

# 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: Community Development Specialist Renee Christianson, City Engineer Rich Revering and Consulting City Planner Bob Kirmis



## AGENDA

**TUESDAY, SEPTEMBER 25, 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**
- 6. APPROVAL OF MINUTES**  
Consider Approval of the following:
  - A. August 28, 2018 Meeting Minutes
- 7. PUBLIC HEARINGS**
  - A. Request for Rezoning #R4-2018 – City of Elko New Market, Applicant
  - B. Draft Amendment to Zoning Ordinance – Definitions & Uses in the B1 Zoning District
- 8. GENERAL BUSINESS**
  - A. Draft Amendment to Zoning Ordinance - Residential Lot Size Requirements
- 9. MISCELLANEOUS**
  - A. City Staff/Consultant Business Updates & Reports
  - B. 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**  
**August 28, 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, and Humphrey

Members absent and excused: Vetter and Ex-officio member Anderson

Staff Present: Community Development Specialist Christianson 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 Thompson and seconded by Kruckman to approve the agenda with an amendment to the General Business items A and B, reversing the order of items. Vote for: Thompson, Kruckman, Smith and Humphrey. Against: None. Abstained: None. Motion carried: (4-0).

**4. PUBLIC COMMENT**

There were no public comments.

**5. ANNOUNCEMENTS**

**A. Introduction of Planning Commissioner Thomas Humphrey**

Commissioner Humphrey introduced himself and provided a background for the Commission. All commissioners and staff also provided introductions for Mr. Humphrey.

**6. APPROVAL OF MINUTES**

A motion was made by Smith and seconded by Kruckman to approve the minutes of the June 26, 2018 Planning Commission meeting as written. Vote for: Thompson, Kruckman, Smith and Humphrey. Against: None. Abstained: None. Motion carried: (4-0).

**7. PUBLIC HEARINGS**

**A. None**

**8. GENERAL BUSINESS**

## **A. Office Use in B1 Neighborhood Business District**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated August 28, 2018 regarding “B1 Zoning District - Uses”.

Christianson reported that in 2017 the property where the Elko New Market Retail Center is located was rezoned from PUD to B1, Neighborhood Business District. The purpose of the B1 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”.

Christianson stated that the owner of the retail center had recently contacted city hall regarding proposed office uses in the building, as he has received inquiries from real estate professional, investment firms, attorneys, and the like, who are interested in establishing office space within the building. 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.

Christianson noted that staff disagrees with office uses being required to obtain a conditional use permit in the B1 zoning district, and further stated that any vibrant commercial district includes a mix of uses that support and complement each other. She added there is currently an application fee of \$400, a required escrow of \$1,000, and approximately eight-week processing period for a conditional use permit.

The Commission discussed, and agreed, that the uses currently listed in the B1 Neighborhood Business District as permitted and conditional uses should be simplified. The Commission directed staff to review the current list of permitted and conditional uses and bring back a draft amendment that would simplify uses into Retail, Service, and Office type uses, etc. rather than the currently detailed list of uses.

## **B. Residential Lot Size Requirements**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated August 28, 2018 regarding “Residential Lot Size Requirements”.

Christianson explained that the Commission had begun the discussion regarding the topic of minimum residential lot size requirements in March of 2018 and the topic was brought to the Planning Commission’s attention because staff has repeatedly received feedback from residential developers that the market is demanding smaller lots. Because of Elko New Market’s larger minimum lot size requirement, the City is commonly seeing developer’s asking to develop their properties using PUD zoning rather than utilizing the standard R-1 zoning district requirements. She reviewed specific feedback heard from the Commission regarding the topic at the March 2018 meeting, and noted that there was not a consensus regarding reducing minimum lot size requirements and that there seemed to be three commissioners in support of reducing the minimum lot size requirement and two opposed.

Christianson noted that further research of other community's codes and the Elko New Market code had been completed and the research had been included in the Planning Commission packets. Research of other communities included Apple Valley, Belle Plaine, Burnsville, Eagan, Farmington, Jordan, Lakeville, Lonsdale, New Prague, Prior Lake, Savage and Shakopee.

The City of Elko New Market standards for the existing R1 and R2 districts were reviewed. It was noted and also depicted on a map, that the R2 district has been preserved for existing smaller lot development in an older area of town, while residential developers were directed to the R1 district standards for new residential development (9,000 sq ft lots and 85' lot widths).

Staff noted that in a review of other community's codes such as Farmington and Lakeville, and in speaking with their staff, some cities allow a developer to request from a variety of residential zoning districts. Christianson suggested that, as an alternative to reducing the minimum lot size standards for the R1 zoning district, 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 lot) zoning in other areas. This would give developers some options for smaller lot sizes in certain locations without the need to apply for PUD zoning. It was agreed that PUD zoning has been used most recently primarily as a mechanism to allow smaller lot sizes than allowed in the R1 district.

The estimated cost to construct curb/gutter, street, sanitary sewer and water in front of a residential lot was reviewed, and costs were compared between varying lot sizes/widths (ranging from 60' in width to 85' in width). Also compared was the potential difference in the number of lots that could be created based on the varying lot widths. City Engineer Revering stated that the potential difference in costs and potential revenues could easily equate to a project being economically viable or not.

The Commission held significant discussion on the topic. It was suggested that, should the Commission support a developer's flexibility to apply for either R1 or R2 zoning, changes to the minimum standards in the R2 district be made and that clarifying language be added to both the Comprehensive Land Use Plan and the R1 & R2 district "purpose" to further clarify where the City would support the use of such zoning districts. It was further suggested that the R2 district standards be amended to include a minimum lot size of 8,400 square feet and a 70' minimum lot width.

- Chairman Thompson stated that smaller lot sizes help to avoid urban sprawl and make homes more affordable.
- Commissioner Kruckman stated concern that many ramblers do not fit on the smaller lots and that she supports larger lot sizes.
- City Engineer Revering stated that there has been paradigm shifts over the last hundred years and that there is currently a paradigm shift to allow smaller lots.
- Commissioner Humphrey stated that, with changing the R2 district standards, it allowed for the right lot size options.

- Commissioner Smith stated that he supported the idea that a developer could apply for R1 or R2 zoning and that the use of PUD zoning would likely be minimized.
- Chairman Thompson stated that PUD zoning can greatly increase the cost of home construction by requiring improved home standards such as brick/stone, for example.

After further discussion, the Commission directed staff draft amendments to the City's Zoning Code and Comprehensive Plan as follows:

- Change the minimum standards in the R2 district to 8,400 square foot minimum lot size and 70' minimum lot width.
- Add clarifying language to both the Comprehensive Land Use Plan and also the R1 and R2 district "purpose" to further clarify where the City would support the use of R1 and R2 zoning.
- Review the standards of the R3 district to possibly include an option for a single family detached home as a permitted use, on a potential 50' lot width.

## 9. MISCELLANEOUS

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

Community Development Specialist Christianson made reference to her memorandum dated August 16, 2018 (included in the Planning Commission meeting packet) which provided updates on various City projects.

### B. Vacant Lot Inventory

Community Development Specialist Christianson made reference to her memorandum date July 26, 2018 regarding the 2018 Vacant Lot Inventory for Residential, Commercial and Industrial lots.

