

## CHAPTER 74. ZONING

### ARTICLE V. District Regulations.

#### DIVISION 2. Residential Districts.

##### **Section 74-211. Special requirements for residence districts.**

- (a) *Purpose and application.*
  - (1) *Purpose.* The purpose of this section is to establish minimum standards for residential use of properties in the City.
  - (2) *Application of this section.* The provisions of this section shall apply to all R-F, R-1, R-2, R-3, R-4, and R-5 residence districts.
- (b) *Floor area requirements.*
  - (1) *Single-family dwellings.* For single-family dwellings the minimum ground floor area of the main structure, exclusive of one-story open porches and garages, shall be as follows:
    - a. For single-family dwellings built after July 31, 1982, including manufactured homes built in conformance with Minnesota Statutes, Section 327.31 to 327.35, that are built on a full basement or cellar which is at least 7-1/2 feet from floor to ceiling and underneath the entire structure, excepting garages:
      - 1. Single-story dwelling, 960 square feet.
      - 2. Story and one-half dwelling, 960 square feet.
      - 3. Two or more story dwelling, 832 square feet.
      - 4. Split entry (or split foyer) dwelling, 960 square feet.
    - b. For single-family dwellings that are not built on a full basement or cellar which is a least 7-1/2 feet from floor to ceiling and underneath the entire structure, excepting garages:
      - 1. Single-story dwelling, 1,200 square feet.
      - 2. Story and on-half dwelling, 1,200 square feet.
      - 3. Two or more story dwelling, 1,040 square feet.
      - 4. Split entry (or split foyer) dwelling, 1,200 square feet.
  - (2) *Multiple-family dwellings.* For multiple-family dwellings the minimum net floor area shall be as follows:
    - a. Efficiency dwelling unit, 400 square feet.

- b. One bedroom dwelling unit, 600 square feet.
- c. Two bedroom dwelling unit, 800 square feet.
- d. Three or more bedrooms per unit shall have an additional 100 square feet of floor area for each bedroom in excess of two 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, furnace areas or rooms, storage areas not within the apartment or garages.

(c) *Design and construction requirements in multiple-family residence districts.* The design and construction requirements in multiple-family residence districts shall be as follows:

- (1) *Design review.* A site plan for a multiple-family dwelling must be reviewed by the planning commission and approved by the City Council prior to construction.
- (2) *Accessory buildings.* The City Council may require common walls for accessory buildings where common walls will eliminate unsightly and hazardous areas. Exteriors of accessory buildings shall have the same exterior finish as the main structure or some other compatible finish approved during the site plan review.
- (3) *Recreation and open space.* Multiple-family residential projects shall contain an adequate amount of land for park, recreation or local open space use, exclusive of sump and drainage areas, consistent with the requirements of chapter 54 of this Code.

(d) *Home occupations.*

- (1) *Purpose.* The purpose of this subsection is to prevent competition with business districts and to provide a means, through the establishment of specific standards and procedures, by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.
- (2) *Application.* Subject to the nonconforming structure and use provisions of this Chapter 74, all occupations conducted in the home shall comply with the provisions of this subsection.
- (3) *Inspection.* The City hereby reserves the right, upon approval of any home occupation, to inspect the premises in which an occupation is being conducted to insure compliance with the provisions of this subdivision or any conditions additionally imposed.

- (4) *Violations.* After two nuisances or Code violation complaints have been made and verified with written notices to the home occupation, a public hearing may be called to reconsider the home occupation within 60 days of the last complaint.
- (5) *Revocation.* An interim use permit for a home occupation may be revoked if (i) the property is found to be in violation of the conditions listed in the interim use permit or (ii) if access to the property for the purpose of making an inspection is refused to the zoning administrator or their designee. The same process established for granting an interim use permit for a home occupation shall be followed when considering revocation of a interim use permit for a home occupation.
- (6) *Penalty.* Violation of the home occupation performance standards shall be subject to the enforcement and penalty provisions as contained in this chapter.
- (7) *Performance standards.* Performance standards for home occupations shall be as follows:
  - a. The home occupation must be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof, and shall not result in incompatibility or disturbance to the surrounding residential uses.
  - b. No home occupation shall require external alterations or involve construction of features not customarily found in dwellings except where required to comply with the state fire and building code regulations.
  - c. No retail sales of products fabricated off the premises is allowed except for occasional sales of retail products if the dwelling serves as an office for a person regularly engaged in retail sales outside the dwelling but has no other office and if such occasional sales are incidental to and not the primary purpose of the home occupation.
  - d. No stock in-trade other than that permitted under subsection (d)(7)c of this section shall be kept or sold on the premises.
  - e. Only members of the family occupying the dwelling unit may carry on the home occupation.
  - f. There shall be no exterior display, exterior signs, interior displays or interior signs which are visible from outside the dwelling, unless approved with an interim use permit and the property fronts a road designated as an "A" Minor Arterial by the Future Functional Classification Plan Map in the Anoka Community Plan. Home occupation business signs may be either wall or freestanding-type signs. Freestanding signs shall be a maximum of five square feet in area, a minimum of five feet from property lines, shall not be within the sight triangle of any intersection or driveway, and shall be limited to six feet in overall height.

- g. No outside storage or display is permitted.
  - h. No significant increase in levels of noise, dust, smoke, gas, heat, vibration, glare, fumes, odor or electrical interference shall be detectable to the normal senses off the premises.
  - i. No on street parking of vehicles related to the home occupation is permitted.
  - j. No more than one client or customer may patronize the dwelling unit at one time.
  - k. The space devoted to the occupation shall have an inside entrance into the dwelling area.
  - l. All home occupations shall be conducted entirely within the dwelling and not in an attached or detached garage or in an accessory building.
  - m. No more than 25 percent of the gross floor area of the dwelling unit shall be used for the occupation.
  - n. There is no increase in sewer, water, gas, electricity, or garbage usage in excess of what is normal in a residential neighborhood such that the neighborhood is adversely affected.
  - o. No customer waiting areas are allowed.
  - p. All licenses or permits required to carry on the occupation shall be obtained.
  - q. All home occupations shall be conducted at the sole risk of the dwelling occupants conducting the home occupation. The City shall not be responsible or liable to the dwelling occupants or any third party as a result of the home occupation, and the occupants conducting the home occupation shall indemnify and hold the City harmless from all claims and causes of action associated with the home occupation.
- (8) *Permitted home occupations.* The following home occupations and similar occupations as determined by the City Council are permitted accessory uses in all residential districts only if all conditions in subsection (d)(7) of this section are fully observed.
- a. Artist, author, composer, sculptor.
  - b. Home crafts, such as model making, rug weaving, woodworking, and similar activities, provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home, including machinery or equipment that would ordinarily be employed in

connection with a hobby or avocation not conducted for gain or profit.

