

## CHAPTER 14: LAND USE DEVELOPMENT CODE

### Section 1415: RESIDENTIAL DISTRICTS

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#### **1415.01. GENERAL REQUIREMENTS FOR ALL RESIDENTIAL DISTRICTS.**

The following sections/subdivisions shall apply to all Residential Districts, except as otherwise provided in sections 1415.11, 1415.12, 1415.13, and 1415.14.

The use must be of similar nature to the listed PERMITTED AND CONDITIONAL USES EXHIBIT for Residential Districts, consistent with the Intent of the District and found not to be detrimental to the general health and welfare of the city. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for what type of use will govern.

##### **Subd. 1. Certificate of Occupancy.**

- (a) No land may be occupied or used, and no structure that is erected, reconstructed, or structurally altered may be occupied or changed in use, in whole or in part, for any purpose unless a certificate of occupancy has been issued by the City Building Official.
- (b) Every application for a residential building permit is also deemed an application for a certificate of occupancy.
- (c) **Temporary Certificate.** If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, he/she may issue a temporary Certificate of Occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

In the case where a temporary certificate of occupancy is issued by the Building Official, the property owner shall deposit with the city sufficient

funds for completion of all items left outstanding. All remaining items shall be completed within the time specified by the Building Official.

**Subd. 2. Approval of Governing Body.** All plans for the improvement, development, alteration or expansion and use of any property situated in any district shall be examined and approved by the Zoning Administrator, Building Official, or by the governing body prior to the issuance of any permit whatsoever.

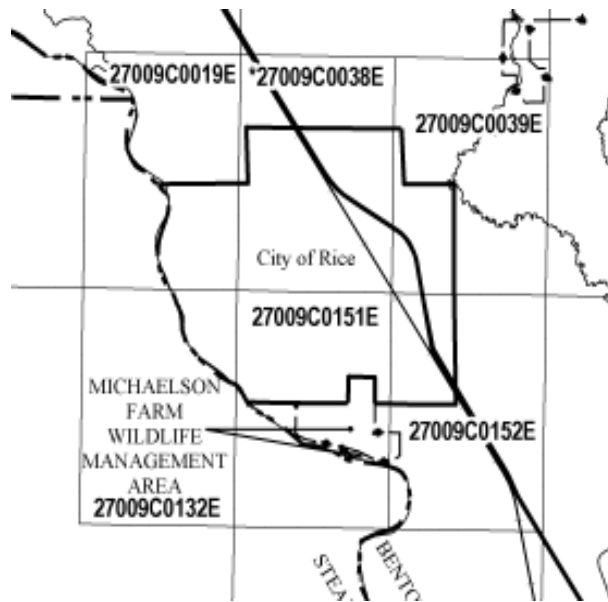
**Subd. 3. Public Hearing & Fee.** All public hearings referred to in this ordinance shall be held by the City after notice of the time and place of such hearing has been published in accordance with the legal requirements of the municipality. All public hearings will be held by the City and shall conform to the procedures set forth in this Ordinance. The application fee, and fees for special meetings or hearings, is outlined in the City of Rice Fee schedule, as amended from time to time.

**Subd. 4. Conformance with Municipal Thoroughfare Plan.** No building permit shall be issued and no structure shall be placed, nor land subdivided, in such a way as to interfere with the future platting or construction of streets or roads as shown on the street plan if such plan exists, or is amended, or adopted in the future.

**Subd. 5. Obstruction of View.** No wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained that may cause danger to traffic on a street or public way by obscuring the view. Any such wall, fence or structure shall be placed within the property line, and located so as not to obstruct the line of sight with respect to oncoming traffic or where it is necessary to main a clear sight triangle, in which case the over story of any vegetation in the sight triangle of an intersection may not be more than three feet high or extend below ten feet above the critical street level as determined by the City Engineer or the City's Superintendent of Public Works.

**Subd. 6. Land Subject to Flooding.** All development or redevelopment of land that is located within the flood plain shall occur in conformance with the Rice Flood Plain Management Ordinance plan if such plan exists, or is amended, or adopted in the future. Land subject to flooding within the City of Rice shall be as designated by FEMA panels: 27009C0019E, 27009C0032E, 27009C0038E, 27009C0039E, 27009C0051E, and 27009C0052E.

**Subd. 7. Antennas, Satellite Dish Antennas, and Towers.** The purpose of this subdivision is to establish provisions for the installation of non-commercial antennas, satellite dish antennas, and towers so that the owners may enjoy the benefits of such structures without detriment to the health, safety, aesthetics, or adverse impact on the property values of others. Antennas shall be



allowed to be placed in a position to receive usable signals. Signal strength capable of providing receiver quality equivalent to reception from a local commercial stations or cable television shall be deemed usable signal strength.

- (a) The antennas shall be located on an existing structure, if possible, and shall not extend more than twenty-five feet above the highest point of the roof of the building or structure. In the event an antenna or tower is to be mounted on a free standing base, the maximum height of the tower or antenna shall be thirty-five feet, and the base, and any overhang and/or supportive devices shall be at least ten feet from the property line.
- (b) Not more than one antenna shall be allowed in any single family residential district lot. More than one antenna may be allowed by conditional use permit if the property owner holds a valid amateur radio license and is using the antennas for experimentation or non commercial use.
- (c) In all residential districts, antennas shall be located and designated to reduce visual impact from surrounding properties and public streets.
- (d) If a useable signal is not obtainable under the provisions of this ordinance, the applicant may request a variance.
- (e) Antennas and satellite dish antennas may be placed on the roof of a building in accordance with the Uniform Building Code requirements and accepted engineering standards.

**Subd. 8. Solar Collectors.** Solar collectors shall adhere to the setback requirements of the District in which they are placed and, if possible, shall be located on an existing building or structure. When placed on the roof of structures, solar collectors shall be subject to height requirements of the District in which they are located. When considering a variance for the placement of solar collectors, Minnesota Statutes, Section 462.357, provides that lack of sufficient solar access may be considered as a legitimate hardship.

**Subd. 9. Windmills.** Windmills exceeding fifteen (15) feet in height shall require a conditional use permit as provided in this Ordinance.

**Subd. 10. Removal of Topsoil & Appearance of Land.** No person shall strip, excavate, or otherwise remove topsoil for sale, or for the use other than on the premises from which the same is taken, except in connection with the construction or alteration of a building on said premises and excavating or grading incidental thereto, except as provided elsewhere in this Ordinance.

**Subd. 11. Building Line Established by Development.** In platted areas, where buildings on more than thirty percent (30%) of the lots on the same street on that block have been constructed with front yard setbacks less than those described as minimum in this Ordinance, the setback line for subsequent construction shall be a straight line drawn between the points closest to the street line of the residences on either side. However this subdivision shall not be interpreted to require a greater front yard setback than the established as a minimum front yard setback for that district. When the street is curved the line shall follow the curve of the street rather than a straight line.

