

## Zoning

### ZONING DISTRICTS

#### § 151.20 CLASSIFICATION OF ZONING DISTRICTS.

- (A) Residential R1
- (B) Residential R2
- (C) Residential R3
- (D) Commercial (RBT)
- (E) Commercial (RB)
- (F) Commercial (GB)

#### § 151.21 Residential R1

(A) *Purpose.* The purpose of the Residential R1 District is to provide for single family detached dwelling units and directly related, complementary uses.

(B) *Permitted uses and structures.*

(1) Single family detached dwellings.

(2) Agricultural, rural and suburban (see § 157.108)

(3) Accessory buildings including storage sheds and green houses over 12 feet in height or 160 square feet

(4) As required by M.S. § 462.357, Subd. 7, as it may be amended from time to time, a state licensed residential facility serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minn. Rules, parts 9502.0315 to 9502.0445, as it may be amended from time to time, to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

(C) *Accessory uses.*

(1) Customary accessory uses incidental to the principal uses such as gardens, private garages, screen porches, play equipment, signs, as set forth in division (D)(1) of this section, one storage shed not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located, satellite dishes and antennae, solar equipment, greenhouses not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they

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are located and swimming pools intended for single-family use.

(D) *Conditional uses.* Within the R-1 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (I) of this section.



(1) Home occupations in a residence.

(2) Hospitals and nursing homes, licensed day care centers serving 12 or more persons and cemeteries.



(3) Private recreational facilities as a principal use and excluding accessory play equipment and swimming pools intended for single family use.

(4) Accessory Apartments.

(5) Animals, domestic farm

(6) Antennae or towers over 45 feet in height (as permitted by § 157.041(E))

(7) Apartment buildings

(8) Business – seasonal

(9) Campgrounds, tents and tent trailers only

(10) Clearcutting

(11) Clubs or lodges

(12) Commercial recreation

(13) Convents

(14) Essential services – Government uses, buildings, and storage

(15) Essential services – Transmission services, buildings, and storage

(16) Golf courses and country clubs

(17) Greenhouses (commercial production only)

(18) Housing – student

(19) Information centers

(20) Institutional housing

(21) Kennels - private

(22) Land reclamation

(23) Marina – including boat rental and the like (see Chapters 2 and 7)

(24) Medical uses

(25) Multiple-family dwellings (with central sewer) (see §157.100)

(26) Nature centers, private or public

(27) Nursery – Commercial (production of trees and shrubs)

(28) Nurseries – day and school

(29) Parks

(30) Photo, art studio

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- (31) Recreation areas – Commerical
- (32) Recreation areas – private or semi-public
- (33) Residential – Multiple-Family (with central sewer) (see § 157.041 (A))
- (34) Residential – Townhouse
- (35) Residential – Two family dwellings (duplex)
- (36) Resorts
- (37) Rest or nursing homes
- (38) Riding stables
- (39) Schools – public and private
- (40) Storage – as a principal use
- (41) Storage – highway construction equipment during construction
- (42) Storage – not accessory to a permitted principal use
- (43) Structure - historic, scenic, and the like
- (44) Supper club
- (45) Swimming pool – commercial
- (46) Townhouse
- (47) Trailer/Recreation vehicle parks – seasonal use
- (48) Utility substations
- (49) Veterinary clinic

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in an R-1 District, subject to additional requirements, exceptions and modifications set forth in this chapter:

- (1) *Lot area.* 2.5 acres
- (2) *Lot width.* n / a ?
- (3) *Setbacks.*
  - (a) *Front yards.* Not less than 30 feet (R2 only?);
  - (b) *Rear yards.* 20 feet (R2 only? .

(F) *Building requirements; height.* No structure shall exceed 35 feet.

(G) *Height limitations.* Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by § 150.04.

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### (H) Conditional use permit standards for the R-1 Single-Family Residential District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

(d) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

(a) Licensed day care facilities for 15 or more persons:

1. Located only on a collector or arterial roadway as designated in the comprehensive plan, if one exists, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;

3. Pick-up and drop-off areas located outside of parking setback area;

4. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties; and

5. One parking space provided for each six children based upon the licensed capacity of the center;

(b) Storage sheds or greenhouses in excess of 500 square feet of gross floor area or 12 feet in height or occupying more than 30% of the side or rear yard in which they are located:

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- greater:
1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;
  2. Not to be used for commercial activities;
  3. Structure to be architecturally consistent with the principal structure;
  4. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;
  5. Minimum lot size of four acres; and
  6. Must be located in a side or rear yard.