- c. Dressmakers, seamstresses and tailors.
- d. Beauticians and barber shops.
- e. Home offices for accountants, architects, engineers, lawyers, realtors, insurance agents, brokers, clergy, consultants, contractors, land surveyors, musicians, salesman, sales representative, manufacturer's representative, travel agent, home builders and home repair contractors.
- f. Mail order, not including retail sales from the site.
- g. Music and art teachers or other tutoring services.
- h. Telephone answering.
- i. "Work at home" activities where employees of a business, located at another location, perform work for the business in their own residence, provided all physical contact between the business and the employee occurs at the place of business and not the residence, other than the initial installation of any equipment or other work facilities. The work activities of the employee shall conform with all other requirements of this subsection.
- j. Food preparation for sale, when registered with the Department of Agriculture under the Cottage Food exemption in Minnesota Statute 28A.152.
- k. Other occupations that fully comply with the standards in subsection (d) (7) of this section.

(9) *Home occupations allowed with an interim use permit.* The following home occupations are permitted as an accessory use upon approval of an interim use permit by the City Council after recommendation by the planning commission:

- a. Home occupations with the following characteristics:
  - 1. A maximum of one outside employee.
  - 2. Outside parking of no more than one commercial type vehicle identified for business purposes not to exceed one-ton capacity and used for both personal and business transportation. The vehicle is to be owned and registered to an occupant of the property and parked in a screened location.
- b. Ceramic classes with a kiln up to six cubic feet in size.
- c. Domestic animal grooming.

- d. Other home occupations which substantially comply with the standards set forth in subsection (d)(7) of this section.
  - e. Other proposed home occupations that are determined to be similar in character to those listed in subsection (d)(8) of this section.
- (10) *Particular home occupations prohibited.* The following uses, and similar uses, shall not be permitted as a home occupation in any residential district:
- a. Antique shops, boutiques, dress shops, and gift shops.
  - b. Photo studio, processing lab, and portrait studios.
  - c. Restaurants, coffee shops, and tearooms.
  - d. Offices for physicians, dentists, veterinarians, physical or massage therapists, and chiropractors.
  - e. Animal hospital or kennel.
  - f. Auto repair and painting, including the repair of engines, motor vehicles, motorcycles, and heavy equipment.
  - g. Dancing schools and studios.
  - h. Dispatching of transfer and moving vans at the site.
  - i. Furniture repair and refinishing.
  - j. Palm reading or fortune telling.
  - k. Preparation of food for sale, unless specifically permitted in this Section.
  - l. Radio, television and appliance repair shops.
  - m. Raising of animals for sale.
  - n. Shops for contractors and tradesmen, such as electricians, plumbers and carpenters.
  - o. Sign painting.
  - p. Boarding and lodging houses, unless specifically permitted by the district regulations.
  - q. Tattoo business.
  - r. Tanning salons.

- s. Any occupation that requires a federal firearms license, including the sale of firearms; except where each of the following conditions exist:
    - 1. An occupant residing on the premises holds a valid and current federal firearms license and has held the license continuously since December 31, 1995;
    - 2. The occupant had an established occupation at the premises that required a federal firearms license as of December 31, 1995, and has not discontinued such occupation; and
    - 3. At the time of the most recent renewal of the occupant's federal firearms license:
      - i. The premises were inspected by the City and the City certified that the premises (i) were equipped with an adequate security system and (ii) were otherwise adequately protected against theft of firearms from the premises;
      - ii. The occupant has met all the criteria for licensing under the federal firearms code and the individual, in the opinion of the City police department, has been found to be honest, reliable and of good character; and
      - iii. The police department has not received more than three complaints within the past five years related to this use of the premises.
  - t. Trash hauler operations other than a home office.
  - u. Any home occupation which does not substantially comply with the standards set forth in subsection (d)(7) of this section.
- (11) *Application materials.* Prior to the issuance of an interim use permit for a home occupation an application must be submitted which contains the following information:
- a. The owner of the property and the person who will be conducting the home occupation.
  - b. The street address of the dwelling.
  - c. The type of home occupation.
  - d. The type of equipment that will be used.
  - e. The days and hours which the home occupation will be conducted.
  - f. A description of any motor vehicles which will be used in connection with the occupation, and whether or not the

applicant has had any previous denials for a similar request elsewhere.

- g. A plan or drawing of the dwelling which shows clearly and in reasonable detail the portion of the dwelling which is to be used for the home occupation, the number of square feet of living area contained in the dwelling, and the number of square feet to be used for the home occupation.

The application for an interim use permit for a home occupation will be processed according to section 74-34.

- (12) *Amendment to an interim use permit for a home occupation.* The applicant must seek an amendment to the permit in order to change the conditions set forth in the home occupation interim use permit. The amendment will be processed according to section 74-34.

- (e) *Division of two-family dwellings.* Two-family dwellings may be divided into single parcels of record with the party wall acting as the dividing lot line subject to the following conditions:

- (1) Each of the lots created in subdividing lands on which a two-family structure is located shall be equal in area or as near equal as is reasonably possible.
- (2) Each lot so created shall contain no less than 40 percent of the minimum land area requirement for each unit in a two-family dwelling, and shall be shown on a registered survey.
- (3) Except for setbacks along the common property line, all other setback and yard requirements shall be met.
- (4) To the extent reasonably feasible, separate services shall be provided to each residential unit for sanitary sewer, water, electricity, natural gas, telephone, and other utilities.
- (5) The two-family units, either existing or proposed, must be constructed in a side-by-side manner.
- (6) To protect the safety and property of the owner and occupants of each individual unit, no existing duplex structure may be split into two separate ownerships unless and until the common party wall fire rating is brought up to new construction standards contained in the state building code which currently requires a one-hour rating for the party wall and no opening shall be allowed in the party wall. Party walls must provide sound transmission control ratings as per the state building code.
- (7) The owner of property to be subdivided shall execute and record at their expense a declaration of covenant, conditions and restrictions, as prepared by the City attorney. Such document is necessary to protect the rights of the individual owners sharing a single structure and the public as it relates to maintenance, repair, and construction in case of damage to the original structure. The declarations, covenants,

conditions, and restrictions shall provide protection to the property owners and the City on the following subjects:

- a. Building and use restrictions.
- b. Party walls.
- c. Relationship among owners of adjoining living units, including arbitration of disputes.
- d. Separate or shared services.

The intent of these regulations is to promote harmony between the neighbors sharing a single structure and to protect the City and neighborhood from improper maintenance and/or disputes such as the following examples: one living unit being painted one color and the other unit having a different color or one side of the structure having one roof color and type of roof and the other side being of a different type and color. The City is concerned that all such disputes be avoided and that the regulations contained in this subsection are designed to establish the rights of the parties prior to their entering into joint ownership of one structure. The City shall be a beneficiary of these declarations, covenants, conditions, and restrictions.

- (8) The authority to divide a single structure containing two dwelling units shall be subject to chapter 54 this Code relating to park dedication and other subdivision requirements and the City Council may impose other reasonable conditions.

**Section 74-212.**

**R-F farm residence district.**

- (a) *Permitted uses.* In an R-F farm residence district, no building or land shall be used or divided, and no building shall be erected, converted, or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:
  - (1) Single-family dwellings.
  - (2) Nursery or growing fields, not to include retail sales.
  - (3) Public owned parks and public owned playgrounds.
  - (4) Golf courses.
  - (5) Railroad rights of way for through trains, but no switching, storage or other railroad operations.
  - (6) A State licensed residential facility or a housing with services establishment registered under Minnesota Statutes Chapter 144 D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357 Subd (7), as amended.