**Subd. 12. Corner Lots.** In residential districts where the rear boundary lines of a corner lot is part of the side yard boundary line of another residential lot, no part of any structure or building on the corner lot shall be nearer to its side lot line (long side) than 15'. The front yard (short side) required minimum front yard setback (30') or the setback established by existing structures. In the case of a narrow corner lot where compliance with would give an impracticable depth to a structure or building, the City Council may permit the construction of such structure as near to the side street lot line as will give a practicable depth after the matter has been considered by the city's Planning Commission and they have given their recommendations to the City Council. (See **Definitions; "Yard, Front"**)

**Subd. 13. Double Frontage.** On doubled frontage lots, the required front yard shall be provided on both streets.

**Subd. 14. Height Exemptions.** Height Limitations set forth in this Ordinance shall not apply to church spires, cupolas, water towers, observation towers, flag poles, chimneys, smoke stacks, commercial radio and television towers, grain elevators, and similar construction unless, in the opinion of the Building Official, such construction might be dangerous or in other ways detrimental to surrounding property in which case a conditional use permit shall be required.

**Subd. 15. Parking.** Parking shall be regulated by the Off Street Parking and Loading Ordinance.

**Subd. 16. Fire Escapes.** Fire escapes may not extend into the front yard.

**Subd. 17. Building Relocation.** To maintain a high standard of residential development, and to protect such areas from deleterious effects, relocated buildings shall meet the following specified requirements:

- (a) The Building Official will inspect the building proposed to be moved, to ascertain whether it meets the standards prescribed in this Ordinance and the State of Minnesota Building code. If the building does not comply, it shall be made compliant and the applicant must obtain a conditional use permit, before the Building Official shall issue a building permit.
- (b) Each location of a relocated building shall require a conditional use permit from the governing body and all such buildings shall conform with and be situated in a properly zoned area in accordance with all provisions of the Ordinance and the building code.
- (c) The Planning Commission shall report to the Council whether the structure will be compatible with other development in the area. If the Council concurs with the decision of the Planning Commission that a structure would depreciate properties in the area into which it is to be moved, the Council may withhold issuance of a permit for such relocation. The Building Official shall submit a report concerning structural soundness and improvements that should be made if the building is relocated. The applicant shall submit photographs taken from two (2) or more angles of the structure to be moved and photos of

the lot on which the structure is to be located together with adjacent lots and structures.

- (d) The application for a permit or conditional use permit to move a building may be granted or denied by the governing body.
- (e) These requirements do not apply to the construction of shed or other temporary structures to be located on a lot for eighteen (18) months or less.

**Subd. 18. On-Site, Private Sewer Systems.** New onsite systems, either sewer or water, shall not be permitted within any Residential Districts after the date of adoption of this ordinance if City utilities are available. In the event an onsite system that was in existence prior to the adoption date of this ordinance, fails or is required to be replaced, such replacement shall not be permitted if City utilities are available as regulated by the City's Municipal Water and Municipal Wastewater Ordinances.

In the case where City Municipal Water and/or Sewer services are not available, new and existing onsite private systems shall comply with the requirements of the City's Municipal Water and Municipal Wastewater Ordinances, as amended, and of Minnesota Rules (MCAR) 7080. Except that the following minimum standards shall apply:

- (a) Minimum tank capacity will be 1000 gallons.
- (b) Drain field and soil treatment sites must be sized according to MCAR 7080 except that disposal sites shall have a minimum size that meets the requirements for a three bedroom home.
- (c) All drain field site(s) must be properly protected at the time of platting and/or before construction begins at the property.
- (d) In any new developments, whether single-family dwelling developments or Multi-family housing developments, particularly in Rural Residential areas where municipal water and sewer services may not be available or the connection of such services would be cost prohibitive, a Community Sewer and Water System is required.

**Subd. 19. Riparian Lots.** In any zoning district where a parcel of land is contiguous to a lake or pond exceeding 5 acres below the ordinary high water level, either natural or man-made, and said parcel also abuts a platted right of way dedicated to the for the purpose of developing a public or private roadway, such parcel may be considered as a Double Frontage Lot if the following conditions are met:

- (a) The parcel has at least 70 lineal feet of water frontage and a lot depth of at least 100 feet for each dwelling unit or each single-family unit to which riparian use privileges are extended or dedicated, and
- (b) The parcel has a width of 33 feet or more at the right of way.

## 1415.02. STRUCTURES AND ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS

### Subd. 1. Dwelling Unit Requirements

All dwellings, manufactured and modular single-family dwellings constructed or established after the adoption of this Code shall meet the following criteria:

1. The dwelling and manufactured or modular single-family dwelling shall have a minimum length and width of twenty (20) feet at all points, providing that such measurements shall not include overhangs and other projections beyond the principal exterior walls. No dwelling shall have less than nine hundred and sixty square feet of finished, livable floor space or a foundation footprint of less than six hundred (600) square feet;
2. The dwelling, manufactured or modular single-family dwelling shall include an attached or detached private garage on the lot;
3. The dwelling shall comply with the state building code and the manufactured or modular single family dwelling shall comply with applicable Minnesota Statutes.

### Subd. 2. Dwelling Unit Restrictions

1. The purpose of this Section is to maintain neighborhood property values and otherwise promote health, safety, order and general welfare while providing for manufactured homes in safe, attractive, residential neighborhoods with all urban services and desired amenities as other residential dwellings.
2. Single family detached dwelling units, which shall include manufactured or modular homes meeting the regulations of this Section, shall be governed by the following regulations:
  - a. All dwellings shall be anchored by being placed on State Building Code compliant frost footings or permanent foundation (solid for the complete circumference of the dwelling) that meets the requirement of the State Building Code. (**see Definitions, "Foundations"**)
  - b. The pitch of the main roof shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run (or shall have a pitched main roof). The roof shall have eaves of not less than six inches and be covered with shingles, tiles, or standing seam metal roofing's. Non-painted galvanized sheet roofs of corrugated or ribbed metal, shall not be permitted or those of similar appearance.
  - c. Dwelling units shall have exterior siding of a conventional exterior dwelling type material. Metal siding must have horizontal edges and overlap in sections no wider than twelve (12) inches. Sheet metal siding is not permitted. All units shall have exterior siding extending to within six (6) inches of the grade and overlap concrete by two (2) inches.
3. No manufactured home shall be located outside of a manufactured home park located in the designated district unless it is in compliance with this subdivision and

with Sections 327.31 - 327.35 of Minnesota Statutes and the requirements of this Ordinance.

4. In the event of a denial of a building permit based on the requirements of this subdivision the matter may be referred to the governing body. The governing body may refuse to grant a permit for the construction or location of any building in such a manner as to significantly diminish neighboring property values or otherwise impair the health, safety and welfare of the community. The governing body shall have the additional power to require appropriate screening to the extent that such screening sufficiently ameliorates deficiencies of any design or construction.