## 10. ADJOURNMENT

A motion was made by Thompson and seconded by Smith to adjourn the meeting at 8:37 p.m. Vote for: Thompson, Kruckman, Smith and Humphrey. Against: None. Abstained: None. Motion carried: (4-0).

Submitted by:



Renee Christianson  
Community Development Specialist



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  
**REQUEST:** REQUEST FOR REZONING #R4-2018 TO REZONE PROPERTY FROM PUD, PLANNED UNIT DEVELOPMENT, TO R4, HIGH DENSITY RESIDENTIAL  
**DATE:** SEPTEMBER 25, 2018  
PLANNING COMMISSION MEETING: SEPTEMBER 25, 2018  
CITY COUNCIL MEETING: OCTOBER 11, 2018  
60-DAY REVIEW DEADLINE: NA / CITY INITIATED

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### **Background / History**

The City of Elko New Market owns a piece of property along the south side of James Parkway that had been approved for a town home development prior to the recession. The original development included 71 townhome units and was planned to be developed/platted in multiple phases. The first phase, which was platted as Dakota Acres, contained 21 lots / townhome units. Eight of those units were constructed before the recession and the remaining thirteen are currently under construction. The original 71-unit development was approved by way of PUD zoning.

The original developer (2006) defaulted on assessments against the property and the City ultimately ended up with possession of the undeveloped portions of the property. The City has since sold a portion of the property to Syndicated Properties for townhome development (proposed as Dakota Acres 1<sup>st</sup> Addition) and the City currently has a purchase agreement on the final remaining undeveloped parcel which consists of 3.19 acres. The purchaser is Global Properties, LLC.

One condition of the purchase agreement is that the buyer have reasonable assurance that they will be able to use the property for their intended use. Global Properties is planning to construct apartment buildings on the property. To provide the reasonable assurances, the purchaser has requested that the City rezone the property to R4 High Density Residential as a condition of the sale. The R4 zoning district allows multiple-family dwelling structures containing more than eight units as a permitted use.

### **Neighborhood Conditions**

- To the south of the subject property is a vacant lot that had been approved for multi-family townhome development prior to the recession.
- To the east of the subject property are multi-family townhome units, and detached single family homes beyond the townhomes.
- To the north of the subject property is undeveloped land and one rural residential property. These properties are located outside of the City limits but within the City's planned growth area.

- To the west of the subject property is a rural residential property and vacant farmland beyond that. These properties are located outside of the City limits but within the City’s planned growth area.

Rezoning the property from the current PUD (townhome) zoning to RH High Density Residential is generally compatible with the surrounding land uses.

**Legal Description**

The property legal description is:

Outlot C, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota, EXCEPT that part lying easterly of the east line of Outlot D, said Dakota Acres, and its southerly extension.

AND

Outlot D, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota.

**Comprehensive Land Use Plan**

The city’s current (2030) comprehensive land use plan guides the property to a “Residential Mixed Use” land use designation. The comprehensive plan contains the following language regarding Residential Mixed Use:

*“This “Residential Mixed Use” development pattern is based on the Low Density Residential District. However, this District is characterized by a greater proportion of non-single family detached homes at higher densities than the Low Density Residential District. This District is intended to provide an opportunity to create population centers and to accommodate the demand for lifecycle and affordable housing located near activity areas and transportation corridors. The dominant housing form will be single family detached homes (75%). Single family attached homes and multi-family residences are expected to represent 25% of the housing opportunities within the development, and may include townhomes, apartments, and senior residential facilities. Single family attached dwellings will be allowed as permitted uses. Dwellings containing over 4 units should be allowed as conditional uses and may be mixed with detached homes in Planned Unit Developments. Commercial uses will be allowed in a Planned Unit Development if the use provides a service to the neighborhood, or creates a buffer between a residential area or public space and a road or more intensive use. Support facilities that are compatible with neighborhoods and accessory uses are allowed within this District. The guided density in this land use designation is 8 units per net acre, with a range between 5 and 15 units per net acres.”*

The proposed rezoning of the property to RH High Density Residential meets the intent of the 2030 Comprehensive Land Use Plan which identifies that multiple family housing is expected to represent 25% of the housing opportunities within this land use designation and may include townhomes, apartments and senior residential facilities.

It is also noted that the draft 2040 Comprehensive Land Use Plan guides the subject property to a High Density Residential land use.

**Zoning / Rezoning**

The property is currently zoned PUD. A brief description of the currently approved PUD is as follows:

In 2006 the City approved a PUD for the Dakota Acres property to allow a 71 unit townhouse development, of which only eight units were constructed. (A copy of the approved layouts is shown at the end of this memo.)

Rezoning the property to R4 High Density Residential will change the zoning regulations that currently apply to the property. The currently approved land use, setbacks, regulations, site plan, etc would be released upon rezoning the property to R4, and the standard R4 district requirements would then apply. Attached is a copy of the R4 district standards. **Multiple family dwellings containing more than 8 units are permitted uses in the R4 zoning district.**

Section 11-3-8(C) of the City Code contains a list of criteria that the Planning Commission should consider in making recommendations pertaining to zoning amendments. The Code further states that the requirements shall to apply to such proposed amendments that are initiated by the City Council or Planning Commission. Staff wants to make the Planning Commission aware of the general criteria that are typically to be considered, as follows:

*11-3-8(C). Criteria: The Planning Commission shall consider possible effects of the proposed amendment. Its judgement shall be based upon, but not limited to, the following factors:*

- 1. The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official City Comprehensive Plan.*
- 2. The proposed use is or will be compatible with present and future land uses of the area.*
- 3. The proposed use conforms with all performance standards contained in this title.*
- 4. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.*
- 5. Traffic generation by the proposed use is within the capabilities of streets serving the property.*

**Staff believes that rezoning the property to RH is consistent with the purposes of the Comprehensive Plan, compatible with adjacent land uses, and meets the criteria as stated in Section 11-3-8(C) of the City Code.**

### **Lot Size Requirements**

The property contains 3.19 acres and is currently platted as two Outlots. The minimum lot size in the R4 district is 15,000 square feet and a minimum lot width of 85'. **The property will meet the minimum lot size requirements in the R4 zoning district.**

### **Setbacks**

The required setbacks in the R4 District that would apply to this property are 30' from the periphery. **The proposed lot contains sufficient building area within the required R4 setbacks.**

### **Miscellaneous Design Requirements – Section 11-25D-8 (R4)**

The current PUD zoning that applies to the property allowed certain townhome building designs that do not meet the City's current design requirements for the R4 zoning district. Below are photographs of buildings that would be permissible under the current PUD zoning. Rezoning the property would impose upon the property a higher design standard than currently allowed. It is important to note that if the rezoning to R4 is approved, the Planning Commission may not have input on the future building design if it is proposed to meet the standard R4 requirements.



Permitted Building Design #1 (under current PUD)



Permitted Building Design #2 (under current PUD)

### **Miscellaneous**

The purchaser of the property is currently proposing to construct two apartment buildings on the property (24-unit and 36-unit). Rezoning the property to R4 High Density Residential provides security to the purchaser that he will be able to use the property as he intends. Staff sees no drawbacks to rezoning the property.