- (7) A State licensed daycare facility serving twelve or fewer persons as allowed under Minnesota Statutes 462.357 Subd 7, as amended.
- (8) A group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minnesota Statutes 462.357 Subd 7, as amended. A conditional use permit obtained pursuant to Section 36-17 of the Code is required for the operation of such schools or facilities on non-residential premises within this zone. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related 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.
- (9) Essential services, including electrical, gas, water, sewer, distribution and collection lines, pumping facilities for water and sewer systems, rights-of-way for transportation modes and telephone switching facilities.

**State law reference--**Certain state licensed facilities as permitted uses, Minn. Stats. § 462.357, subd. 7.

- (b) *Accessory Structures and Uses.* Within the R-F District, the following accessory structures and uses shall be permitted provided they are subordinate to, associated with and located on the same lot as a permitted use. An accessory structure or use shall not predate a principal structure or use, unless granted an interim use permit as permitted under this Chapter.
  - (1) Private recreation facilities – swimming pools, tennis courts, etc. for the use and enjoyment of residents and guests.
  - (2) Uses customarily incidental to the permitted, conditional or interim uses allowed in the district.
  - (3) Private garages and off-street parking and loading as regulated by this Chapter.
  - (4) Signs as regulated by this Chapter.
  - (5) The operation of necessary facilities and equipment in connection with schools, universities, hospitals, colleges, and other institutions permitted or conditionally permitted in the district.
  - (6) Recreation, refreshment and service buildings in public parks and playgrounds.
  - (7) Boarding or renting of rooms to not more than two (2) individuals per dwelling unit as regulated by this Chapter and the Property Maintenance Code of the City Code. A person providing home healthcare shall not be considered as a boarder or renter for purposes of this Ordinance.
  - (8) Home occupations as permitted by this Chapter.
  - (9) Recreational vehicles and equipment parking as regulated by this Chapter.

- (10) Tool houses, sheds and other structures for the storage of domestic supplies and equipment.
  - (11) Radio and televisions receiving antennas, including single satellite dish TVRO's (television receiving only) one meter or less in diameter, short-waver radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio station if the antenna is thirty-five (35) feet or less in height.
  - (12) Outdoor sales and fund-raising events sponsored by non-profit uses allowed in this district and limited to six (6) events per calendar year, no one event to exceed four (4) days.
  - (13) Garage and yard sales limited to three (3) events per calendar year, no one event to exceed three (3) days.
  - (14) Model homes and temporary real estate offices until development is completed.
  - (15) Solar equipment.
  - (16) Minor mass transit facilities including benches, which may include advertising signs.
  - (17) Air conditioning machinery located on an exterior pad.
  - (18) Home schools.
- (c) *Conditional uses.* The following uses of land or structures are permitted in the R-F farm residence district if granted a conditional use permit:
- (1) Churches.
  - (2) Libraries.
  - (3) A group family daycare facility under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children and operated on non-residential premises within this zone.
  - (4) Other uses similar to those permitted by this section, as determined by the City.
- (d) *Interim Uses.* The following uses of land or structures are permitted in the R-F Farm Residential District if granted an Interim Use Permit.
- (a) Home occupations as regulated by this Chapter.
  - (b) Radio and television receiving antennas, including single satellite dish TVRO's (television receiving only) one meter or less in diameter, short-wave radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio station if the antenna is over thirty-five (35) feet in height.

- (c) Land filling and excavation/grading operations, including mining, if more than 1000 cubic yards of material.
  - (d) Temporary classroom structures.
  - (e) Temporary real estate offices until development is completed.
  - (f) Major mass transit facilities, including park and ride facilities and inter-modal transfer points and bus shelters.
  - (g) Other uses similar to those permitted by this Subdivision or determined to be consistent with the standards for interim uses as regulated by this Chapter.
- (e) *Accessory uses.* The following are permitted accessory uses in the R-F farm residence district:

Accessory structures:

- (1) Where the principal use is a single-family dwelling, garages shall contain at least 440 square feet, but the total area of all accessory uses shall not exceed 1,056 square feet unless the footprint of living space within the dwelling exceeds 1,056 square feet, as determined by the City assessor's standard procedures for calculating such footprints; when the living space footprint exceeds 1,056 square feet, the total area of all accessory uses may equal the living space footprint area, but in no case shall exceed 1,200 square feet, nor shall the total area of all structures on a lot exceed 30 percent of the lot area, nor shall any lot contain more than three structures which enclose accessory space.
- (2) An accessory building shall be attached to and made structurally part of the principal building if it is within five (5) feet of the principal building.

Living quarters of persons employed on the premises.

Private garage.

Private recreation facilities swimming pools, tennis courts, etc., for the use and enjoyment of residents and guests.

Signs as regulated in this chapter.

Uses customarily incident to permitted or conditional uses allowed in the district.

- (f) *Prohibited Uses.*
- (1) State licensed residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related 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.

(2) Any use not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.

(g) *Height, yard and area regulations.* Height, yard and area regulations for the R-F farm residence district shall be as follows:

(1) *Height regulations.* No building hereafter erected or altered in an R-F district shall exceed 2½ stories or 30 feet in height, except as provided in section 74-483.

(2) *Front yard regulations.*

a. There shall be a front yard having a depth of not less than 50 feet, unless 30 percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard, in which instance no new building or portion thereof shall project beyond the average of the setback lines of the residences upon either side of the proposed structure, or if there are residences on only one side, then beyond the average of the setback lines of the two nearest residences. However, this regulation shall not be interpreted to require a front yard of more than 100 feet.

b. On a corner lot, there shall be a front yard on each side of such lot. No accessory building shall project beyond the front yard line of either street.

c. Riparian lots shall have front yards of 100 feet from the ordinary high water level. On riparian lots, the front yard is defined as the area which abuts the water.

(3) *Side yard regulations.*

a. Except as provided in the subsection (d)(3)b of this section and in section 74-485, there shall be a side yard, on each side of a building, a width of not less than 15 feet.

b. Churches must have a minimum side yard of 50 feet.

c. Whenever a lot of record, existing on December 7, 1967, has a width of 70 feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.

(4) *Rear yard regulations.* Except as provided in section 74-485, there shall be a rear yard having a depth of not less than 40 feet or 20 percent of the depth of the lot, whichever amount is larger, but it need not exceed 50 feet.

(5) *Lot area regulations.*

- a. Every lot or tract of land upon which a single-family dwelling is erected shall have an area of not less than 2½ acres and an average width of not less than 100 feet; except, that if a lot or tract has less area of width than required in this section and was legally platted and was of record at the time of the passage of the ordinance from which this chapter is derived, that lot may be used for any of the uses permitted in this section.
- b. Riparian lots shall have an area of not less than five acres, not more than 30 percent of the total lot shall be covered with an impervious surface, and such surface area must be set back a minimum of 50 feet from the ordinary high water level of the river and screened by a natural material.
  1. All riparian lots shall have a minimum lot width of 200 feet.
  2. All riparian lots shall have a minimum lot depth of 200 feet.

