any information for this particular lead; staff was informed of the lead through Ryan Companies. City staff was contacted by a commercial real estate broker seeing 120 acres of industrially zoned land for a warehouse distribution facility. Information was provided about an available site that is properly zoned for such use. City staff submitted information on two potential industrial leads for Park I-35; these leads came through GreaterMSP.

**Ordinance Updates** – Staff has not actively worked on any ordinance amendments/updates over the past month. There has been some initial research (spring 2018) regarding reducing minimum residential lot size requirements and food truck regulations, however, the topics have not advanced due to limited staff resources.

**Roundabout Project** –The City’s Engineering firm, Bolton & Menk, will begin actively working on final engineering design for the project in late August.





601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** MAYOR AND CITY COUNCIL, EDA, PLANNING COMMISSION  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**SUBJECT:** 2018 VACANT LOT INVENTORY: RESIDENTIAL, COMMERCIAL, INDUSTRIAL  
**DATE:** JULY 26, 2018

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### **Background / History**

I have completed an inventory of all vacant lots (residential, commercial, industrial) within the city limits as of July 17, 2018. As part of the analysis I identified only those lots that have municipal utilities available to them and are nearly building permit ready. Attached to this memo are maps showing the vacant lots in each of the three categories.

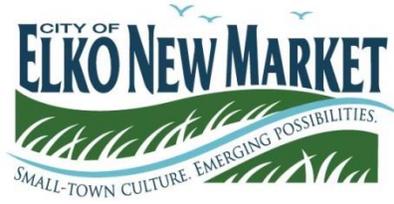
Residential Lots: There are currently a total of 122 vacant residential lots available in the city limits. It is noted that 53 of these platted lots are within the Boulder Heights development and although they are platted, they are not yet ready for construction because the street and utility construction has not been completed. There are 38 lots available for single family home construction and 31 lots available for detached townhome construction (part of an association).

Commercial Lots: There are currently 7 vacant commercial lots available in the city limits. The total acreage of the commercial lots is 27.3 acres. It is noted that all commercial lots identified on the attached map need to be further platted into lots and blocks before being eligible for building permits. With the exception of platting, the lots are relatively close to being building permit ready. All of the identified lots have municipal utilities available to them.

Industrial Lots: There are currently no vacant industrial lots available within the city limits.

### **Staff Recommendation:**

Staff recommends that the City Council, EDA and Planning Commission review the reports as information.



# **City of Elko New Market Vacant Lot Inventory**

**Residential, Commercial & Industrial Properties**

**July, 2018**

## Contacts for Vacant Residential Land

Bernie Mahowald  
612-369-5341  
Owner/developer for various lots in:  
The Farm development (multiple phases)

Luke Israelson  
KJ Walk  
952-826-9068  
Owner/developer for various lots in:  
Boulder Heights development