### **Staff Recommendation:**

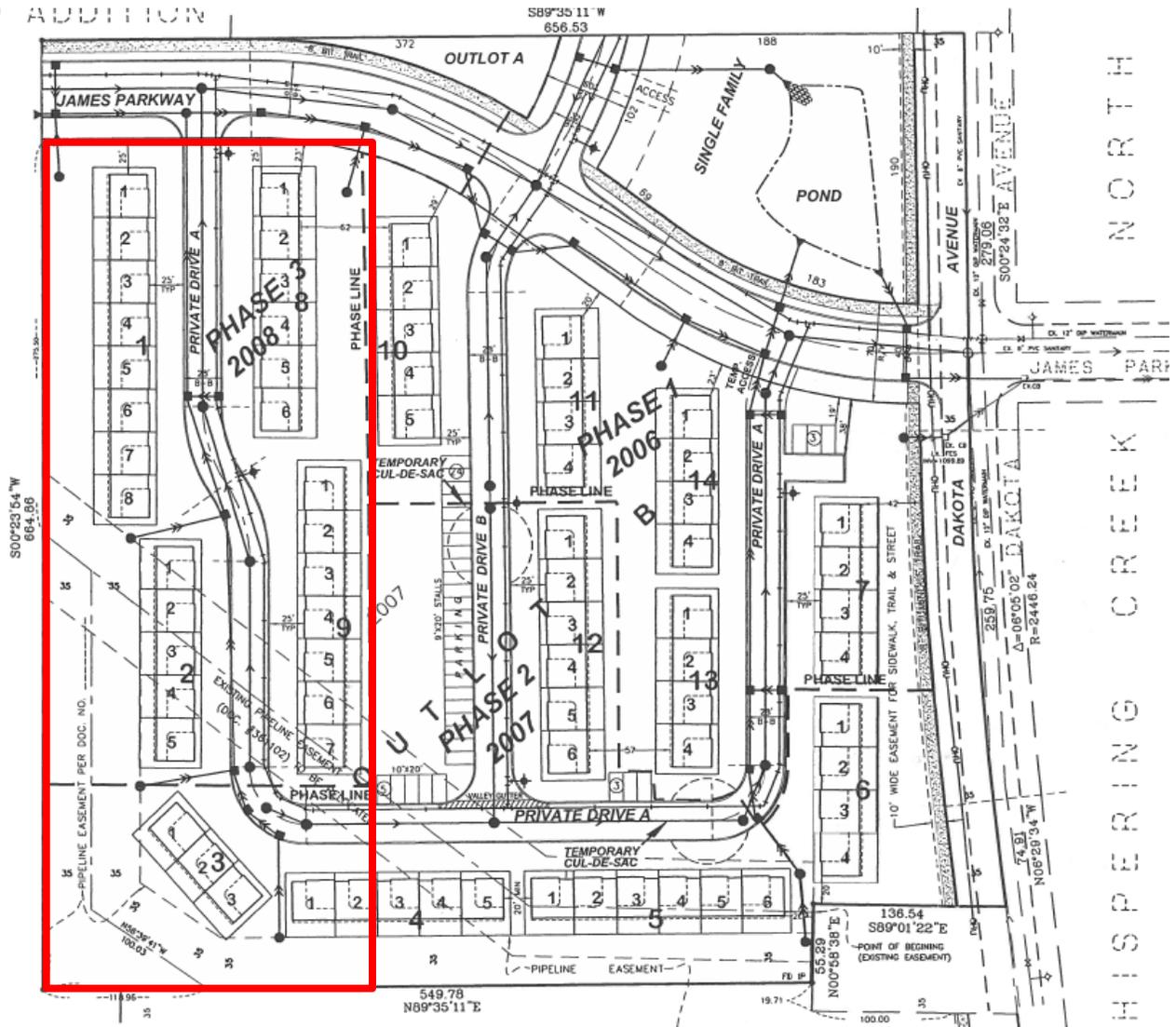
**Staff recommends approval of the request for Rezoning #R4-2018 to rezone the property from Planned Unit Development (PUD) to High Density Residential (R4) for the following reasons:**

1. Rezoning of the property to R4 is consistent with the City's Comprehensive Plan which guides the property to a Residential Mixed Use land use Category, and the Residential Mixed Use land use category provides for development of multi-family housing.
2. The proposed R4 zoning of the property is compatible with adjacent land uses.
3. The City's existing infrastructure can accommodate multi-family development on the property.
4. The site borders on a City minor collector street which can adequately handle traffic from high density residential development.

### **Attachments:**

Approved PUD layouts for Dakota Acres  
R4 Zoning District Standards  
Zoning Map  
2030 Comprehensive Land Use Map  
2040 Draft Comprehensive Land Use Map