**Section 74-213.**

**R-1 Single-Family Residential District.**

- (a) *Purpose.* The purpose of the R-1 district is to provide a district for single-family detached dwellings in those areas where such development is consistent with the low-density residential designation of the community plan and compatible with the surrounding land use characteristics. Development within the R-1 district shall occur at densities not exceeding 4.3 dwelling units per acre.
- (b) *Permitted uses.* The following are permitted uses in the R-1 single-family residential district:
  - (1) Single-family detached dwellings, but not more than one dwelling unit per lot.
  - (2) Parks and recreational areas owned or operated by public bodies.
  - (3) A State licensed residential facility or a housing with services establishment registered under Minnesota Statutes Chapter 144 D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357 Subd. (7), as amended.
  - (4) A Group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minn. Stats. § 462.357, subd. 7. A conditional use permit obtained pursuant to this Section or Code is required for the operation of such schools or facilities on nonresidential premises within this zone. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related 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) Essential services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer systems, rights-of way for transportation modes, and telephone switching facilities.

(c) *Accessory structures and uses.*

- (1) *Generally.* Within the R-1 District, the following accessory structures and uses shall be permitted provided they are subordinate to, associate with and located on the same lot as a permitted use. An accessory structure or use shall not predate a principal structure or use, unless granted an interim use permit as permitted by this Chapter.
- a. Private recreation facilities – swimming pools, tennis courts, etc., for the use and enjoyment of residents and guests.
  - b. Uses customarily incidental to the permitted, conditional or interim uses allowed in the district.
  - c. Private garages and off-street parking and loading as regulated by this Chapter.
  - d. Signs as regulated by this Chapter.
  - e. The operation of necessary facilities and equipment in connection with schools, universities, hospitals, colleges, and other instructions permitted or conditionally permitted in the district.
  - f. Recreation, refreshment and service buildings in public parks and playgrounds.
  - g. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit as regulated by this Chapter and the Property Maintenance section of this Code. A person providing home healthcare shall not be considered as a boarder or renter for purposes of this ordinance.
  - h. Home occupations as permitted by this Chapter.
  - i. Tool houses, sheds and other structures for the storage of domestic supplies and equipment.
  - j. Radio and television receiving antennas, including single satellite dish TVRO's (television receiving only) one meter or less in diameter, short-wave radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio station if the antenna is thirty-five feet (35') or less in height.
  - k. Outdoor sales and fundraising events sponsored by non-profit uses allowed in this district and limited to six (6) events per calendar year, no one event to exceed four (4) days.

- l. Garage and yard sales limited to three (3) events per calendar year, no one event to exceed three (3) days.
  - m. Model homes and temporary real estate offices until development is completed.
  - n. Solar equipment.
  - o. Minor mass transit facilities including benches, which may include advertising signs.
  - p. Air conditioning machinery located on an exterior pad.
  - q. Home schools.
- (2) *Standards for accessory structures in the R-1 single-family residence district.* Standards for accessory structures in the R-1 single-family residence district shall be as follows:
- a. Where the principal use is a single-family dwelling, garages shall contain at least four hundred forty (440) square feet and not more than one thousand fifty-six (1,056) square feet.
  - b. For residential uses, the total area of all accessory building, including attached garages, shall not exceed one thousand two hundred (1,200) square feet.
  - c. A lot shall contain no more than three accessory buildings, including attached garages.
  - d. An accessory building shall be attached to and made structurally part of the principal building if it is less than five (5) feet from the principal building.
- (d) *Conditional uses.* The following uses of land or structures are permitted in the R-1 single-family residential district if granted a conditional use permit:
- (1) Nurseries, greenhouses for growing only, landscape gardening and tree farms.
  - (2) Private recreation, including golf courses, driving ranges, clubhouse, country club, swimming or tennis club.
  - (3) Public schools or private schools having a course of instruction approved by the Minnesota Board of Education for students enrolled in grades K-12, or any portion thereof, provided they do not including boarding or residential facilities.
  - (4) Churches or other religious or philanthropic instructions.
  - (5) Cemeteries or memorial gardens.
  - (6) Public and community buildings owned or operated by public bodies.
  - (7) Wireless communication antennas not located on a public structure or existing tower as regulated by this Chapter.

- (8) Bed and breakfast facilities.
  - (9) Single satellite dish and TVRO's greater than one (1) meter in diameter.
  - (10) Public or private nursing or convalescent homes.
  - (11) Licensed daycare facilities for more than six (6) persons, provided they are located within a religious or educational structure that is not used for residential purposes.
  - (12) Greenhouses for home use.
  - (13) Other uses similar to those permitted by this section, as determined by the City.
- (e) *Interim uses.* The following uses of land or structures are permitted in the R-1 single-family residential district if granted an interim use permit:
- (1) Home occupations as regulated by this chapter.
  - (2) Radio and television receiving antennas, including single satellite dish TVRO's (television receiving only) one meter or less in diameter, short-wave radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio station if the antenna is over 35 feet height.
  - (3) Land filling and excavation/grading operations, including mining, if more than 1,000 cubic yards of material.
  - (4) Temporary classroom structures.
  - (5) Temporary real estate offices until development is completed.
  - (6) Major mass transit facilities, including park and ride facilities and inter-modal transfer points and bus shelters.
  - (7) Other uses similar to those permitted by this subsection or determined to be consistent with the standards for interim uses as regulated by this chapter.
- (f) *Prohibited uses.*
- (1) Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.
  - (2) Any use not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in this Code, shall be considered prohibited in the R-1 single-family residential district. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this chapter.

- (g) *Lot area requirements.* The lot area requirements for the R-1 single-family residential district are as follows:
- (1) Every lot on which a single-family dwelling is erected shall not be less than 10,000 square feet except riparian lots.
  - (2) Every lot on which a single-family dwelling is erected shall not be less than 75 feet in width, nor less than 120 feet in depth. Lots on cul-de-sac streets shall have a minimum frontage of 50 feet on the right-of-way line. Corner lots shall have at least ten (10) feet extra width and sufficient depth for established building setback on both streets.
  - (3) Riparian lots shall not be less than 15,000 square feet and shall not be less than 75 feet in width, nor less than 200 feet in depth. No more than 30 percent of the lot shall be covered by impervious surface. Such surface must be a minimum of 50 feet from the ordinary high water level and screened by natural materials.
  - (4) In no case shall the impervious surface coverage of a nonriparian lot exceed 35 percent of the area of the lot.
- (h) *Front, side, and rear yard requirements.* Front, side, and rear yard requirements in the R-1 single-family residential district shall be as follows:
- (1) *Front yard regulations.* Front yard requirement shall be as follows:
    - a. There shall be a front yard having a depth of not less than 25 feet. On corner lots, there shall be a front yard on each side that abuts a street and a side yard on each side that does not. In no case shall there be more than two front yard setbacks applied to any lot. No accessory building shall project beyond the front yard line of any street. If the average front yard setback on a block is greater than the required 25 feet, all new home construction, including residential additions, must be set back a distance equal to the average setback.
    - b. The front yard setback for uses other than residential shall be 35 feet.
    - c. Riparian lots shall have front yards of 100 feet from the ordinary water level. On riparian lots, the front yard is defined as the area which abuts the water.
    - d. No detached accessory structure shall be closer to the front lot line than the principal structure.
  - (2) *Side yard regulations.* Side yard regulations shall be as follows:
    - a. Except as provided in the subsection (h)(2)b of this section and section 74-485, there shall be a side yard on each side of a building having a width of not less than ten feet, except a minimum five-foot side yard is allowable next to either an attached or detached garage or accessory structure.