### **Subd. 3. Accessory Structures, Standards in Residential Districts**

All accessory structures or buildings constructed or established in Residential Districts after the adoption of this Code shall meet the following criteria:

1. **No accessory building**, other than a garage, shall be located within any yard other than the rear yard.
2. **Swimming Pools & Spas.** Where noncommercial swimming pools with a capacity of over five thousand (5,000) gallons are constructed in residential districts, building permits are required and they shall be regulated by the Minnesota State Building Code. Pools are permitted in the rear yard only, and must be at least five (5) feet from any lot line. Spas are permitted in the rear and side yards only, and must be located at least five (5) feet from any lot line. All outdoor spas require a safety cover.
3. **Air Conditioning Units.** All air conditioning units excluding window units shall not be located within the front yard.
4. **Attached Accessory Buildings.** If an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building.
5. **Detached Accessory Buildings.** A detached accessory building shall not be placed closer than six (6) feet from the main structure, and shall not be placed closer to the public right-of-way than the front of the principal structure on the lot. They shall also:
  - a. Not cause the maximum allowed impervious area to be exceeded in the district, and
  - b. Be no more than two detached buildings per lot or exceed the maximum aggregate square footage permitted in the district in which they are placed.
6. **Doghouses, children's playhouses, tree houses** and other similar buildings that are less than fifty (50) square feet in total area are not included in the maximum number of detached buildings allowed or in lot coverage requirements.

7. **Homogenous Design.** In all residential districts, accessory buildings must be consistent with the architecture and design of the principal building. Consistency of design includes use of the same palette of materials as the principal building, roofing, roof pitch, trim and colors.
8. **Gazebos.** Gazebos are permitted in the rear yard, provided they comply with the following:
  - a. Each wall of the gazebo is at least twenty-five percent (25%) open.
  - b. Gazebos are limited to twelve feet in height, as measured to the peak of the roof. The gazebo platform must be no higher than four (4) feet above grade. Gazebos are limited to one hundred twenty (120) square feet in area.
  - c. The gazebo must be set back a minimum of five (5) feet from any lot line.

### **1415.03. SETBACKS.**

For specific setback requirements by Zoning District, refer to the Specific Requirements for the Zoning District in which any building or structure is to be placed.

#### **Subd. 1. Setback Exemptions.**

The following shall not be considered as encroachments on setback requirements:

- (a) **Twenty-five Percent Occupancy.** When more than twenty-five (25) percent of the frontage on one side of the street between intersections is occupied by structures having setbacks from street rights-of-way that are greater or lesser than required by this ordinance, the average setback of all existing buildings between the intersections, or to a distance of two hundred (200) feet in either direction, whichever is closer, shall be maintained by all new or relocated structures.
- (b) **Other:** In Residential districts. For lots platted before this ordinance with widths between 75 feet and 50 feet, setbacks shall be determined by the Zoning Administrator to reflect established setbacks in the neighborhood in which the structure is located.
- (c) On lots with structures that were built prior to the adoption of this ordinance, setbacks shall be determined by the Zoning Administrator to reflect established setbacks in the neighborhood in which the structure is located.

### **1415.04. FENCES IN R-1, R-2 DISTRICTS.**

1. **Corner Lots:** No fence, structure, building, hedge, or planting shall rise over four (4) feet in height above the level of the public sidewalk within fifteen (15) feet of any side street right-of-way corner or thirty (30) feet of any front property line where it will interfere with traffic or pedestrian visibility across the driveway, alley, or street.



2. Fences shall not exceed the following heights. (The \* means to refer to General Provisions, Section 1400, "Definitions.")
  - a. Front Yard\* - Maximum Height – four feet (4'); Setback zero feet (0')
  - b. Side Yard\* - Maximum Height – six feet (6'); Setback zero feet (0')
  - c. Rear Yard\* - Maximum height – six feet (6'); Setback zero feet (0')
  - d. Alley\* - Maximum Height – six feet (6'); Setback two feet (2')
3. Fences that are provided for tennis courts shall be allowed a maximum height of ten feet (10'). The fence shall not exceed twenty-five percent (25%) opacity.
  - a. Fences exceeding six (6') in height will require a variance and a building permit. Fences exceeding six (6) feet in height will be regulated by the governing body and Minnesota Building Code.
4. Setback requirements from easements. Fences or over story vegetation may be located with zero feet (0') setback from any easement, provided that the property owner bears all removal costs of said fences and vegetation if the removal is requested by the entity benefitting from the easement.
5. Exceptions: Trees and shrubs shall not be regulated as a fence or hedge, except for situations as detailed by Section 1405.03, Subd. 2, OBSTRUCTION OF VIEW.

**1415.05. GENERAL LANDSCAPING REQUIREMENTS.**

No certificate of occupancy shall be issued for any residence until such time as the lot area remaining, after providing for driveways, sidewalks, patios, building site and/or other requirements, shall be sodded or seeded, in accordance with the requirements of this Ordinance.

Landscaping may not be initiated before April 30<sup>th</sup> and no later than October 15<sup>th</sup> of any given year. If landscaping is not completed within said time period, the owner shall enter into an escrow agreement with the City, which will specify the amount, manner, and time in which said landscaping shall be completed as provided in the paragraphs below.

**Subd. 1. Minimum Standards.**

All areas of land not covered by structures or pavement or undisturbed vegetation, shall be landscaped according to the provisions of this section:

1. At least two (2) over story trees shall be provided. One shall be located in the private front yard for each one hundred (100) feet of lot frontage. The second tree shall be provided in the boulevard. If a coniferous tree is planted, it shall be planted outside of the right of way.

2. All landscaping plans for Residential Developments shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance. Trees provided shall be at least twenty five percent (25%) over story deciduous and at least twenty five percent (25%) coniferous. All deciduous trees provided shall be long-lived hardwood species. All coniferous trees must be planted outside of the right of way.
3. Before issuance of a Certificate of Occupancy, the front yard setback shall be sodded. Property in the area behind the front set back may be seeded. Escrow shall be established to ensure compliance.

Exceptions are as follow:

- a. If the property has an operational sprinkler system, the property owner may elect to seed the front yard setback area. Escrow shall be established to ensure compliance.
  - b. Any property located with an AG District may be landscaped according to Best Management Requirements. All areas not utilized for livestock or crop management purposed shall be stabilized with suitable landscaping, within 10 days of being disturbed.
  - c. Areas having undisturbed but established vegetation and as defined by the building plans need not be sodded or seeded, provided that the property owner maintains said vegetation in compliance with the City's weed management control standards or weed ordinance.
4. Cross property line drainage is not permitted unless provided for within established easements.
  5. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.
  6. Berming used to provide screening of parking lots shall be a minimum of three (3) feet in height and shall have a maximum slope ratio of 3:1.
  7. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:
    - a. Deciduous trees shall be at least 2 ½ inches in diameter.
    - b. Ornamental trees shall be a minimum of 1 ½ inches in diameter.
    - c. Evergreen trees shall have a minimum height of 6 feet.
    - d. Potted shrubs shall be in a 5 gallon pot or larger.
    - e. Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.