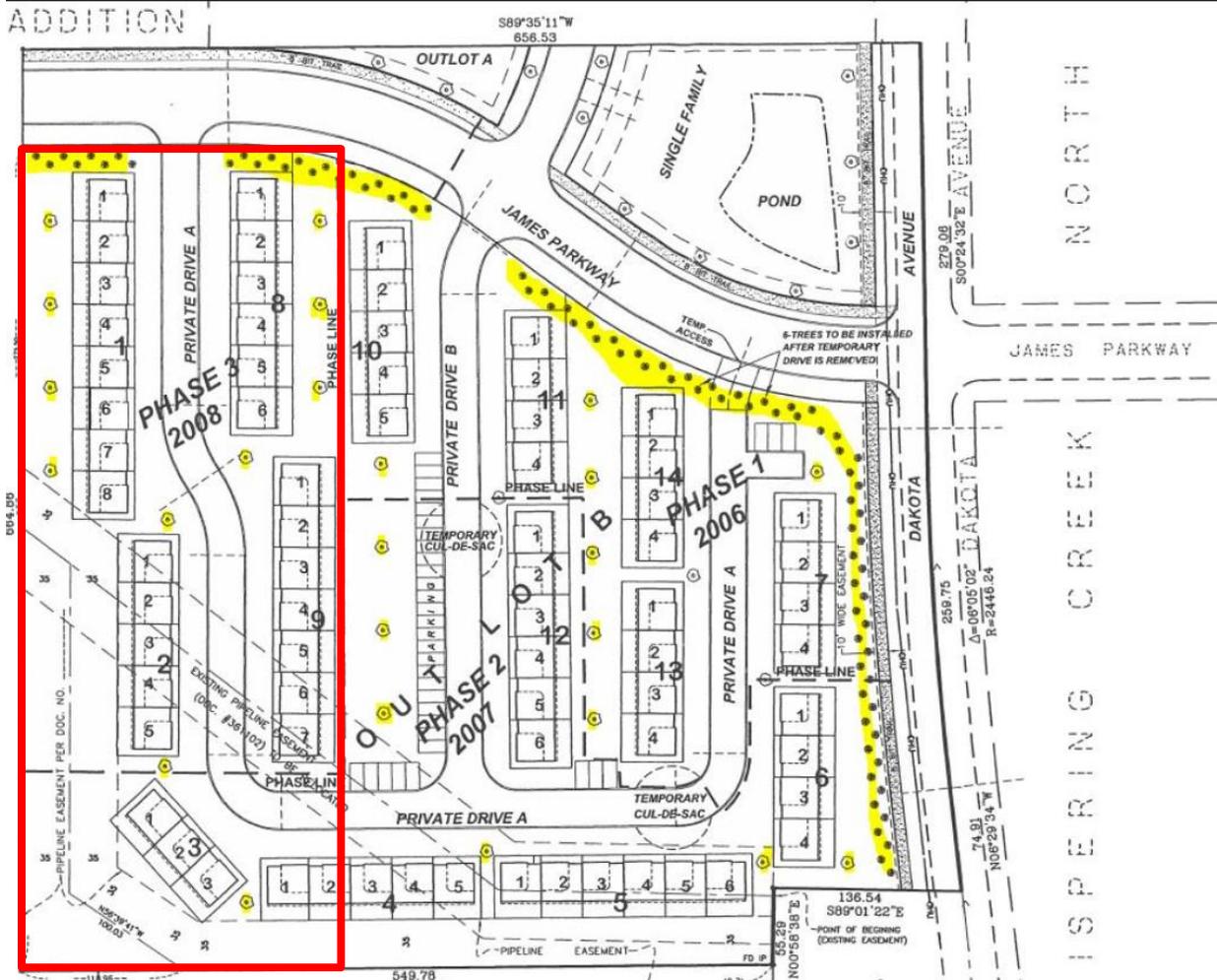
D ADDITION



NORTH

HISPERING CREEK

Currently approved development plan



- ☉ SHADE TREES ( Deciduous ) TOTAL = 38
  - ☀ EVERGREENS ( Coniferous ) TOTAL = 77
- 6 of the 77 Evergreens to be Installed after the Temporary Drive is Removed.

**Currently approved landscape plan**



Street View of Property – from James Pkwy, looking south



Aerial View of Property

# ARTICLE D. R-4 HIGH DENSITY RESIDENTIAL DISTRICT

## 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 ( $1/2$ ) 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.

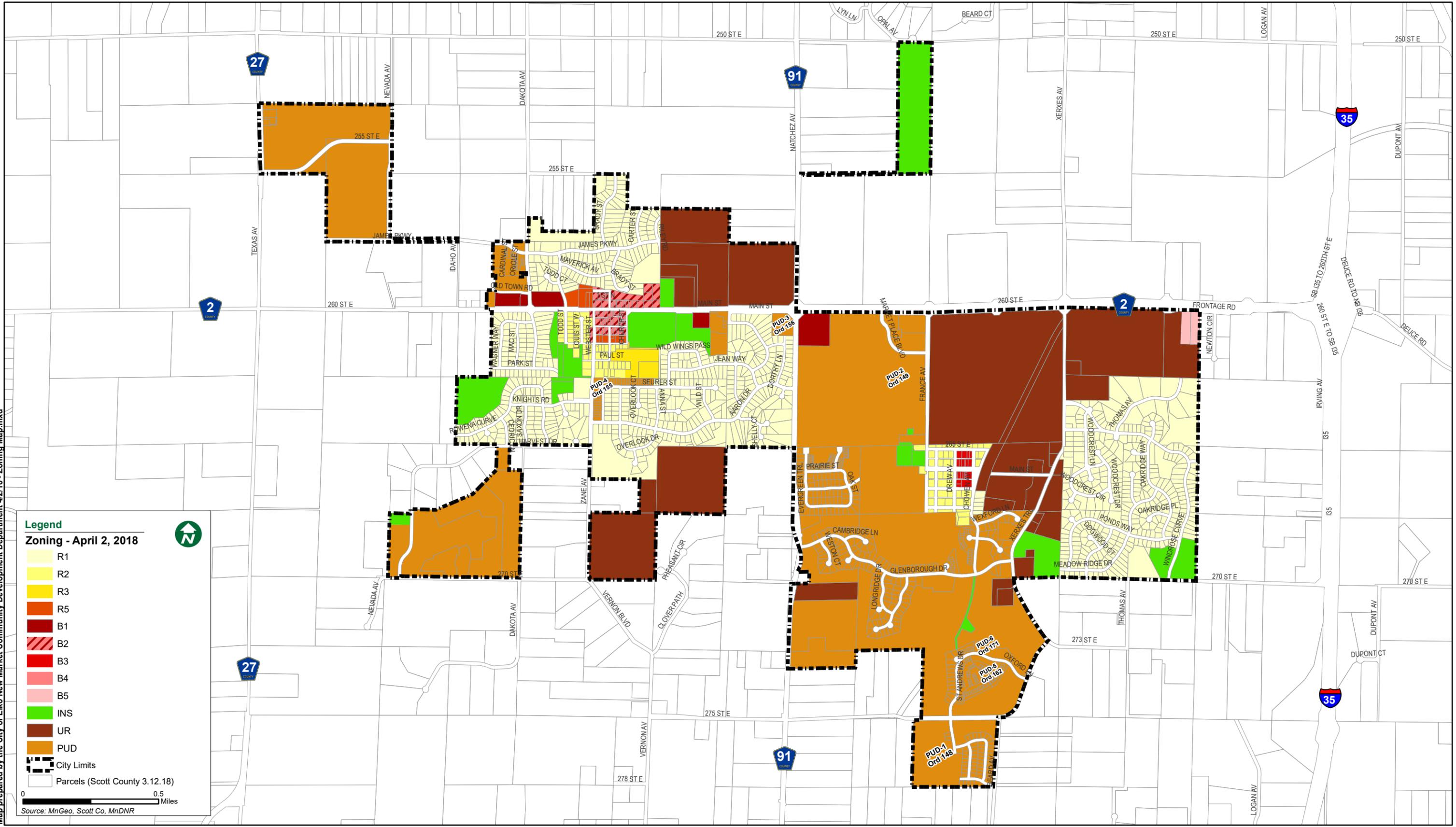
D. Internal Setbacks: The following minimum internal setbacks shall be imposed on medium density developments that include more than one principal structure on a base lot:

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)

Map prepared by the City of Elko New Market Community Development Department 4/2/18 - Zoning Map.mxd