- b. Whenever a lot of record existing at the time of passage of the ordinance from which this chapter is derived has a width of less than 66 feet, the side yard on each side of the building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall the side yard be less than five feet.
  - c. The side yard setback for uses other than residential shall be 25 feet.
- (3) *Rear yard regulations.* Rear yard regulations shall be as follows:
- a. Each lot shall have a rear yard of not less than 25 feet with respect to detached accessory uses and structures which may be located five feet from the rear lot line.
  - b. The rear yard setback for uses other than residential shall be 40 feet.
- (i) *Maximum building height.* The maximum building height in the R-1 single-family residential district shall be as follows:
- (1) No structure shall exceed 2½ stories or 35 feet in height, whichever is less.
  - (2) A detached accessory building shall not exceed fifteen feet (15') in height for a building with a shed or flat roof, eighteen feet (18') in height for a gable, hip, gambrel, mansard, arch or round roof, or the height of the principal building, whichever is less.
  - (3) The wall height of a detached accessory building shall not exceed twelve feet (12').
  - (4) Attached garages shall not exceed the height of the principal building.
  - (5) Where the average slope of a lot is greater than one foot (1') rise or fall in seven feet (7') of horizontal distance from the established street elevation at the property line, one (1) additional story than the number permitted under this section shall be permitted on the down hill side of the building.
  - (6) Public and semi-public buildings, schools, churches, hospitals and other institutions permitted in this district may be erected to a height not exceeding fifty feet (50'). In such cases where the height of the structure is increased beyond thirty-five feet (35'), the front, rear and side yards shall be increased one foot (1') for each foot of building height that exceeds thirty-five feet (35').
- (j) *Special regulations.* Special regulations in the R-1 single-family residential district shall be as follows:
- (1) A detached accessory building, other than a garage, shall not be located in a required front yard, or closer than five feet from any rear or side lot line.

- (2) No residential structure shall have a width of less than 24 feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.
- (3) All residential structures shall have permanent concrete or wood foundations, which comply with the state building code and which is solid for the complete circumference of the house.
- (4) All residential dwellings must be built in conformance with the state building code.
- (5) Two enclosed parking spaces of not less than 440 square feet shall be required for a single-family dwelling.

**Section 74-214.**

**R-2 one- and two-family dwellings district.**

- (a) *Purpose.* The purpose of the R-2 one- and two-family dwellings district is to provide a district for single-family and two-family dwellings in those areas where such development is consistent with the low density residential designation of the community plan and compatible with surrounding land use characteristics. Development within this district shall occur at densities not exceeding eight (8) units per acre.
- (b) *Permitted uses.* The following are permitted uses in the R-2 one- and two-family dwelling district:
  - (1) Single-family dwellings detached dwelling units on lots with a minimum area of 10,000 square feet, but not more than one dwelling unit per lot.
  - (2) Two-family dwellings.
  - (3) Parks and recreational areas owned or operated by public schools.
  - (4) A State licensed residential facility or ahousing with services establishment registered under Minnesota Statutes Chapter 144D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357, Subd. 7, as amended.
  - (5) A State licensed daycare facility serving twelve (12) or fewer persons as allowed under Minnesota Statutes 462.357, as amended.
  - (6) A Group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minn. Stats. § 462.357, subd. 7. A conditional use permit obtained pursuant to this Chapter is required for the operation of such schools or facilities on non-residential premises within this zone. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related 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.
  - (7) Essential services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer systems,

rights-of-way for transportation modes, and telephone switching facilities.

(c) *Accessory structures and uses.*

- (1) *Generally.* Within the R-2 District, the following accessory structures and uses shall be permitted provided they are subordinate to, associated with and located on the same lot as a permitted use. An accessory structure or use shall not predate a principal structure or use, unless granted an interim use permit as permitted by this Chapter.
- a. Private recreation facilities – swimming pools, tennis courts, etc., for the use and enjoyment of residents and guests.
  - b. Uses customarily incidental to the permitted, conditional or interim uses allowed in the district.
  - c. Private garages and off-street parking and loading as regulated by this Chapter.
  - d. Signs as regulated by this Chapter.
  - e. The operation of necessary facilities and equipment in connection with schools, universities, hospitals, colleges, and other institutions permitted or conditionally permitted in the district.
  - f. Recreation, refreshment and service buildings in public parks and playgrounds.
  - g. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit as regulated by this Chapter and the Property Maintenance section of this Code. A person providing home healthcare shall not be considered as a boarder or renter for purposes of this ordinance.
  - h. Home occupations as permitted by this Chapter.
  - i. Recreational vehicles and equipment parking as regulated by this Chapter.
  - j. Tool houses, sheds and other structures for the storage of domestic supplies and equipment.
  - k. Radio and television receiving antennas, including single satellite dish TVRO's (television receiving only) one meter or less in diameter, short-wave radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio station if the antenna is thirty-five feet (35') or less in height.
  - l. Outdoor sales and fundraising events sponsored by non-profit uses allowed in this district and limited to six (6) events per calendar year, no one event to exceed four (4) days.

- m. Garage and yard sales limited to three (3) events per calendar year, no one event to exceed three (3) days.
  - n. Model homes and temporary real estate offices until development is completed.
  - o. Solar equipment.
  - p. Minor mass transit facilities including benches, which may include advertising signs.
  - q. Air conditioning machinery located on an exterior pad.
  - r. Home schools.
  - s. Uses customarily incidental to permitted, conditional or interim uses allowed in the district.
- (2) *Standards for accessory structures in the R-2 one- and two-family dwelling district.* Standards for accessory structures in the R-2 one- and two-family dwelling district shall be as follows:
- a. Where the principal use is a single-family dwelling, garages shall contain at least four hundred forty (440) square feet and not more than one thousand fifty-six (1,056) square feet.
  - b. For two-family units, garages shall contain at least four hundred (400) square feet per unit and not more than one thousand fifty-six (1,056) square feet per unit.
  - c. For residential uses, the total area of all accessory buildings on a lot, including attached garage space, shall not exceed one thousand two hundred (1,200) square feet.
  - d. A lot shall contain no more than three accessory buildings, including attached garages.
  - e. An accessory building shall be attached to and made structurally part of the principal building if it is less than five (5) feet from the principal building.
- (d) *Conditional Uses.* The following uses of land or structures are permitted in the R-2 one- and two dwelling district if granted a conditional use permit:
- (1) Private recreation, including golf courses, driving ranges, clubhouse, country club, swimming or tennis club.
  - (2) Public schools or private schools having a course of instruction approved by the state board of education for students enrolled in grades K-12, or any portion thereof, provided they do not include boarding or residential facilities.
  - (3) Churches or other religious or philanthropic institutions.
  - (4) Cemeteries or memorial gardens.