## **Subd. 2. Escrow Requirements**

Prior to the issuance of a certificate of occupancy for any newly constructed residential dwelling, the property owner, person, or company requesting the certificate of occupancy

shall have installed the improvements to the property upon which the dwelling is located as required by this Ordinance or in any applicable development agreement.

1. In the event the certificate of occupancy is requested after October 15<sup>th</sup> and before April 30<sup>th</sup> of any given year, the City may issue the conditional certificate of occupancy, provided the requestor or property owner:
  - a. Provides the City with a deposit of such type and in the amount as shall be acceptable to the City, in the City's sole discretion to assure completion of required improvements.
  - b. Enters into an agreement with the City that requires the requestor to install said improvements by a date certain as specified by the City and that provides the City with the authority to enter upon the property to install said improvements using the money deposited in the event the improvements are not installed by said specified date. The requestor or property owner shall be responsible for the difference between the deposit amount and the actual cost of installation.
    - i. The City may require that the agreement provide that improvements must be completed by a designated date. In the event the improvement is not installed by this date, the City may undertake to install the improvements.
  - c. Pays to the City a non-refundable administration fee of \$100.00 for the processing of the deposit and the agreement.
2. In the event deposit amount is paid to the City under this subdivision, remaining funds will be refunded without interest within thirty (30) days of certification that the improvements have been satisfactorily installed.

## **1415.06. HOME OCCUPATIONS.**

### **Subd. 1. Minimum Performance Standards.**

Permitted Home Occupations must conform to the following performance standards:

- a. They shall not be conducted in any building on the premises other than the building that is used by the occupant as the private dwelling (including garage); not more than twenty percent (20%) of the total floor space of the dwelling and garage on the lot may be used for such purpose.
- b. No more than one person who does not reside on the premises shall be employed in the performance of such occupation.
- c. Signs shall conform to the City's Sign Ordinance.
- d. There shall be no exterior storage of equipment or materials used in permitted home occupations.
- e. No structural alterations or enlargements shall be made for the sole or primary purpose of conducting the home occupation.

- f. No traffic shall be generated by such home occupation in greater volumes than would normally be found in a similar residential neighborhood.
- g. Any needed parking generated by the conduct of such home occupation shall be met off the street on a dust free surface, and other than in a required front yard.
- h. There shall be no detrimental effect to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other annoyance from the premises.
- i. Any waste disposed of in the sewer system shall not create or cause greater volume than that which is normally generated by a similar residential dwelling in the district.
- j. Business hours shall be restricted to no more than 6:00 am to 7:00 pm Monday through Saturday. No business home occupation business shall be conducted on Sundays or on any public holidays recognized by the City of Rice.
- k. Vehicles associated with a home occupation shall be limited to two automobiles, pick-up trucks or vans on the premises, one of which shall be parked in a garage if the name of the home occupation or advertising appears on the vehicle. Any vehicles associated with a rural home occupation must be parked in a specified storage area or accessory structure.
- l. Unusual parking and traffic patterns that are not normally found in the neighborhood shall not be created, and in no case shall customer vehicles be parked on public or private roads.

**Subd. 2. Home Occupation Restrictions.**

Permitted home occupations shall not include any of the following:

- a. The operation of any wholesale or retail business unless it is entirely conducted by mail or phone and does not include the sale, shipment, or delivery of merchandise on the premises.
- b. Any manufacturing business.
- c. Any schools, excluding nursery schools, with organized classes of more than one pupil at a time.
- d. Repair of internal combustion engines, body shops, machine shops, welding, or other services that requires equipment other than that normally found in dwellings.
- e. Animal hospital or pet shops.
- f. Clinics, hospitals or mortuaries.
- g. Renting or painting of vehicles, trailers, or boats.
- h. Medical Facilities.

- i. Homeschooling over five children that do not reside at the dwelling.  
Homeschools exceeding five children that do not reside at the dwelling are required to obtain a Conditional Use Permit from the governing body.

#### **1415.07. ACCESSORY APARTMENTS.**

The purpose of this Section is to permit the installation of no more than one accessory apartment in an existing single family dwelling. This opportunity is allowed only in neighborhoods with established utility systems. Parking, traffic patterns, architectural character and the installation and use of accessory apartments must be strictly controlled to avoid physical, health, safety, economic, and aesthetic impacts. By allowing only those accessory apartments that are in compliance with all of the performance standards of this section, the health and safety of occupants and the character and quality of existing neighborhoods will be protected.

##### **Subd. 1. Permit Procedures.**

- a. Application Procedures. No one shall install an accessory apartment without first having obtained a permit from the Zoning Administrator. Application for the permit shall be made on forms designated by the Zoning Administrator and shall be accompanied by a permit fee as set by the City Council. Within ten (10) working days of application, the Building Official shall inspect the property to determine whether the proposed accessory apartment meets building code standards. Within thirty (30) days of application, after reviewing the building inspector's report and the application, the Zoning Administrator shall deny or approve the application for an accessory apartment based upon conformance with the performance standards. The decision to issue or deny the permit may be appealed to the City Council.
- b. Permit Renewal. The permit shall be renewed yearly and a permit renewal fee, as set by the council, paid. Permit renewal may be conditional upon an inspection.
- c. Revocation of Permits. Violation of the performance standards shall be grounds for the revocation of the permit. Notice of intent to revoke the permit shall be sent (by certified mail) by the Zoning Administrator to the permit holder. The notice shall state the grounds for revocation and the date, at least ten days after the notice is sent, when the City Council shall consider revocation. Operation of the accessory apartment shall cease within 60 days from the date of revocation by the City Council.

##### **Subd. 2. Performance Standards.**

- a. All remodeling for the addition of the accessory apartment shall be on the inside of the structure. Exceptions to this condition will be made only if the applicant submits exterior elevation drawings determined by the Zoning Administrator to be architecturally compatible with the adjacent structures and consistent with the Zoning Ordinance.

- b. In addition to the normal parking required for the dwelling unit, there shall be at least one additional paved off-street parking space per accessory apartment dweller.
- c. Detached garages shall not be converted to living spaces.
- d. Both the principle and accessory structure must meet the standards of the Minnesota State Building Code.
- e. The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for temporary absences.
- f. House numbers shall be placed on the structure to indicate that the structure has more than one dwelling unit.
- g. The accessory apartment must at all times be kept in conformity to all state and local codes and ordinances.
- h. The accessory apartment shall occupy no more than 50% of the total dwelling space.

#### **1415.08. DEMOLITION**

Any demolition of any structure, building or accessory building shall first obtain a building permit from the City, and be done in compliance with all state and county pollution guidelines.