**Legend**

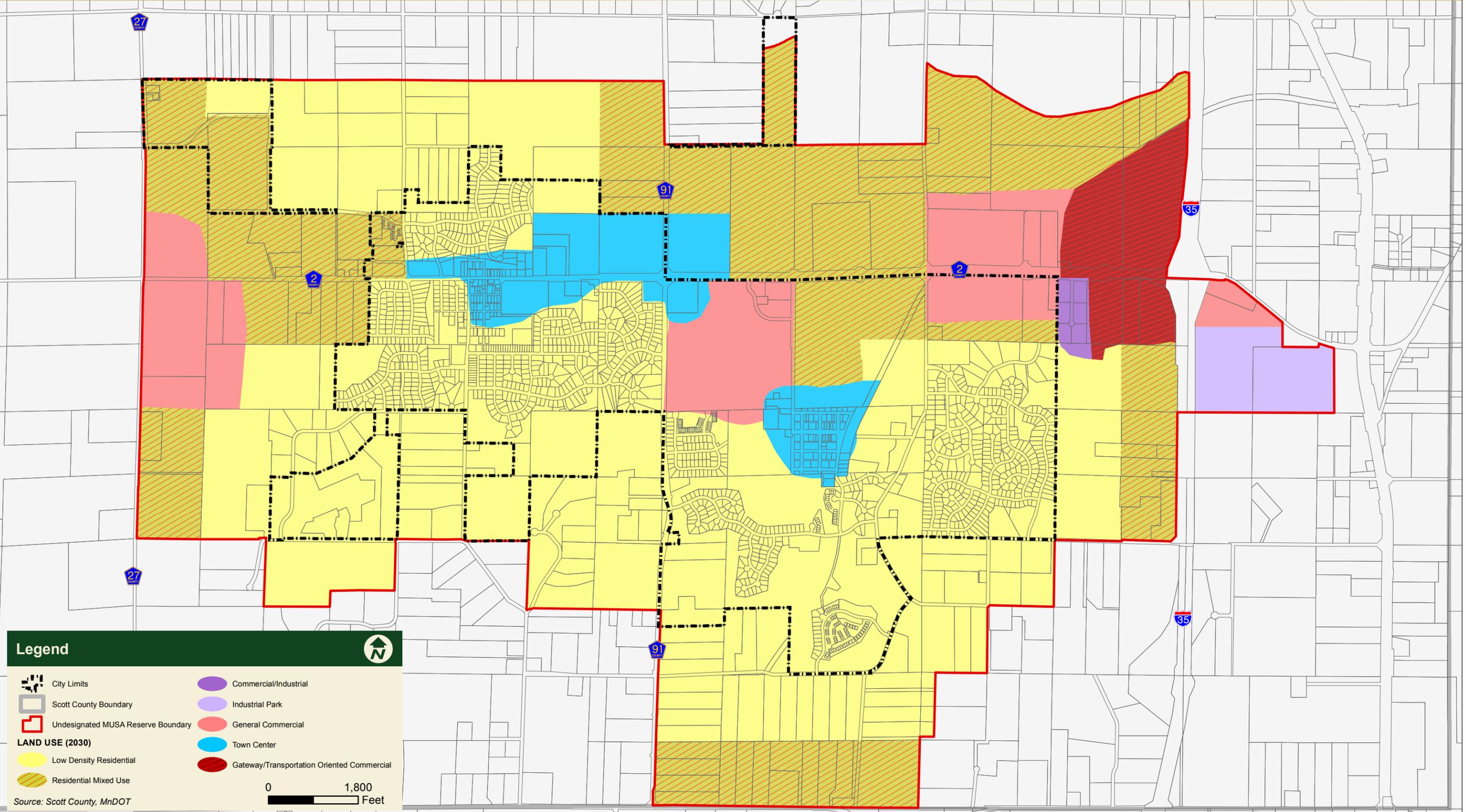
**Zoning - April 2, 2018**

- R1
- R2
- R3
- R5
- B1
- B2
- B3
- B4
- B5
- INS
- UR
- PUD
- City Limits
- Parcels (Scott County 3.12.18)

0 0.5 Miles

Source: MnGeo, Scott Co, MnDNR

Map Document: \\METROSOUTH\GIS\ELNM\Basemap\ESRI\Maps\_Basemaps\ELNM\_2030\_CompPlan\_Update\_11x17.mxd | Date Saved: 9/10/2015 8:10:57 AM



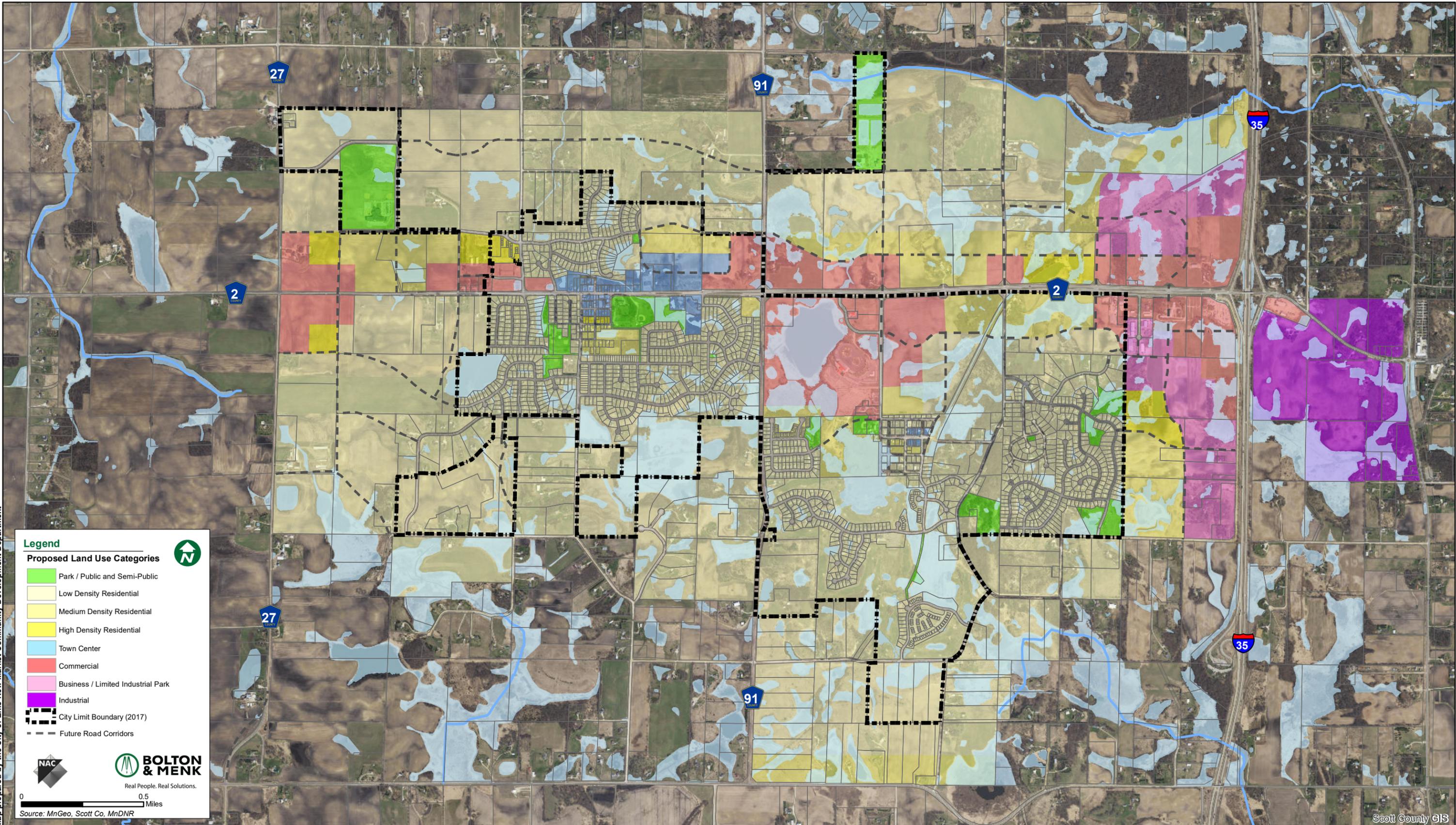
**Legend**

City Limits	Commercial/Industrial
Scott County Boundary	Industrial Park
Undesignated MUSA Reserve Boundary	General Commercial
<b>LAND USE (2030)</b>	
Low Density Residential	Town Center
Residential Mixed Use	Gateway/Transportation Oriented Commercial

0 1,800 Feet

Source: Scott County, MnDOT

Map prepared by the City of Elko New Market Community Development Department



**Legend**

**Proposed Land Use Categories**

- Park / Public and Semi-Public
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Town Center
- Commercial
- Business / Limited Industrial Park
- Industrial
- City Limit Boundary (2017)
- Future Road Corridors

**BOLTON & MENK**  
 Real People. Real Solutions.

0 0.5 Miles

Source: MnGeo, Scott Co, MnDNR



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:** PROPOSED ZONING ORDINANCE AMENDMENT  
DEFINITIONS AND B1 ZONING DISTRICT - USES  
**DATE:** SEPTEMBER 25, 2018

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### **Background / History**

At the August Planning Commission meeting staff introduced the topic of simplifying the list of permitted and conditional uses in the B1 Neighborhood Business zoning 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.”