(c) Home occupations in a residence:

1. Such occupation shall be carried on in the-main building;
2. Not more than 25% of the floor space of the residence is used for this purpose;
3. No articles for sale be displayed so as to be visible from the street;
4. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling;
5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;
6. Only limited retail sales activity;
7. Maximum of one outside employee;
8. Adequate off-street parking based on number of employees and customers per day;
9. Parking area screened from offsite views;
10. No outside storage;
11. Shall not result in significant levels of noise, air or other pollution and shall meet the performance standards of § 151.30;
12. Business hours restricted to no more than 8:00 a.m. to 9:00 p.m.; and

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13. Outside parking of no more than one commercial type vehicle or vehicle identified for business purposes not to exceed one ton capacity which is used for both personal and business transportation. The vehicle is to be owned and registered by an occupant of the property and parked in a screened location.

(d) Private recreational facilities as a principal use:

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped in accordance with § 151.31;

4. Signs shall be designed to be consistent with the principal use;

5. Adequate off-street parking based on number of employees and customers per day;

6. Parking area and waste management areas screened from offsite views;

7. No outside storage; and

8. Shall not result in significant levels of noise, air or other pollution.

(e) Wind energy conversion systems (WECS):

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;

2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;

3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;

4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;

5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition;

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6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice; and

7. The WECS shall meet the performance standards of § 151.30.

(f) Hospitals or nursing homes:

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;

4. Signs shall be designed to be consistent with the principal use;

5. Adequate off-street parking based on number of employees and customers per day;

6. Parking area and waste management areas screened from offsite views;

7. No outside storage; and

8. Shall not result in significant levels of noise, air or other pollution and shall meet the performance standards of § 151.30.

Penalty, see § 151.99

### **§ 151.22 R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT.**

(A) *Purpose.* The purpose of the R-2 Multiple Family Residential District is to provide for medium density housing in multiple family structures and directly related complementary uses.

(B) *Permitted uses and structures.*

(1) Any permitted use in the R-1 Residential District.

(C) *Accessory uses.* Any accessory use permitted in the R-1 Residential District.

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(D) *Conditional uses.* Within the R-2 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (H) of this section.

(1) Any conditional use permitted in the R-1 Residential District.

(2) As required by M.S. § 462.357, Subd. 8, a licensed day care facility serving from 13 through 16 persons.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in R-2 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* 20,000 square feet for one and two-family dwellings

(2) *Lot width.* 100 feet.

(3) *Setbacks.*

(a) *Front yards.* Not less than 30 feet.

(b) *Rear yards.* 20 feet.

(F) Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by § 150.04.

(G) Conditional use permit standards for the R-2 Multiple-Family Residential District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

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(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

(d) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

(a) A licensed day care facility serving from 13 through 16 persons.

1. Located only on a collector or arterial roadway as designated in the comprehensive plan, if one exists, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;



3. Pick-up and drop-off areas located outside of parking setback area;

4. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties;

5. One parking space provided for each six attendees based upon the licensed capacity of the center; and

6. Meets the performance standards of § 151.30.

(b) Storage sheds or greenhouses in excess of 500 square feet of gross floor area or 12 feet in height or occupying more than 30% of the side or rear yard in which they are located:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

2. Not to be used for commercial activities:

3. Structure to be architecturally consistent with the principal structure:

4. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

5. Minimum lot size of four acres;



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6. Must be located in a side or rear yard.

(c) *Home occupations in a residence:*

1. Such occupation shall be carried on in the-main building;

2. Not more than 25% of the floor space of the-residence is used for this purpose;

3. No articles for sale be displayed so as to be visible from the street;

4. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling;

5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;

6. Only limited retail sales activity;

7. Maximum of one outside employee;

8. Adequate off-street parking based on number of employees and customers per day;

9. Parking area screened from offsite views;

10. No outside storage;

11. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of § 151.30;

12. Business hours restricted to no more than 8:00 a.m. to 9:00 p.m.; and

13. Outside parking of no more than one commercial type vehicle or vehicle identified for business purposes not to exceed one ton capacity which is used for both personal and business transportation. The vehicle is to be owned and registered by an occupant of the property and parked in a screened location.

(d) *Private recreational facilities as a principal use:*

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
2. Buildings set back 50 feet from all property lines;
3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
4. Signs shall be designed to be consistent with the principal use;
5. Adequate off-street parking based on number of employees and customers per day;
6. Parking area and waste management areas screened from offsite views;
7. No outside storage; and
8. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of § 151.30.

(e) *Wind energy conversion systems (WECS):*

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition;
6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve

compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice; and

7. The WECS shall meet the performance standards of § 151.30.

(f) *Hospitals or nursing homes:*

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;

4. Signs shall be designed to be consistent with the principal use;

5. Adequate off-street parking based on number of employees and customers per day;

6. Parking area and waste management areas screened from off site views;

7. No outside storage; and

8. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of § 151.30.

Penalty, see § 151.99

### § 151.21 Residential R3

(A) *Purpose.* The purpose of the Residential R3 District is to provide for [INSERT] and directly related, complementary uses.

(B) *Permitted uses and structures.*

(1) Single family detached dwellings.