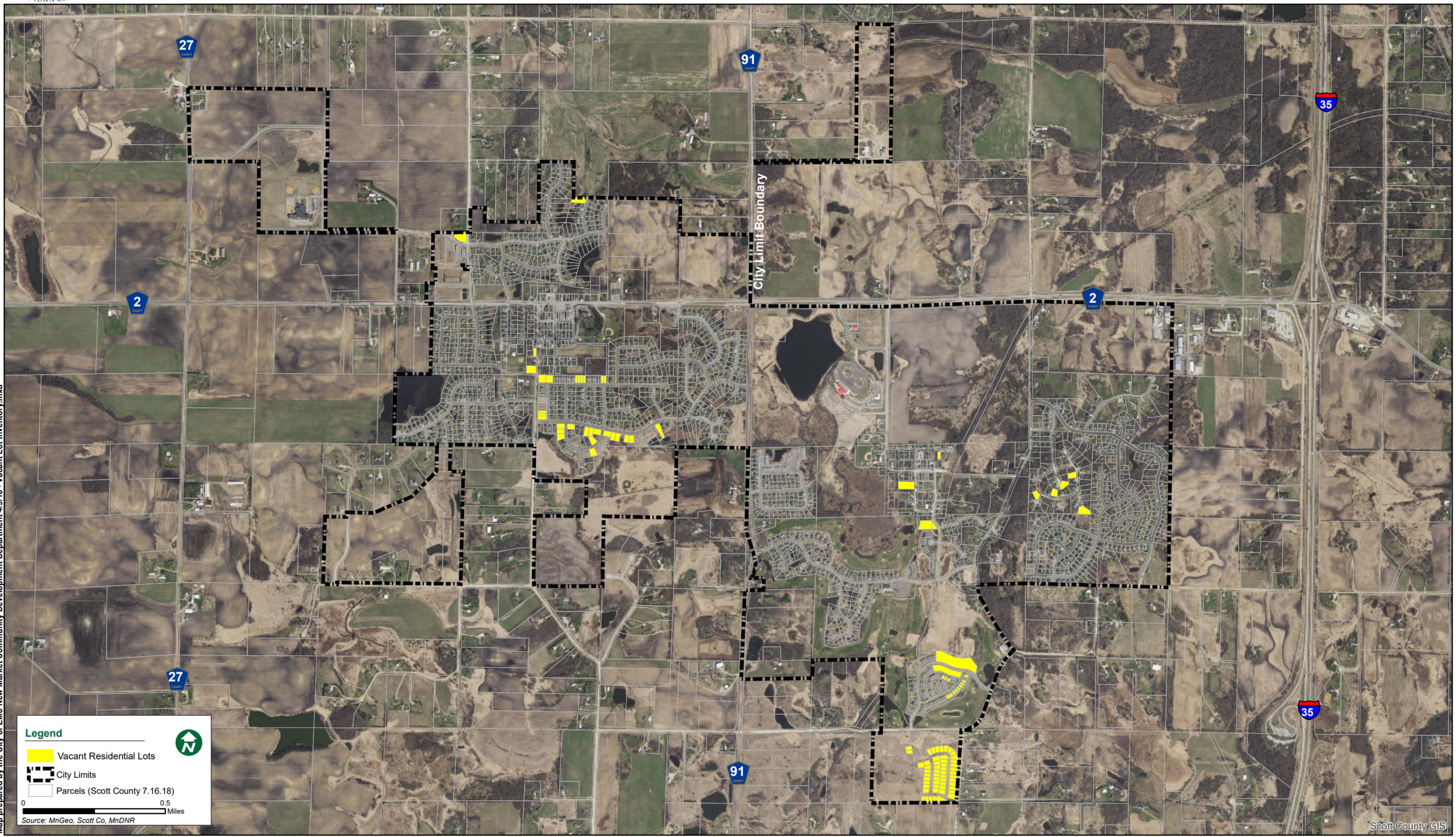
Bjorn Vogen  
RAV Holdings, LLC  
612-393-2123  
Owner/developer for various lots in:  
Boulder Pointe 6<sup>th</sup> & 7<sup>th</sup> Additions

Many local realtors are also able to help in your search as well.

## Contacts for Vacant Commercial Land

1. Dan Ringstad  
New Market Bank  
952-223-2319
2. Bart Winkler  
952-432-7101
3. Linda Zweber  
612-987-1549
4. Linda Zweber  
612-987-1549
5. Dan Ringstad  
New Market Bank  
952-233-2319
6. Northfield Hospital  
Jerry Ehn  
507-646-1515
7. Tom Ryan  
612-282-4330

Map prepared by the City of Elko New Market Community Development Department 4/9/18 - Vacant Lot Inventory.mxd