#### **1415.09. OUTDOOR STORAGE.**

Any Outdoor Storage:

- a. shall be incidental to a principal use ;
- b. shall be screened by suitable materials, such as fencing or natural landscaping features (trees, shrubbery, berms), as determined by the Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;
- c. must be located in a rear or side yard and is prohibited in and required side or rear yard setback;
- d. shall be kept in a neat and orderly fashion; and
- e. shall not be operated in such a manner as to constitute a nuisance or harborage of rodents or other wild animals.

#### **1415.10. SPECIFIC STANDARDS FOR NONRESIDENTIAL LICENSED DAYCARE FACILITIES.**

Non-residential licensed daycare facilities shall:

- i. Provide loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center; and
- ii. Provide one parking space for each six attendees based on the licensed capacity of the center; and
- iii. Provide outdoor play areas that shall be fenced, located and designed in a manner that mitigates visual and noise impacts on adjoining residents, if any ; and
- iv. Shall obtain all applicable state, county and city licenses.

## **R-1 SINGLE FAMILY RESIDENCE DISTRICT – SPECIFIC REQUIREMENTS**

### **INTENT:**

The R-1 Residential District provides space for low density residential living with full provision of necessary urban service facilities. Existing agricultural uses are allowed to continue on land not yet needed for residential development, but other nonresidential uses are limited to the minimum necessary for residential convenience and welfare.

### **1415.11. PERMITTED AND CONDITIONAL USES**

Permitted and Conditional uses in the R-1 Single Family Residence District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” as found in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

#### **Subd. 1. PERMITTED ACCESSORY USES.**

Customary accessory uses incidental to the principal uses such as gardens, private garages, screen porches, play equipment, signs, and other uses, as set forth in this section:

1. Private detached garages or utility buildings, not to exceed the total aggregate square footage requirements permitted in the Residential District in which it is placed.
2. Private tennis court.
3. Signs as regulated by the Sign Ordinance.
4. Temporary buildings for construction purposes for a period not to exceed six consecutive months or the period of construction, whichever is less.
5. Gardening and other horticultural uses where no sale of products is conducted on the premises.
6. Keeping of not more than a total of two (2) boarders or roomers by a resident family.
7. Non-commercial antennas, satellite dish antennas, and towers, compliant with the standards provided in the General Requirements Section above.
8. Private swimming pools and spas, compliant with the standards provided in the General Requirements Section above.
9. Dog kennels with two or fewer dogs over the age of six months.



10. Gazebos.
11. Playhouses and play equipment for the use of minors, compliant with the standards provided in General Requirements Section above.
12. Accessory apartments compliant with the standards provided in the General Requirements Section above.

**Subd. 2. LOT, YARD, AREA AND HEIGHT, AND SETBACK REQUIREMENTS FOR STRUCTURES AND ACCESSORY BUILDINGS OR USES**

- A. Minimum areas of lots in R-1 Residence Districts shall be as follows:
  1. When the lots are serviced by city water and sewer the minimum area shall be 9,500 square feet.
  2. Where the lots are not serviced by city water and sewer and are located more than 1,000 feet from shore land, the minimum area shall be 2.5 acres.
- B. The minimum width of lots in new plats in R-1 Residence Districts shall be as follows:
  - a. Where the lots have a minimum area of 9,500 square feet, the width of the lots shall average at least 75 feet.
  - b. Where the lots have a minimum area of 2.5 acres the width of the lots shall average at least 250 feet.
- C. **Front yard regulation:** The front yard setback in the R-1 Residential district shall be thirty (30) feet.
- D. **Side yard regulation:** The side yard setback in the R-1 Residential district shall be ten (10) feet, except corner lots on which the side yard setback on the intersecting street shall be thirty (30) feet.
  1. Driveways and Entrances shall maintain a minimum side yard setback of two (2) feet, except for corner lots on which the side yard setback on the intersection street shall be 30 feet.
- E. **Rear yard regulation:** The rear yard setback in the R-1 Residential district shall be fifteen (15) feet.
- F. **Accessory Structure(s) Setback Regulations:** The minimum setback for accessory structures shall be 5' unless modified by this Ordinance.
  1. Swimming pools, temporary or permanent, spas, playhouses, Doghouses or kennels, playground equipment, and any similar structures must maintain a minimum of five (5) feet setback from all lot lines.

2. Decks or platforms twelve inches or less shall maintain a minimum of five (5) feet setback from all lot lines. Decks or platforms exceeding twelve inches shall comply with the all front, side, and rear setback provisions stated in paragraphs C, D, and E above.
3. Patios, concrete pads or slabs, landscaping stones and pavers shall not be placed closer than two (2) feet from side and rear lot lines.

G. **Height regulation:** Maximum height of buildings may be two (2) stories or thirty five (35) feet, not including the basement if one exists, whichever is less. Accessory buildings or structures shall not exceed fifteen (15) feet in height unless otherwise specified.

H. **Lot coverage regulation:** Not more than thirty five percent (35%) of a lot or plot of land shall be occupied by buildings and/or impervious surfacing.

1. The maximum total aggregate square footage for all detached buildings, including garages, on a lot that is less than 2.5 acres in size and in an R-1 Residential District shall not exceed eight hundred (800) square feet, inside area.

2. The maximum total aggregate square footage for all detached buildings, including garages, on a lot that is 2.5 acres to 5.0 acres in size and in an R-1 Residential District shall not exceed 2,400 square feet, inside area with a height not to exceed thirty five feet.

## **R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICTS – SPECIFIC REQUIREMENTS**

### **INTENT:**

By providing for space for apartment building and other styles of multiple dwelling and multi-family structures, the R-2 Residential District permits a variety of housing options while still promoting a neighborhood atmosphere.

### **1415.12. PERMITTED AND CONDITIONAL USES**

Permitted and Conditional uses in the R-2 Multiple Family Residential District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” as found in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

#### **Subd. 1. USE REQUIREMENTS**

The following uses shall be permitted or permitted with conditions within the R-2 Multiple Family Residence District:

1. Multiple Family Dwelling Structures, including Townhouses, consisting of up to four residential dwelling units per structure, provided:
  - a. Each dwelling unit must have a separate entrance to the front and rear yards;
  - b. Each privately owned unit shall be provided with a separate water meter, and sewer and water utility service line extended from the main; and
  - c. Home occupations are permitted.
2. Multiple Family Dwelling Structures, including Townhouses, consisting of more than four residential dwelling units per structure, provided:
  - a. The structures must have a minimum lot size as follows; The following lot area credits and allowances shall be applied to lots in R-2 districts but in no event shall the minimum lot area with allowances be less than five thousand (5,000) square feet per dwelling unit in the R-2 district nor less than two thousand two hundred (2,200) based on the following schedule:
    1. For each unit containing in excess of (2) bedrooms the minimum lot size shall be increased by 300 square feet per additional bedroom.