- (5) Wireless communication antennas not located on a public structure or existing tower as regulated by this chapter.
  - (6) Bed and breakfast facilities.
  - (7) Single satellite dish and TVRO's greater than one meter in diameter.
  - (8) Public or private nursing or convalescent homes.
  - (9) Public and community buildings owned or operated by public bodies.
  - (10) Licensed day care facilities for more than six persons, provided they are located within a religious or educational structure which is not used for residential purposes.
  - (11) Greenhouses for home use.
  - (12) Other uses similar to those permitted by this section, as determined by the City.
- (e) *Interim uses.* The following uses of land or structures are permitted in the R-2 one- and two-family dwelling district if granted an interim use permit:
- (1) Home occupations as regulated by this chapter.
  - (2) Radio and television antennas, including single satellite dish TVRO's (television receiving only) one meter or less in diameter short-wave radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio stations if the antenna is over 35 feet in height.
  - (3) Land filling and excavation/grading operations, including mining, if more than 1,000 cubic yards of material.
  - (4) Temporary classroom structures for used by public or private schools.
  - (5) Temporary real estate offices until development is completed.
  - (6) Major mass transit facilities, including park and ride facilities and inter-modal transfer points and bus shelters.
  - (7) Other uses similar to those permitted by this subsection or determined to be consistent with the standards for interim uses as regulated by this chapter.
- (f) *Prohibited uses.*
- (1) Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related 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.
  - (2) Any use not specifically listed as permitted, conditionally permitted, permitted as an interim use, or as allowed elsewhere in this Code, shall

be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this chapter.

- (g) *Lot area requirements.* Lot area requirements in the R-2 one- and two-family dwellings district shall be as follows:
- (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than 10,000 square feet, and shall not be less than 75 feet in width at the building setback line and 50 feet at the property line of cul-de-sac. Minimum depth shall be 120 feet.
  - (2) A lot on which there is erected a two-family dwelling shall have an area of not less than 10,500 square feet, and an average width of not less than 80 feet, and an average depth of not less than 120 feet; except, that if a lot has less area, width or depth than required in this chapter, and was legally platted and was of record at the time of passage of the ordinance from which this chapter is derived, that lot may be used only for a single-family residence.
  - (3) Riparian lots shall have a minimum area of 15,000 square feet and not be less than 75 feet in width and 200 feet in depth. No more than 30 percent of the total lot area may be covered by an impervious surface. Such surface area must be a minimum of 50 feet from the ordinary high water level and screened by natural material.
  - (4) In no case shall the impervious surface coverage of a nonriparian lot exceed 35 percent of the lot area.
  - (5) Corner lots shall have at least ten (10) feet extra width and sufficient depth for established building setback on both streets.
- (h) *Front, side and rear yard regulations.* Front, side and rear yard regulations for the R-2 one- and two-family dwellings district shall be as follows:
- (1) *Front yard regulations.* Front yard regulations shall be as follows:
    - a. There shall be a front yard having a depth of not less than 25 feet. On corner lots, there shall be a front yard on each side that abuts a street and a side yard on each side that does not. In no case shall there be more than two front yard setbacks applied to any lot. No accessory building shall project beyond the front yard line of any street. If the average front yard setback on a block is greater than 25 feet, all new home construction, including residential additions, must be set back a distance equal to the average setback.
    - b. The front yard setback for uses other than residential shall be 35 feet.
    - c. Riparian lots shall have front yards of 100 feet from the ordinary high water level. On riparian lots the front yard is defined as the area which abuts the water.

- d. No detached accessory structure shall be closer to the front lot line than the principal structure.
- (2) *Side yard regulations.* Side yard regulations shall be as follows:
- a. Except as provided in the subsection (h)(2)b of this section and section 74-485, there shall be a side yard on each side of a building having a width of not less than ten feet, except a minimum five-foot side yard is allowable next to either an attached or detached garage or accessory structure.
  - b. Whenever a lot of record existing at the time of passage of this chapter has a width of less than 66 feet, the side yard on each side of the building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.
  - c. The side yard setback for uses other than residential shall be 25 feet.
- (3) *Rear yard regulations.* Rear yard regulations shall be as follows:
- a. Each lot shall have a rear yard of not less than 25 feet, with respect to detached accessory uses and structures which may be located five feet from the rear lot line.
  - b. The rear yard setback for uses other than residential shall be 40 feet.
- (i) *Maximum building height.* The maximum building height in the R-2 one- and two-family dwellings district shall be as follows:
- (1) No structure shall exceed two and one-half (2-1/2) stories, or thirty-five (35) feet in height, whichever is less.
  - (2) A detached accessory building shall not exceed fifteen (15) feet in height for a building with a shed or flat roof, eighteen (18) feet in height for a gable, hip, gambrel, mansard, arch or round roof, or the height of the principal building, whichever is less.
  - (3) The wall height of a detached accessory building shall not exceed twelve (12) feet.
  - (4) Attached garages shall not exceed the height of the principal building.
  - (5) Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation at the property line, one (1) additional story than the number permitted under this section shall be permitted on the down hill side of the building.
  - (6) Public and semi-public buildings, schools, churches, hospitals and other institutions permitted in this district may be erected to a height not exceeding fifty (50) feet. In such cases where the height of the structure is increased beyond thirty-five (35) feet, the front, rear and

side yards shall be increased one (1) foot for each foot of building height that exceeds thirty-five (35) feet.

- (j) *Special regulations.* Special regulations for the R-2 one- and two-family dwellings district shall be as follows:
- (1) A detached accessory building other than a garage shall not be located in a required front yard or closer than five feet from any rear or side lot line.
  - (2) No residential structure shall have a width of less than 24 feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.
  - (3) All residential structures shall have permanent concrete or wood foundations, which comply with the state building code and which is solid for the complete circumference of the house.
  - (4) All residential dwellings must be built in conformance with the state building code.
  - (5) Two enclosed parking spaces of not less than 440 square feet shall be required for a single-family dwelling.
  - (6) Two enclosed parking spaces of not less than 400 square feet per dwelling unit shall be required for a two-family dwelling.

**Section 74-215.**

**R-3 Medium and High Density Residential Districts.**

- (a) *Intent.* The R-3 medium and high density residential district is intended to allow development at medium and high density in areas consistent with the comprehensive plan and planning policies.
- (b) *Permitted uses.* The following are permitted uses in the R-3 low density multiple-family district:
- (1) Single-family.
  - (2) Two-family dwellings.
  - (3) Two to six family attached dwellings.
  - (4) Townhouses, row houses or group houses (not to exceed eight (8) units per building or six (6) in a linear configuration) and each dwelling unit shall have separate and individual front and rear entrances and solid walls of at least five (5) feet in height and twelve (12) feet in length extending to the rear of each dwelling unit so as to substantially enclose on at least three sides a semi-private outdoor space.
  - (5) Multiple dwellings, apartments.
  - (6) Golf courses (except club houses, miniature courses and driving tees operated for commercial purposes).

- (7) A Group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minn. Stats. § 462.357, subd. 7. A conditional use permit obtained pursuant to this Chapter is required for the operation of such schools or facilities on non-residential premises within this zone. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related 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.
- (8) A State licensed daycare facility serving twelve (12) or fewer persons as allowed under Minnesota Statutes 462.357, as amended.
- (9) A State licensed residential facility or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357, Subd. 7, as amended.
- (10) Essential services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer systems, rights-of-way for transportation modes, and telephone switching facilities.