(2) Agricultural, suburban (see § 157.108)

(3) Accessory buildings including storage sheds and green houses over 12 feet in height or

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160 square feet

(4) As required by M.S. § 462.357, Subd. 7, as it may be amended from time to time, a state licensed residential facility serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minn. Rules, parts 9502.0315 to 9502.0445, as it may be amended from time to time, to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

(5) Domestic pets

(6) Forests

(C) *Accessory uses.*

(1) Customary accessory uses incidental to the principal uses such as gardens, private garages, screen porches, play equipment, signs, as set forth in division (D)(1) of this section, one storage shed not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located, satellite dishes and antennae, solar equipment, greenhouses not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located and swimming pools intended for single-family use.

(D) *Conditional uses.* Within the R-1 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (I) of this section.

(1) Home occupations in a residence.

(2) Hospitals and nursing homes, licensed day care centers serving 12 or more persons and cemeteries.

(3) Private recreational facilities as a principal use and excluding accessory play equipment and swimming pools intended for single family use.

(4) Accessory Apartments.

(5) Agriculture, rural

(6) Apartment buildings

(7) Business – seasonal

(8) Cemeteries

(9) Churches

- (10) Convents
- (11) Essential services – Government uses, buildings, and storage
- (12) Essential services – Transmission services, buildings, and storage
- (13) Golf courses and country clubs
- (14) Housing – student
- (15) Information centers
- (16) Institutional housing
- (17) Land reclamation
- (18) Medical uses
- (19) Mobile home park
- (20) Multiple-family dwellings (with central sewer) (see §157.100)
- (21) Nature centers, private or public
- (22) Parks
- (23) Recreation areas – private or semi-public
- (24) Residential – Multiple-Family (with central sewer) (see § 157.041 (A))
- (25) Residential – Townhouse
- (26) Residential – Two family dwellings (duplex)
- (27) Rest or nursing homes
- (28) Schools – public and private
- (29) Storage – highway construction equipment during construction
- (30) Structure - historic, scenic, and the like
- (31) Townhouse
- (32) Utility substations

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in an R-1 District, subject to additional requirements, exceptions and modifications set forth in this chapter:

- (1) *Lot area.* 16,000 square feet
- (2) *Lot width.* 100 feet
- (3) *Setbacks.*
  - (a) *Front yards.* Not less than 25 feet;
  - (b) *Rear yards.* 7 feet

(F) *Building requirements; height.* No structure shall exceed 35 feet.

(G) *Height limitations.* Height limitations shall not apply to water towers, chimneys, flag poles,  
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antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by § 150.04.

(H) *Conditional use permit standards for the R-1 Single-Family Residential District.*

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

- (a) The use is consistent with the intent of this chapter;
- (b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;
- (c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- (d) The use does not have an undue adverse impact on the public health, safety or welfare.



**§ 151.23 MANUFACTURED HOME PARKS.**

(A) *General.* Manufactured home parks that are licensed by the State Department of Health are conditional uses in any zoning district that allows the construction or placement of a building used or intended to be used by two or more families. All manufactured home parks shall, in addition to any requirements imposed by rule of the State Department of Health or law, meet the following performance standards and any other conditions placed on them by the conditional use permit.

(B) *Permitted uses and structures.*

- (1) Manufactured homes.

(2) Essential services such as water, sewer, telephone and electric utilities.

(C) *Accessory uses.*

(1) Recreational vehicles and equipment.

(2) Recreational facilities, gardens, commons and open space which are operated for the enjoyment and convenience of the residents of the principal use and their guests, such as tennis courts and swimming pools.

(3) Building for storage of maintenance equipment incidental to the principal use.

(4) Solar panels and equipment.

(D) *Conditional use.* Customary home occupations as set forth in § 151.21(D).

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in a manufactured home park, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* Each individual manufactured home site shall contain at least 5,000 square feet for exclusive use of the occupant.

(2) *Lot width.* Each individual manufactured home site shall have a lot width of at least 50 feet.



(3) *Setbacks for each individual manufactured home site.*

(a) *Front yards.* Not less than 15 feet.

(b) *Side yards.* 5 feet.

(c) *Rear yards.* 8 feet.

(4) *Detached accessory building setback requirements.* Not less than 5 feet from the rear lot line and not less than 4 feet from the side yard lines in the rear yard.

(F) *Parking.* Refer to §§ 151.35 through 151.39.

Penalty, see § 151.99



**§ 151.24 MANUFACTURED HOMES.**

The city authorizes the placement of manufactured homes in residential districts within the city if such manufactured homes comply with the following conditions:

(A) Manufactured homes shall comply with all zoning regulations for the district in which they are located.

(B) A building permit and any other required permits shall be obtained for manufactured homes.

(C) All such manufactured homes shall be built in compliance with any Minnesota Statutes regulating manufactured homes.

(D) Connection to city utilities, if available, shall be required.  
Penalty, see § 151.99