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. The Commission agreed at the August Planning Commission meeting that Office uses should be a permitted use rather than a conditional use in the B1 district. In addition, it was suggested that the list of many various retail uses be simplified into a more generic “Retail” category.

Attached are the proposed changes to Section 11-26A of the City Code, related to the B1 Neighborhood Business District and also Section 11-2-2 Definitions. The proposed changes can be summarized as follows:

- Deleted the many individually listed retail and service type uses listed as permitted uses in the B1 district
- Added as permitted uses in the B1 district:
  - Clinics
  - Daycare facilities
  - Essential services, except transmission lines...
  - Office uses
  - Personal wireless service antennas located on a public structure or existing tower
  - Personal services
  - Physical recreation or training
  - Restaurants, fast food

- Restaurants, sit down
- Retail establishments
- Service establishments
- Sexually oriented business, accessory
- Sexually oriented business, principal
- Added Convenience Store as a conditional use
- Changed Daycare Facility from a conditional use to a permitted use
- Changed Office Uses from a conditional use to a permitted use
- Changed Essential services from needing administrative permit to permitted use
- Added definition for Clinic
- Deleted definition of Daycare Nursery and added definition for Daycare Facility
- Amended definition of Office Use
- Added definition for Physical Recreation or Training
- Added definition for Recreation, Commercial
- Deleted definition of Retail Sales and added definition for Retail Establishment
- Added definition for Service Establishment

The proposed changes will make it easier for certain businesses to locate within the B1 zoning district without needing a conditional use permit and will also clean up some of the currently listed definitions.

**Requested Action**

The Planning Commission is being asked to hold a public hearing on the proposed ordinance amendment. If the Commission is comfortable with the proposed changes, a recommendation for approval should be made to the City Council.

**Attachments**

- Proposed Changes to Section 11-2-2 Definitions
- Proposed Changes to Section 11-26A B1 Zoning District Standards

## **PROPOSED CHANGES TO SECTION 11-2-2 DEFINITIONS:**

CLINIC: Any establishment where human patients are examined, diagnosed or treated by licensed practitioners, and does not involve overnight stays. For this purpose, a licensed practitioner includes physicians, dentist, osteopaths, chiropractors, optometrists, psychologists, therapists, and physical therapists.

### DAYCARE NURSERY:

- ~~A. Any state licensed facility as defined by Minnesota statutes section 245A.02, subdivision 10, as it may be amended, or home where children under twelve (12) years of age who are not members of the family or the superior or custodian in charge:~~
- ~~1. Meet or are scheduled to meet regularly for more than one day a week, for all or part of the day; and,~~
  - ~~2. Need either to be watched or cared for while their parent or guardian is otherwise engaged, or to afford themselves opportunities for physical, social, emotional or intellectual growth.~~
- ~~B. This term shall not include hospitals, Sunday schools, facilities under the direction of an established and accredited school system, facilities used for club or organization meetings when such club or organization regularly meets no more than once a week, or casual babysitting.~~

DAYCARE FACILITY: Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "nonresidential programs" as defined by Minnesota statutes section 245A.02, subdivision 10.

OFFICE USE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations including attorneys, financial advisors, consultants, insurance and other uses of similar character. This includes administrative services provided to persons both on-site and off-site, and on a walk-in or appointment basis.

PHYSICAL RECREATION OR TRAINING: A business that provides physical exercise, training or recreation equipment or space for use on site. Health and fitness centers and clubs, dance studios, karate facilities and gymnastics facilities shall be considered examples of such use. Training or self-improvement shall be an important component of the activity, which is differentiated from commercial recreation uses, where sports are the predominate activity.

RECREATION, COMMERCIAL: Includes all uses such as tennis courts, ball fields, picnic areas and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a private enterprise for the purpose of providing recreation.

~~RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.~~

RETAIL ESTABLISHMENT: Establishments displaying and selling products produced off site intended for sale directly to the consumer within a building or portion of a building.

SERVICE ESTABLISHMENT: An establishment that provides labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks, copy centers, barber/beauty salons, tanning salons, laundromats, dry cleaners, funeral homes and mortuaries, animal grooming, appliance repair tailor shop, travel bureaus or other uses of similar character.

**PROPOSED CHANGES TO SECTION 11-26A – B1 NEIGHBORHOOD BUSINESS DISTRICT:**

**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)~~

### Clinics

#### Daycare facilities

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

#### Office uses

Personal wireless service antennas located on a public structure or existing tower as regulated by chapter 13 of this title

#### Personal services

#### Physical recreation or training

Restaurant, fast food (without drive-through facilities)

#### Restaurant, sit down

#### Retail establishments

#### Service establishment

Sexually oriented business, accessory, subject to the provisions of section 11-5-16 of this title

Sexually oriented business, principal, subject to the provisions of section 11-5-16 of this title

Veterinary clinic (without animal kennels)

### **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.

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 day care 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 and Convenience stores; 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. ~~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:

- 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  
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:** SEPTEMBER 25, 2018

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### Background / History

At the both the March and August 2018 Planning Commission meeting there was discussion regarding minimum residential lots 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 current lot requirements in these districts is as follows:

	R1 District	R2 District
Minimum Lot Size	12,000 sq ft	10,000 sq ft
Minimum Lot Width	85’	50’
Front Yard Setback	30’	30’
Side Yard Setback	10’	10’
Rear Yard Setback	30’	30’
	<i>*Applying the minimum lot size and width requirement would result in a minimum lot depth of 141’</i>	<i>*Applying the minimum lot size and width requirement would result in a minimum lot depth of 200’</i>

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 for new developments, the City is commonly seeing developer’s requesting 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.

The topic was discussed at the March meeting, where mixed feedback regarding the topic was received. Staff was directed to complete additional research on the topic, which was presented to the Commission at the August 2018 meeting. Comments received from the Planning Commission at each meeting are captured in the attached meeting minutes. The Planning Commission ultimately agreed that City policy documents

should be amended to reflect that a developer have the option of applying for either R1 or R2 zoning for their proposed single-family residential subdivisions. The Commission further recommended changes to the current R2 district standards. It was specifically noted that the Planning Commission would intend to guide the R2 zoning (smaller lots) closer to transportation corridors, higher density housing or commercial areas, while the R1 zoning (larger lots) could be guided in other areas. These changes would provide developers options for smaller lots without needing to apply for PUD zoning. The Commission further agreed that PUD zoning should, going forward, not be used primarily for the purpose of allowing deviations from minimum lot size requirements.