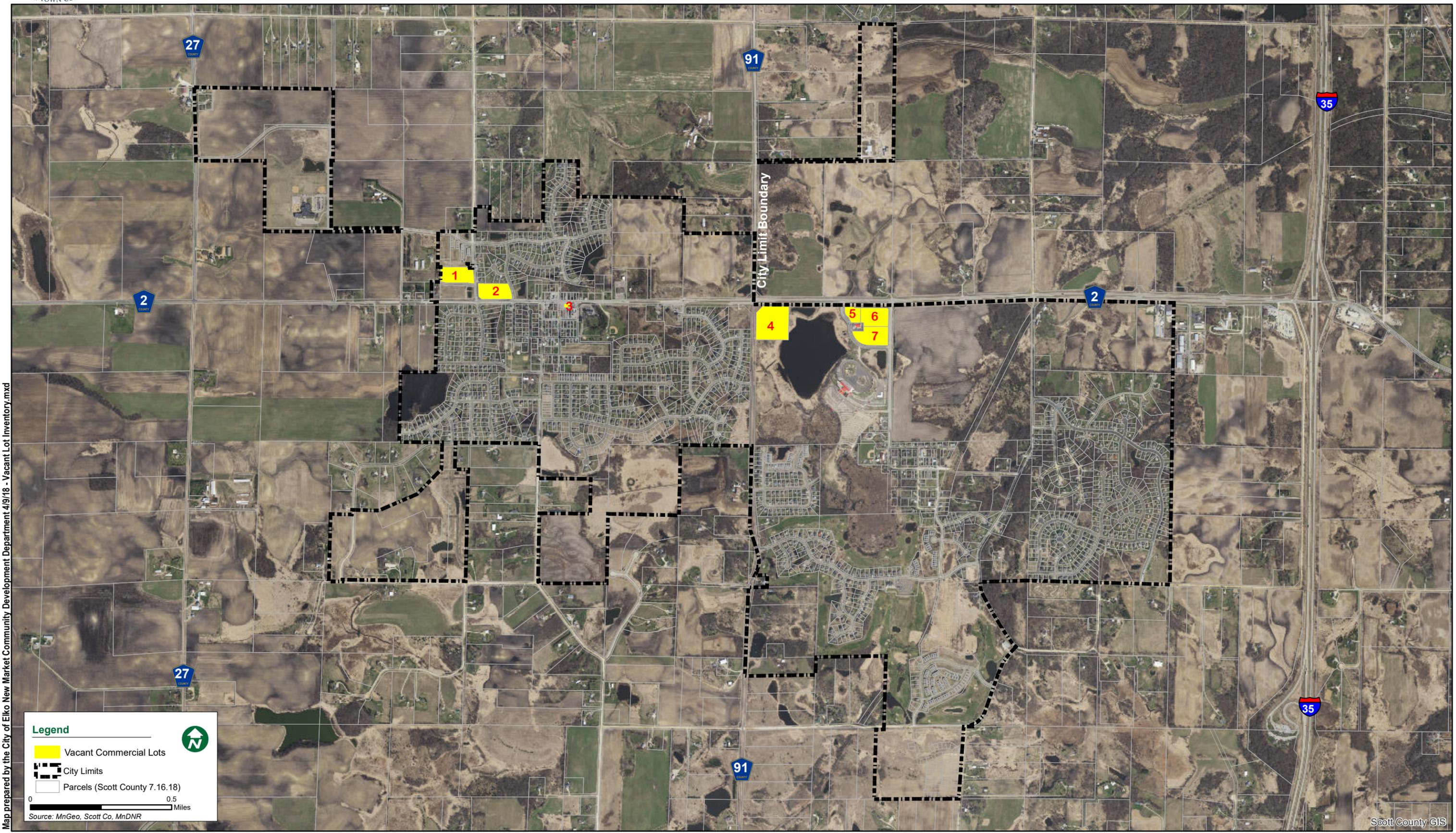


**Legend**

- Vacant Residential Lots
- City Limits
- Parcels (Scott County 7.16.18)

0 0.5 Miles

Source: MnGeo, Scott Co, MnDNR



Map prepared by the City of Elko New Market Community Development Department 4/9/18 - Vacant Lot Inventory.mxd