**State law reference--**Certain state licensed facilities as permitted use, Minn. Stats. § 462.357, subd. 8.

(c) *Accessory Structures and Uses.*

- (1) *Generally.* The following are permitted accessory structures uses in the R-3 low density multiple-family district, provided they are subordinate to, associated with and located on the same lot as a permitted use. An accessory structure or use shall not predate a principal structure or use, unless granted an interim use permit as permitted under this Chapter:
  - a. Private recreation facilities – swimming pools, tennis courts, etc., for the use and enjoyment of residents and guests.
  - b. Uses customarily incidental to the permitted, conditional or interim uses allowed in the district.
  - c. Private garages and off-street parking and loading as regulated by this Chapter.
  - d. Signs as regulated by this Chapter.
  - e. The operation of necessary facilities and equipment in connection with schools, universities, hospitals, colleges, and other institutions permitted or conditionally permitted in the district.
  - f. Recreation, refreshment and service buildings in public parks and playgrounds.
  - g. In one and two-family dwellings, boarding or renting of rooms to not more than two (2) individuals per dwelling unit as regulated by this Chapter and the Property Maintenance

Chapter of the City Code. A person providing home healthcare shall not be considered as a boarder or renter for the purposes of this ordinance.

- h. Home occupations as permitted by this Chapter.
  - i. Recreational vehicles and equipment parking as regulated by this Chapter.
  - j. Tool houses, sheds and other structures for the storage of domestic supplies and equipment.
  - k. Radio and television receiving antennas, including single satellite dish TVRO's (television receiving only) one meter or less in diameter, short-wave radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio station if the antenna is thirty-five (35) feet or less in height.
  - l. Outdoor sales and fundraising events sponsored by non-profit uses allowed in this district and limited to six (6) events per calendar year, no one event to exceed four (4) days.
  - m. Garage and yard sales limited to three (3) events per calendar year, no one event to exceed three (3) days.
  - n. Model homes and temporary real estate offices until development is completed.
  - o. Solar equipment.
  - p. Minor mass transit facilities including benches, which may include advertising signs.
  - q. Air conditioning machinery located on an exterior pad.
  - r. Home schools.
  - s. Uses customarily incidental to permitted, conditional or interim uses allowed in the district.
- (d) *Conditional uses.* The following uses of land or structures are permitted in the R-3 low density multiple-family district if granted a conditional use permit:
- (1) Private recreation including golf driving ranges, clubhouse, country club, swimming or tennis club.
  - (2) Public schools or equivalent private schools.
  - (3) Churches or other religious or philanthropic institutions.
  - (4) Municipal administrative or service buildings or uses including public and semi-public institutions, libraries, museums, post offices, etc., except industrial type use.

- (5) Railroad right-of-way.
- (6) Cemetery.
- (7) Convalescent and nursing homes.
- (8) A state licensed residential facility serving from seven (7) through sixteen (16) persons as allowed under Minnesota Statutes 462.357 Subd. 8, as amended.
- (9) A State licensed daycare facility serving from thirteen (13) through sixteen (16) persons as allowed under Minnesota Statutes 462.357 Subd. 8, as amended.
- (10) A State licensed daycare facility serving any number of persons on non-residential premises provided State space requirements are met and upon obtaining a conditional use permit as provided in this Code. Permits for non-residential daycare facilities will not be granted unless the site meets one of the following conditions:
  - a. The facility will be located in an existing institutional building, or
  - b. The site is suitable for commercial uses and will not be disruptive or detrimental to an existing residential area.

**State law references--**State mandated conditional uses, Minn. Stats. § 462.357, subd. 1b; authority to require conditional use permit for certain state licensed facilities, Minn. Stats. § 462.357, subd. 8.

- (e) *Interim Uses.* The following uses of land or structures are permitted in the R-3 Low Density Multiple Family Residential District if granted an Interim use Permit:
- (1) Home occupations as regulated by this Chapter.
  - (2) Radio and television antennas, including single satellite dish TVRO's (television receiving only) one meter or less in diameter short-wave radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio stations if the antenna is over thirty-five (35) feet in height.
  - (3) Land filling and excavation/grading operations, including mining, if more than one-thousand (1,000) cubic yards of material.
  - (4) Temporary classroom structures for used by public or private schools.
  - (5) Temporary real estate offices until development is completed.
  - (6) Major mass transit facilities, including park and ride facilities and inter-modal transfer points and bus shelters.

- (7) Other uses similar to those permitted by this subsection or determined to be consistent with the standards for interim uses as regulated by this Chapter.
- (f) *Prohibited Uses.*
- (1) Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.
- (2) Any use not specifically listed as permitted, conditionally permitted, permitted as an interim use, or as allowed elsewhere in this Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.
- (g) *Lot area requirements.* Except as otherwise provided in this Chapter, every dwelling hereafter erected, enlarged, relocated, altered or reconstructed in the R-3 low density multiple-family district shall be located upon lots containing the following areas:
- (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than 7,500 square feet, and shall not be less than 60 feet wide at the building setback line, nor less than 130 feet in depth.
- (2) A lot on which there is erected a two-family dwelling shall contain an area of not less than 10,500 square feet and shall not be less than 75 feet wide at the building setback line nor less than 130 feet in depth.
- (3) A lot on which there is erected a multiple dwelling shall contain an area of not less than 12,000 square feet for the first two dwelling units plus 2,000 square feet for each additional dwelling unit and shall not be less than 75 feet wide at the building setback line nor less than 130 feet in depth.
- (4) Townhouse lot area regulations: The minimum lot area per dwelling unit shall not be less than 4,500 square feet and the minimum total lot area shall not be less than 22,500 square feet.
- (5) Riparian lots shall have a minimum area of 15,000 square feet and a lot width of 75 feet and a lot depth of 200 feet. No more than 30 percent of the total lot area may be covered by an impervious surface and such surface area must be at least 50 feet from the ordinary high water level of the river and screened by natural material.
- (6) Corner lots shall have at least ten (10) feet extra width and sufficient depth for established building setback on both streets.
- (h) *Front, side and rear yard requirements.* Front, side and rear yard requirements in the R-3 low density multiple-family district shall be as follows:
- (1) *Front yard regulations.* Front yard regulations shall be as follows:

- a. For two-family and multiple family structures there shall be a front yard having a depth of not less than 35 feet. For any single-family structure there shall be a front yard having a depth of not less than 25 feet. There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the front yard line of either street.
- b. Riparian lots shall have front yards of 100 feet from the ordinary high water level. On riparian lots, the front yard is defined as the area which abuts the water.

(2) *Side yard regulations.* Side yard regulations shall be as follows:

- a. for any two-family and multiple family structures there shall be a side yard on each side of a building, having a width of not less than 15 feet. For any single-family structure there shall be a side yard of not less than 10 feet. A minimum of five-foot side yard setback is allowable next to either an attached or detached garage.
- b. There shall be a side yard which shall have a width of not less than 20 feet on each side of a three-story building.

(3) *Rear yard regulations.* One or two-family dwellings shall have a rear yard of not less than 25 feet. Three or more family dwellings shall have a rear yard of not less than 30 feet. All nonresidential uses shall have a rear yard area of not less than 40 feet. Detached permitted accessory uses and structures may be located five feet from the property line.