Following discussion on the topic, the Commission directed staff to draft amendments to the City's Zoning Code and Comprehensive Plan as follows:

- Change the minimum standards in the R2 district to 8,400 square foot minimum lot size and 70' minimum lot width.
- Add clarifying language to both the Comprehensive Land Use Plan and also the R1 and R2 district "purpose" to further clarify where the City would support the use of R1 and R2 zoning.
- Review the standards of the R3 district to possibly include an option for a single family detached home as a permitted use, on a potential 50' lot width.

### **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 what minimum lot standards were in place. The research is contained in the attached table which summarizes the various zoning districts and minimum standards from other cities. 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** - R1 & R2 districts are not being used and have not been used since the early 1990's. Most developments are coming in as as PUD's or R3 district. They typically try to keep lot sizes above 8,000 sq ft. PUD trade-offs are often a mix of housing styles, more sidewalks, more trees, public art. Have really tried to achieve a mix of housing options for the PUD's. Trying to achieve some affordable housings. 65' lot widths are typical for a smaller lot development, and some lots are 60' wide, and even as small as 52' in some cases. Extra lot depth required near major roads (140').
- **Belle Plaine** - Will be addressing the minimum lot size issue after comp Plan is adopted. Have done PUD's for public benefit which has been defined quite loosely. PUD's have been used to create some smaller lots than allowed in R1 district. City would like to see PUD's used to create a variety of housing options, additional park land, improved landscaping.
- 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) New Prague only allows development using the RL90 zoning district standards, or PUD overlay. They do not allow a developer to apply for RL84 or RL70 zoning for new developments; those districts are strictly for existing/older.
- **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.

### **Infrastructure Costs / Revenues**

Infrastructure costs for varying lot widths were reviewed at the August Planning Commission meeting. The City Engineer estimates that the 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. Staff also estimated potential gross revenues based on the number of lots that could be created (based on the varying lot widths), as shown below. It can be concluded that the difference in potential revenues based on varying lot widths can be the deciding factor in whether a project is economically viable.

- 62 (85') Lots @ \$75,000 = \$4,650,000
- 70 (75') Lots @ \$72,500 = \$5,075,000
- 75 (70') Lots @ \$72,500 = \$5,437,500

- 81 (65") Lots @ \$70,000 = \$5,670,000

**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 has prepared (below) draft amendments to the current zoning ordinance, 2030 Comprehensive Land Use Plan and the (draft) 2040 Land Use Plan, as directed by the Planning Commission at the August 2018 meeting. If the Commission concurs with the draft changes as shown below, the Commission should direct staff to prepare for a public hearing on the matter at the earliest possible Planning Commission meeting.

**Attachments**

- March 27, 2018 PC Meeting Minutes
- August 25, 2018 PC Meeting Minutes
- Research Summary Table - Residential Lot Size / Zoning District
- Proposed Zoning Ordinance and Comprehensive Plan Amendment

## 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. The R-1 zoning district is intended for those properties containing unique physical features worthy of preservation, or those areas not located near major transportation corridors, higher density housing, commercial zoning districts, or historic residential development centers. (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.

Residential Lot Size Requirements

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- 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 in areas of the community that are located near major transportation corridors, higher density housing, commercial zoning districts, or historic residential development centers.

(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 ~~(40,000~~ **8,400**) square feet.

B. Lot width: Fifty feet (~~50'~~ **70'**).

C. Setbacks:

1. Front yard: Thirty feet (30').
2. Side yard:
  - a. Interior: Five feet (~~5'~~ **7'**).
  - 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 single or multiple-family structures that satisfies the following planning objectives:

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

(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.~~

Single family dwelling units

Two family dwelling units

Townhouses and condominiums, up to eight attached units

Apartments, up to eight attached units.

(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.

#### A. Minimum Lot Area:

- |  |                                     |
|--|-------------------------------------|
| 1. Single family:                      | 7,000 square feet                   |
| 2. Two family units:                   | 7,000 square feet per unit          |
| 3. Three through eight unit buildings: | 3,000 square feet per dwelling unit |

#### B. Minimum Lot Width

100 feet for multi-unit buildings
50 feet for single family dwelling units

#### C. Minimum Front Yard Setback:

25 feet from public right-of-way
20 feet from back of curb line of private drives

#### D. Minimum Side Yard Setback:

10 feet for multi-unit buildings
7 feet for single family dwelling units

- E. Minimum Rear Yard Setback: 20 feet
- F. Setback Between Buildings: For lots with more than one principal structure on a base lot, the setback between buildings shall be a minimum of 20 feet.
- G. Wetland Setback: 40 feet from delineated edge

(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:

Apartments containing more than eight (8) attached units

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

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').
- H. 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)

- A. Minimum Lot Area:
  - 1. Two family units: 7,000 square feet per unit
  - 2. Multi-unit buildings: 2,000 square feet per dwelling unit
- B. Minimum Lot Width: 100 feet
- C. Minimum Front Yard Setback: 30 feet from public right-of-way  
20 feet from back of curb line of private drives
- D. Minimum Side Yard Setback: 30 feet
- E. Minimum Rear Yard Setback: 30 feet
- F. Setback Between Buildings: For lots with more than one principal structure on a base lot, the setback between buildings shall be a minimum of 20 feet.
- G. Wetland Setback: 40 feet from delineated edge

**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)

## Proposed 2030 Comprehensive Plan Language Amendment:

### Low Density Residential District

#### 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~~ **may** 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.
- **Smaller residential lots may be permitted in areas closer to major transportation corridors, higher density housing or commercial areas, while larger residential lots may be guided to other areas or areas containing unique physical features.**
- 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~~ **8,400** – 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.



## Proposed 2040 Comprehensive Plan Language Amendment:

### **Low Density Residential District**

#### 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.
- Smaller residential lots may be permitted in areas closer to major transportation corridors, higher density housing or commercial areas, while larger residential lots may be guided to other areas or areas containing unique physical features.
- 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 8,400 – 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.

### **Medium Density Residential**

#### Objective:

This land use classification is characterized by medium residential densities that provide opportunities for a variety of detached single family and attached residential housing options. The land use designation is intended to provide alternative housing options which address the City's life cycle housing needs. Medium density residential developments are often established as transitional uses between low density residential uses and greater intensity uses such as high density residential and commercial. At the present time, this land use designation corresponds with the R3 zoning district.

### Development Location Criteria:

- The location and characteristics of a proposed medium density residential development will be based upon consideration of several factors including, but not limited to, topography, geography, existing development (character of the surrounding area) and market conditions.
- Development of attached homes and multiple family dwellings is appropriate near major parks (open space), along collector roadways, near commercial centers and employment centers.
- The wide range of possible housing styles and design options make medium density residential housing a suitable transition between lower and higher intensity adjacent uses.

### Density:

Residential densities with a range between 5 and 10 units per net acre.

### Minimum Requirements for Development:

- Lot sizes vary depending upon the number of units contained within the residential structures, as regulated in the City's Zoning Ordinance. Minimum lot areas per dwelling unit range from ~~5,000 to 7,500~~ 3,000 to 7,000 square feet per unit.
- Specific design and construction standards are typically imposed upon medium density residential developments including standards related to exterior building finishes, garage construction and size, guest parking and open space requirements.

### Typical Uses:

~~Single-family, two-family dwellings, three-plexes, four-plexes and~~ townhouses/condominiums and apartment buildings which do not exceed eight units per building are considered permitted uses in this land use category. Manufactured home parks may also be allowed by conditional use permit.