- b. Each privately owned unit shall be provided with a separate water meter, and sewer and water utility service line extended from the main; and
  - c. Home occupations are not permitted.
  - d. Accessory Apartments are not permitted.
3. Apartments.
- a. In any case where the apartment has privately owned units, whether in units less than or greater than four, each unit must be provided with separate utility service and meters.
4. Boarding Houses, provided the site shall contain not less than five hundred (500) square feet of lot area for each person to be accommodated.
5. Buildings used for the treatments of human ailments; nursing homes, halfway homes, and homes for the aged that serves no more than 7 unrelated persons.
6. Schools, including trade, college, vocational, and associated facilities shall:
- a. Not exceed a 10,000 square foot footprint;
  - b. Not be located within fifty (50) feet of an abutting lot in any Residential district.
7. Churches, synagogues, temples and associated facilities, except schools, shall:
- a. Not exceed a 10,000 square foot footprint;
  - b. Not be located within one hundred (100) feet of any lot line abutting a lot in an "R" district.
8. Uses determined by the Planning Commission to be of similar nature to those listed in the Permitted and Conditional Uses Exhibit, and found not to be detrimental to the general health and welfare of the City.

**Subd. 2. LOT, YARD. AREA AND HEIGHT REQUIREMENTS.**

**A. Minimum lot area requirements in an R-2 District.**

- |   |   |
|---|---|
| 1. Single Family Dwelling:                      | 9,500 square feet per dwelling            |
| 2. Multi-Family Dwelling fewer than four units: | 2,500 square feet per dwelling            |
| 3. Efficiency Unit :                            | 2,000 square feet per unit                |
| 4. 1 Bedroom:                                   | 2,500 square feet per unit                |
| 5. 2 Bedroom:                                   | 3,000 square feet per unit                |
| 6. 3 Bedroom or more:                           | 3,500 square feet per unit                |
| 7. Townhouse:                                   | 4,000 square feet per unit                |
| 8. Other Uses                                   | As determined by the Zoning Administrator |

- i. In no event shall the minimum lot area be less than 9,500 square feet.

- ii. Multiple Family Residential projects shall contain an adequate amount of land for park, recreation or local open space use, exclusive of wetland and drainage areas, which shall not be less than twenty percent (20%) of the gross area of the property and shall consist principally of land within the setback lines.

B. Lot Width Regulations.

1. Each Lot shall have an average width of at least one hundred fifty (150) feet.
2. Each lot shall have a minimum frontage on a street of seventy five (75) feet.

C. Minimum Floor Area for Multiple Dwellings

The minimum floor area of an efficiency dwelling unit shall not be less than four hundred (400) net square feet, that of a one-bedroom dwelling unit shall be not less than seven hundred (700) net square feet, and that of a two-bedroom dwelling unit shall not be less than nine hundred (900) net squares feet. Units containing three (3) or more bedrooms shall have an additional one hundred fifty (150) net square feet of floor area for each bedroom in excess of two (2) bedrooms.

For purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and shall be measured from the inside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, community furnace areas or rooms, storage areas not within the apartment or garages.

- D. **Front yard regulation:** The front yard setback in the R-2 Residence District shall be thirty (30) feet.
- E. **Side yard regulation:** The side yard setback in the R-2 Residence District shall be ten (10) feet, except corner lots on which the side yard on the intersecting street shall be not less than thirty (30) feet, and except where the side yard setback abuts an R-1 District said side yard setback shall not be less than fifty (50) feet on the side abutting the said R-1 District.
- F. **Rear yard regulation:** The rear yard setback in the R-2 Residential District shall be forty (40) feet except where the lot abuts an R-1 District, where the rear yard shall not be less than fifty (50) feet on the sides adjoining said R-1 District.
- G. **Height regulation:** The maximum height of buildings shall be three (3) stories or fifty (50) feet, not including the basement, whichever is less.
- H. **Lot Coverage Regulation.** No more than forty five percent (45%) of a lot or plot of land shall be occupied by buildings, structures, and/or impervious surfacing.

### **Subd. 3. C.I.C. PLATS.**

The Subdivision of properties in the R-2 District wherein the intent is to provide for separate unit ownership or rental use may be subdivided in accordance with State Law and shall include:

- a. The owner of property to be subdivided shall execute and record, at their expense, a Declaration of Covenants, Conditions and Restrictions, to be approved by the City Attorney. The Declaration shall provide protection to the individual owners and public on the following: maintenance, repair and construction, building use and restrictions, party walls, relationships among owners of adjoining living units and arbitration of disputes.

### **Subd. 4. ACCESSORY BUILDINGS IN MULTIPLE-FAMILY DISTRICT (R-2)**

#### **1. General Requirements**

- a. Accessory Buildings shall not exceed fifteen (15) feet in height. Attached accessory buildings shall conform to all setback regulations set forth in this Ordinance. Detached accessory buildings shall be located in the rear yard and shall have a rear yard setback of not less than five (5) feet unless abutting an R-1 District, in which case, a 10 feet setback shall be provided.
- b. Detached garages shall be constructed in rear yards when the property abuts an alley. Detached garages shall have a side and rear yard setback of not less than five (5) feet unless abutting an R-1 District, in which case, a 10 feet setback shall be provided. Detached garages constructed on corner lots shall have a side yard setback of thirty (30) feet on the intersecting street.
- c. All accessory buildings in shall be homogenous in design and materials to the principal structure.
- d. No lot may have more than two (2) detached accessory buildings, excluding detached refuse enclosures, and shall not result in exceeding the maximum lot coverage requirements for an R-2 Residential District.
- e. The maximum total aggregate square footage for all of the detached buildings, including garages, on a multi-family lot shall be:
  1. In the instance of a lot containing four dwelling units or less the maximum square footage per detached accessory building shall be 350 square feet.
  2. In the instance of a lot containing more than four dwelling units the maximum square footage of all detached accessory buildings shall be 600 square feet.
  3. On a lot greater than 2.5 acres in size with a single dwelling unit the maximum total aggregate square footage for all of the detached buildings shall be 10,500 square feet.

- f. **Other Accessory Uses & Structures.** All other accessory uses or structures shall maintain a minimum of 5 feet setback from all lot lines. Any accessory building abutting an R-1 District shall maintain a setback of 10 from the lot line(s) abutting the R-1 District.
  - i. Private, permanent swimming pools or spas, playhouses or playground equipment, and any similar structures must maintain a minimum of 15 feet setback from side and rear lot lines.
- g. **Private Community Centers as an Accessory Structure To A Multi-Family Use shall meet the following setbacks:**
  - 1. Side yard setbacks shall be doubled.
  - 2. No building shall be located within thirty feet of any lot line abutting any Residential District.
  - 3. Adequate screening from abutting Residential uses must be provided.
  - 4. Adequate off street parking shall be provided either on-site or directly abutting the site.