Residential Lot Size Comparison / Research - August 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	Talked to Alex. R1 & R2 districts are not being used and have not been used since the early 1990's. Most developments are coming in as as PUD's or R3 district. They typically try to keep lot sizes above 8,000 sq ft. PUD trade-offs are often a mix of housing styles, more sidewalks, more trees, public art. Have really tried to achieve a mix of housing options for the PUD's. Trying to achieve some affordable housings. 65' lot widths are typical for a smaller lot development, and some lots are 60' wide, and even as small as 52' in some cases. Extra lot depth required near major roads (140').
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	Talked with Cynthia. Will be addressing the minimum lot size issue after comp Plan is adopted. Have done PUD's for public benefit which has been defined quite loosely. PUD's have been used to create some smaller lots than allowed in R1 district. City would like to see PUD's used to create a variety of housing options, additional park land, improved landscaping.
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.	District allows only two family 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'				
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 R1S/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, but R1S (smaller lots) are allowed in certain situations.
Eagan	R-1S, 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	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'				
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	Spoke with Lucinda. 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 duplexes 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.	Talked with Ken. New Prague only allows development using the RL90 zoning district standards, or PUD overlay. They do not allow a developer to apply for RL84 or RL70 zoning for new developments; those districts are strictly for existing/older areas of town. Minimum lot sizes are typically 9,000 sq ft and typically seeing a minimum of 70' lot widths.
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, townhouses 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 an 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)	Talked with Brian Tucker. 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 townsites areas only.
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	

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

## **A. Office Use in B1 Neighborhood Business District**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated August 28, 2018 regarding “B1 Zoning District - Uses”.

Christianson reported that in 2017 the property where the Elko New Market Retail Center is located was rezoned from PUD to B1, Neighborhood Business District. The purpose of the B1 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”.

Christianson stated that the owner of the retail center had recently contacted city hall regarding proposed office uses in the building, as he has received inquiries from real estate professional, investment firms, attorneys, and the like, who are interested in establishing office space within the building. 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.

Christianson noted that staff disagrees with office uses being required to obtain a conditional use permit in the B1 zoning district, and further stated that any vibrant commercial district includes a mix of uses that support and complement each other. She added there is currently an application fee of \$400, a required escrow of \$1,000, and approximately eight-week processing period for a conditional use permit.

The Commission discussed, and agreed, that the uses currently listed in the B1 Neighborhood Business District as permitted and conditional uses should be simplified. The Commission directed staff to review the current list of permitted and conditional uses and bring back a draft amendment that would simplify uses into Retail, Service, and Office type uses, etc. rather than the currently detailed list of uses.

## **B. Residential Lot Size Requirements**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated August 28, 2018 regarding “Residential Lot Size Requirements”.

Christianson explained that the Commission had begun the discussion regarding the topic of minimum residential lot size requirements in March of 2018 and the topic was brought to the Planning Commission’s attention because staff has repeatedly received feedback from residential developers that the market is demanding smaller lots. Because of Elko New Market’s larger minimum lot size requirement, the City is commonly seeing developer’s asking to develop their properties using PUD zoning rather than utilizing the standard R-1 zoning district requirements. She reviewed specific feedback heard from the Commission regarding the topic at the March 2018 meeting, and noted that there was not a consensus regarding reducing minimum lot size requirements and that there seemed to be three commissioners in support of reducing the minimum lot size requirement and two opposed.

Christianson noted that further research of other community's codes and the Elko New Market code had been completed and the research had been included in the Planning Commission packets. Research of other communities included Apple Valley, Belle Plaine, Burnsville, Eagan, Farmington, Jordan, Lakeville, Lonsdale, New Prague, Prior Lake, Savage and Shakopee.

The City of Elko New Market standards for the existing R1 and R2 districts were reviewed. It was noted and also depicted on a map, that the R2 district has been preserved for existing smaller lot development in an older area of town, while residential developers were directed to the R1 district standards for new residential development (9,000 sq ft lots and 85' lot widths).

Staff noted that in a review of other community's codes such as Farmington and Lakeville, and in speaking with their staff, some cities allow a developer to request from a variety of residential zoning districts. Christianson suggested that, as an alternative to reducing the minimum lot size standards for the R1 zoning district, 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 lot) zoning in other areas. This would give developers some options for smaller lot sizes in certain locations without the need to apply for PUD zoning. It was agreed that PUD zoning has been used most recently primarily as a mechanism to allow smaller lot sizes than allowed in the R1 district.

The estimated cost to construct curb/gutter, street, sanitary sewer and water in front of a residential lot was reviewed, and costs were compared between varying lot sizes/widths (ranging from 60' in width to 85' in width). Also compared was the potential difference in the number of lots that could be created based on the varying lot widths. City Engineer Revering stated that the potential difference in costs and potential revenues could easily equate to a project being economically viable or not.

The Commission held significant discussion on the topic. It was suggested that, should the Commission support a developer's flexibility to apply for either R1 or R2 zoning, changes to the minimum standards in the R2 district be made and that clarifying language be added to both the Comprehensive Land Use Plan and the R1 & R2 district "purpose" to further clarify where the City would support the use of such zoning districts. It was further suggested that the R2 district standards be amended to include a minimum lot size of 8,400 square feet and a 70' minimum lot width.

- Chairman Thompson stated that smaller lot sizes help to avoid urban sprawl and make homes more affordable.
- Commissioner Kruckman stated concern that many ramblers do not fit on the smaller lots and that she supports larger lot sizes.
- City Engineer Revering stated that there has been paradigm shifts over the last hundred years and that there is currently a paradigm shift to allow smaller lots.
- Commissioner Humphrey stated that, with changing the R2 district standards, it allowed for the right lot size options.

- Commissioner Smith stated that he supported the idea that a developer could apply for R1 or R2 zoning and that the use of PUD zoning would likely be minimized.
- Chairman Thompson stated that PUD zoning can greatly increase the cost of home construction by requiring improved home standards such as brick/stone, for example.

After further discussion, the Commission directed staff draft amendments to the City's Zoning Code and Comprehensive Plan as follows:

- Change the minimum standards in the R2 district to 8,400 square foot minimum lot size and 70' minimum lot width.
- Add clarifying language to both the Comprehensive Land Use Plan and also the R1 and R2 district "purpose" to further clarify where the City would support the use of R1 and R2 zoning.
- Review the standards of the R3 district to possibly include an option for a single family detached home as a permitted use, on a potential 50' lot width.

## 9. MISCELLANEOUS

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

Community Development Specialist Christianson made reference to her memorandum dated August 16, 2018 (included in the Planning Commission meeting packet) which provided updates on various City projects.

### B. Vacant Lot Inventory

Community Development Specialist Christianson made reference to her memorandum date July 26, 2018 regarding the 2018 Vacant Lot Inventory for Residential, Commercial and Industrial lots.

## 10. ADJOURNMENT

A motion was made by Thompson and seconded by Smith to adjourn the meeting at 8:37 p.m. Vote for: Thompson, Kruckman, Smith and Humphrey. Against: None. Abstained: None. Motion carried: (4-0).

Submitted by:



Renee Christianson  
Community Development Specialist