**Subd. 5. MULTI-FAMILY RESIDENTIAL BUILDING DESIGN REVIEW STANDARDS**

All multifamily residential units proposed for construction on existing vacant lots or lots that become vacant by reason of demolition or destruction of existing structures shall be reviewed according to the following process:

**1. Site Plan Review and Review Process.**

- A. **Initial Meeting.** The applicant shall first meet with the Zoning Administrator. The Zoning Administrator will explain the goals and intent of the Design Permit, Site Plan, and Design Review Process, along with the guidelines, application requirements, and schedule.
- B. **Site Plan and Building Elevations.** The applicant shall submit a Site Plan to the city for new residential buildings on a vacant lot. The site plans shall be drawn to scale and show the following: site location, all proposed buildings, driveways, sidewalks, and other impervious surfaces, the number of dwelling units the building is intended to accommodate, and building elevations drawn to scale.
- C. **Application Submission and Filing Fee.** The applicant must submit the Site Plan and building elevations to the City, along with a permit application and filing fee set by the City Council.
- D. **Site Plan Review.** The Zoning Administrator shall review the site applicant's plans. The Zoning Administrator shall notify the Planning Commission of all site plans submitted for review. The Zoning Administrator may request that the Planning Commission review the site

plan and determine the level of detail require to fully understand the applicant's proposal. The Planning Commission may determine that a simple site plan showing structures, setbacks and building elevations to be required or may direct the applicant to follow any or all of the submittal requirements as detailed in Chapter 1500.04 Subd 1 Subdivisions. The Planning Commission shall review the applicant's submittals and provide comments or recommended conditions for approval. The Planning Commission may hold a public hearing on the application. Notice of the public hearing must be published in the City newspaper at least ten days before the hearing and notice mailed to property owners with 350' of the site. At the hearing, the Planning Commission will either recommend approval, recommend with conditions, or disapproval of the proposed Site Plan.

- E. **Approval.** If the application is approved, the Zoning Administrator will issue a Design Permit to the applicant and a copy to the Building Inspector.
- F. **Appeal.** The applicant or any interested person aggrieved with the Zoning Administrator's decision, may, within ten days, revise and resubmit the application to the Zoning Administrator or appeal the decision to the City Council.
- G. **Building Permit.** After the application is approved, the plans may be completed and submitted to the Building Inspector for Building Permit review. The final plans will also be reviewed for Design Permit compliance by the Zoning Administrator. The Building Inspector and the Zoning Administrator will monitor compliance with the Design Permit and any conditions of approval.

## **2. Design and Construction Requirements.**

**A. Design Review.** Plans for all multiple family dwellings must be approved by the City Council upon a recommendation from the Planning Commission after review of the plans set forth in Paragraph B below. The Planning Commission and Council may designate conditions or guarantees in connection with the approval of said plans, which will substantially secure the provisions of the district. In granting the permit, the Planning Commission and Council shall consider the requirements of Paragraph B below and may consider other factors affecting the public health, safety and welfare.

**B. Building Design and Construction.** A Building Permit and/or Conditional Use Permit, as required, for a multiple dwelling, shall not be issued unless the applicant's building plans, including the site plan, are certified by an architect registered in the state stating that the design of the building and site has been prepared under his direct supervision. Any building of type I or II construction, as provided in the State Building Code, shall have its electrical, mechanical, and structural systems designed by registered engineers. Provisions of this paragraph shall not prohibit the preparation of the site plan by a profession site planner. Such plans shall include the following:



- i. Complete details of the proposed site development, including location of buildings, driveways, parking spaces, lot dimensions, lot area, and yard dimensions;
- ii. Certificate of survey, showing an overlay of proposed structures and roads;
- iii. Complete landscaping plans including the species and size of the trees and shrubs proposed;
- iv. Complete plans for proposed sidewalks to service parking, recreation and service areas within the proposed development;
- v. Complete plans for storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area;
- vi. Complete structural, electrical and mechanical plans for the buildings; and
- vii. Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.

### **3. Building Design Standards.**

- A. Relationship to Adjacent Buildings. All new buildings proposed on vacant lots or lots that become vacant through demolition shall relate to the design of adjacent traditional buildings in scale, size, proportions, porch elements, roof form and line, rhythms and proportions of openings, building materials, details and colors. Historic architectural styles need not be replicated.
- B. A primary entrance shall face an improved abutting street or be located off of a front porch, foyer, courtyard or similar architectural feature, and set back at least ten (10) feet from the side lot line.
- C. For principal structures, above grade window and door openings shall comprise at least fifteen percent (15%) of the total area of exterior walls facing a public street or sidewalk. In addition, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. Windows shall be clear or translucent.
- D. Multifamily residential structures shall be set back far enough from the street to provide a private yard area between the boulevard and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability.
- E. Building materials and architectural treatments used on sides of buildings facing an abutting street and on accessory structures should be similar to those used on principal facades.

- F. The design and siting of the building shall preserve existing trees on the site and immediately adjacent lots to the extent reasonably possible. The landscape design shall consider permeable materials for paths and driveways to protect existing mature trees in sensitive areas.

## **R-R RURAL RESIDENTIAL DISTRICT – SPECIFIC REQUIREMENTS**

### **1415.13. PERMITTED AND CONDITIONAL USES.**

Permitted and Conditional uses in the R-R Rural Residential District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

#### **Subd. 1. HOME OCCUPATIONS IN AN R-R DISTRICT.**

In addition to the general standards for home occupations in residential districts, the following are exceptions or additional requirements that apply to home occupations located within the Rural Residential District.

- 1) Such occupation shall be carried on in the principal structure and not more than twenty-five percent (25%) of the floor space of the residence may be used for this purpose;
- 2) No articles for sale may be displayed so as to be visible from the street;
- 3) Signage, shall be as regulated by the Sign Ordinance;
- 4) Adequate off-street parking based on number of employees and customers per day shall be provided and any parking area(s) shall be screened from offsite views;
- 5) No more than two vehicles being repaired, which are not owned and registered by an occupant of the property may be parked outside. Said vehicles shall be parked in a screened location; and
- 6) No outside storage is allowed.

#### **Subd. 2. Bed and Breakfast Inns.**

The conduct of the bed and breakfast inn shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the bed and breakfast inn.

1. No traffic shall be generated by such bed and breakfast inn in greater volume than would normally be expected to be generated by a four unit dwelling in an R-2 District.

**Subd. 3. Multi-Family Housing, Four or Fewer Units.**

Multi-Family Housing, containing four or fewer units may be authorized by conditional use permit in the Rural Residential District. However, the applicant shall adhere to all standards and provisions in the both the General Requirements and specific requirements of this Ordinance.

**Subd. 4. ACCESSORY USES.**

Any accessory uses permitted in an R-1 Residential District are permitted in the R-R Rural Residential, plus the addition of the following:

1. Operation and storage of vehicles, equipment and machinery that are owned by the property owner and are incidental to permitted or conditional uses allowed in this district.
2. Boat houses, piers and docks serving a single-family residence.
3. The renting of rooms by a resident family for lodging purposes only, and for not more than two rooms in a one-family dwelling.

**Subd. 5. R-R DISTRICT REQUIREMENTS.**

The following minimum requirements shall be observed in the Rural Residential District, subject to additional requirements, exceptions and modifications set forth in this chapter.

A. Lot Requirements and Setbacks.

1. **Lot Area.** A minimum of five acres of upland area, upland being land above the 100-year flood elevation or non-wetland.
2. **Lot Width.** A minimum of 200 feet.
3. **Lot Depth.** A minimum of 300 feet.
4. **Impervious Surface:** No more than thirty-five percent (35%) of a lot or plot of land shall be occupied by buildings and/or impervious surfacing.
5. **Setbacks:**
  - a. **Front yard:** a minimum of thirty (30) feet.
  - b. **Side Yards:** A minimum of ten (10) feet, except as otherwise provided in this Ordinance for accessory buildings and except on corner lots where the side yard setbacks on the intersecting street shall be not less than thirty (30) feet.

- c. **Rear Yard:** a minimum of thirty (30) feet, except on corner lots where the setback shall be a minimum of thirty (30) feet on side adjacent to street, but in no case less than the setback of an adjacent lot that has its rear yard on the same street.
- 6. **Access.** All lots shall front on and have ingress and egress by means of a public right-of way.
  - a. Driveways shall not be constructed closer than twenty (20) feet to side and rear property lines without written authorization from the adjacent property owner and approval of the Planning Commission.
- 7. **Building Requirements, Height.** The maximum height for buildings, with the exception of accessory buildings as hereinafter specified, shall be three stories or fifty (50) feet, not including the basement, whichever is less.
- 8. **Additional Landscaping Requirement.** Undisturbed, non-erodible areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material shall be considered to have acceptable landscaping.
- 9. **Detached Accessory Requirements.**
  - a. All accessory buildings shall have the same exterior material as, or be homogenous in materials and design, to the principal structure.
  - b. Accessory buildings shall not exceed thirty five (35) feet in height.
  - c. Size Requirements:
    - i. Aggregate square footage for all accessory buildings on a lot that has 2.5 acres to 5.0 acres in size shall not exceed 1,600 square feet.
    - ii. Aggregate square footage for all of the accessory buildings on a lot that is 5.0 acres in size to 7.5 acres in size shall not exceed 4,000 square feet.
    - iii. Aggregate square footage for all accessory buildings on a lot that is 7.5 acres or greater in size shall not exceed 6,000 square feet.
  - d. Setback Requirements:
    - i. The side yard setback shall be a minimum of fifteen (15) feet.
    - ii. The rear yard setback shall be a minimum of fifteen (15) feet.
      - 1. Swimming pools, temporary or permanent, spas, playhouses, doghouses, playground equipment for the use of minors and any similar structure must maintain a minimum of 15 feet setback from lot lines.

2. Patios, concrete pads or slabs, landscaping stones and pavers, or fountains shall not be placed closer than 15 feet from any lot line abutting a right-of-way. Driveways are exempt from this requirement on the lot line accessing the right-of-way.

## **A-G AGRICULTURE DISTRICT – SPECIFIC REQUIREMENTS**

### **1415.14. USES**

Permitted and Conditional uses in the AG Agriculture District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

The following uses are additional permitted or conditional uses within the A-G Agriculture District that may not be listed specifically on the “Permitted and Conditional Use Exhibit.”

#### **Subd. 1. PERMITTED USES.**

The following uses shall be permitted within the A-G Agriculture District:

1. General farming and gardening.
2. Raising of domestic farm animals, including hogs and fur bearing animals, not greater one (1) animal per acre.
3. Agricultural buildings as principal structures on parcels of land forty (40) acres or greater. Use of building limited to active farm operations including general farming or livestock.
4. Nurseries.
5. Boarding Kennels for up to 10 animals maximum.
6. Guest House provided the Building Official and governing body are satisfied that the lot area is adequate for parking and commercial deliveries and that two on-site sewage disposal systems may be located within the property. Rental of any guest house is not permitted.
7. Private stables with a density not exceeding one horse per acre or more than ten horses in aggregate. They shall comply with the following provisions:
  - a. Maximum Density – one horse per acre.

- b. Must obtain a Minnesota Pollution Control Agency feedlot permit.
- c. Building(s) used for sheltering, training or riding horses shall have a minimum two hundred (200) foot setback from any property line.
- d. Fences to control livestock adjacent to an R-1 Residential Zoning District shall have a minimum of twenty five (25) feet front yard setback.

**Sub. 2. PERMITTED ACCESSORY USES.**

Any accessory uses permitted in an R-1 Single Family Residential District and in the R-R Rural Residential District are permitted in the AG Agriculture, plus the following:

- 1. Signs as regulated in the Sign Ordinance.
- 2. Keeping of not more than two (2) borders and/or roomers per dwelling unit.
- 3. Commercial daycare accessory to a legal conforming church or school.
- 4. Barns for storage of farm equipment.
- 5. Structures for storage of product grown on the property.

**Sub. 3. DISTRICT REQUIREMENTS**

The following minimum requirements shall be observed in the Agricultural District, subject to additional requirements, exceptions and modifications set forth in this chapter:

A. Lot requirements and setbacks:

- 1. **Lot Area:** Minimum lot area of ten acres.
- 2. **Lot Width:** Minimum width of 300 feet.
- 3. **Lot Depth:** Minimum depth of 660 feet.
- 4. **Lot Frontage:** Minimum frontage of 300 feet.
- 5. **Height:** The maximum height for buildings, with the exception of accessory buildings as hereinafter specified, shall be three stories or fifty (50) feet, not including the basement, whichever is less.
- 6. **Setbacks:**
  - a. **Front yard:** 45 feet for house/principal building, 45 feet for garage/accessory building, 200 feet for accessory buildings sheltering domestic farm animals.
  - b. **Side Yard:** 20 feet for house/principal building, 20 feet for garage/accessory building, 50 feet for accessory buildings sheltering domestic farm animals.
  - c. **Rear Yard:** 30 feet for house/principal building, 30 feet for garage/accessory building, and 50 feet for accessory buildings sheltering domestic farm animals.

- d. **Corner Lot:** 45 feet for house/principal building, 45 feet for garage/accessory building, and 200 feet for accessory buildings sheltering domestic farm animals.
7. **Access:** All lots shall front on and have ingress and egress by means of a public right-of way.
- a. Driveways shall not be constructed closer than twenty (20) feet to the property line without written authorization from the adjacent property owner and Planning Commission.
8. **Additional Landscaping Requirement.** Undisturbed, non-erodible areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material shall be considered to have acceptable landscaping.
9. **Accessory Building Requirements**
- a. Height: Accessory building height shall not exceed: three stories or forty (40) feet, whichever is greater.
  - b. Accessory buildings shall only be located in the side or rear yard.
  - c. The architectural style and color of a garage/accessory building shall be consistent with an Agricultural use.