(i) *Maximum building height:*

- (1) No structure shall exceed two and one-half (2-1/2) stories, or thirty-five (35) feet in height, whichever is less.
- (2) A detached accessory building shall not exceed fifteen (15) feet in height for a building with a shed or flat roof, eighteen (18) feet in height for a gable, hip, gambrel, mansard, arch or round roof, or the height of the principal building, whichever is less.
- (3) The wall height of a detached accessory building shall not exceed twelve (12) feet.
- (4) Attached garages shall not exceed the height of the principal building.
- (5) Where the average slope of a lot is greater than a one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation at the property line, one (1) additional story than the number permitted in this article shall be permitted on the down hill side of the building.
- (6) Public and semi-public buildings, schools, churches, hospitals and other institutions permitted in this district may be erected to a height not exceeding fifty (50) feet. In such cases where the height of the structure is increased beyond thirty-five (35) feet, the front, rear and

side yards shall be increased one (1) foot for each foot of building height exceeds thirty-five (35) feet.

(j) *Special regulations.* Special regulations for the R-3 low density multiple-family district shall be as follows:

(1) *Lot coverage.* No more than the following percentage of each lot shall be covered by buildings, drives, and parking areas:

<u>Type of Lot</u>	<u>Percentage Covered</u>
Two-family	30
Townhouse	30
Quadhomes	50
Multiple	50

(2) The minimum distance between principal buildings on the same lot is 30 feet.

(3) All residential dwellings must be in conformance with the State Building Code.

(4) Parking and driving areas:

a. The minimum number of spaces for a single-family dwelling shall be two (2) and shall be an enclosed garage of at least four hundred forty (440) square feet.

b. The minimum number of required surfaced off-street parking spaces for the following residential uses:

1. Two-family and quad – a minimum of two (2) spaces per dwelling unit and shall be an enclosed garage of at least four hundred (400) square feet.

2. Townhouse – a minimum of two (2) spaces per unit. At least one (1) space per unit shall consist of an enclosed garage.

3. Multiple – a minimum of 2.5 spaces per unit. At least one (1) space per unit shall consist of an enclosed garage.

c. No parking shall be permitted or drives constructed within five (5) feet of any property line or within twenty (20) feet of any right-of-way line. There shall be no parking permitted in the sight triangle described as described in this chapter.

d. Parking is permitted in the side, front, or rear yard areas in multi-family housing developments provided that the parking area is effectively screened from public view by a combination of fence, plantings and berms.

(5) Garages and Accessory Buildings:

- a. Where the principal use is a single-family dwelling, garages shall contain at least four hundred forty (440) square feet and not more than one thousand fifty-six (1,056) square feet.
- b. For two-family units, garages shall not contain less than four hundred (400) square feet and not more than one thousand fifty-six (1,056) square feet of floor area.
- c. An accessory building shall be attached to and made structurally part of the principal building if it is less than five (5) feet from the principal building.
- d. For single-family and two-family residential uses, the total area of all accessory building on a lot, including attached garage space, shall not exceed one thousand two hundred (1,200) square feet.
- e. For single-family and two-family residential uses, a lot shall contain no more than three (3) accessory buildings, including attached

(6) No parking of any kind shall be permitted in the public right-of-way, boulevard, or sidewalk areas.

(k) *Architectural standards.* The architectural control and appearance for townhomes, rowhomes, group houses, multiple dwellings, and apartments in the R-3 district shall be regulated as follows. The following standards apply to all newly constructed buildings, structures, or additions. New additions may use exterior materials that are similar to the existing structure materials. Projects involving only ordinary maintenance or the replacement of existing or identical materials of an existing building are exempt.

(1) Facades.

- a. **Visual Breaks.** The exterior of new buildings shall be designed with visual breaks through the use of decorative tile work, masonry (but not smooth surface concrete block), belt courses of a different texture and color, projecting cornices, medallions, opaque or translucent glass, artwork, vertical articulation, lighting fixtures, or architectural elements not listed herein as approved by the City Council.
- b. **Width.** A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combination of the following techniques:
  1. Division of breaks in materials
  2. Window bays
  3. Special treatment at entrances
  4. Subtle variations in rooflines and parapet detailing
  5. Building setbacks, façade recesses and projections

6. Awnings
7. Repetitive elements

(2) Exterior Materials and Detailing.

- a. New buildings and structures, additions, and renovations must be constructed of durable materials.
- b. In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of a combination of the following:
  1. An intermediate cornice line
  2. A difference in building materials or detailing
  3. An offset in the façade
  4. An awning, loggia, or arcade
  5. Special window lintels
  6. Brick/stone corbels
- c. The exterior opaque materials on each respective elevation must be brick, stone, decorative masonry or similar materials or a combination thereof according to the following: Public Façade: 50%; Side Façade: 33%; Interior Façade: 25%. The brick, stone, or decorative masonry shall be focused on prominent architectural features, particularly the elevations that include primary building entrance, corners of buildings, and the prominent building elevations fronting on public streets.
- d. The remaining percentage of the exterior opaque wall finish materials on any building shall be comprised of the following materials:
  1. Cast stone
  2. Wood shingles (cedar shingles with 6-inch maximum exposure)
  3. Lap siding, cedar or redwood (6 inch width, no diagonal siding)
  4. Tongue and groove paneling, cedar or redwood (6 inch width, no diagonal siding)
  5. Copper (untreated)
  6. Stucco and EFIS
  7. Cement board
  8. Glass (does not include windows)
  9. Dark anodized aluminum or metal as accent
  10. Materials that are similar in character to those listed above.
- e. The following materials are not allowed as exterior wall finish materials on new buildings:
  1. Smooth concrete block
  2. Pre-fabricated steel panels
  3. Aluminum, vinyl or fiberglass siding or roofing materials.

4. Pre-cast concrete panels
  5. Painting of previously unpainted brick
  6. Wooden exteriors, except for those listed as allowed above.
- (3) Dumpster and refuse enclosures.
- a. Dumpster and refuse enclosures must be gated and completely screened using enclosures constructed of materials compatible with the principal building, and must be located in designated side or rear yards or inside the building.

**Section 74-216.**

**R-4 high density residential district.**

- (a) *Intent.* The R-4 high density residential district is intended to create, preserve and enhance areas for higher densities. The R-4 High Density district is typically appropriate only in areas served by public utilities, with good accessibility to thoroughfares, public community centers, libraries, and shopping centers and where such development fits the comprehensive plan and planning policies.
- (b) *Permitted uses.* The following are permitted uses in the R-4 high density multiple-family district:
- (1) Single-family dwellings.
  - (2) Two family dwellings.
  - (3) Two to Six family dwellings.
  - (4) Townhouses, rowhouses, or group houses (not to exceed eight units per building or six in a linear configuration) and each dwelling unit shall have separate and individual front and rear entrances and solid walls of at least five feet in height and 12 feet in length extending to the rear of each dwelling unit so as to substantially enclose on at least three sides a semiprivate outdoor space.
  - (5) Multiple dwellings, apartments.
  - (6) Parks and recreational areas owned or operated by public bodies.
  - (7) Golf course (except club houses, miniature courses and driving tees operated for commercial purposes).
  - (8) A State licensed daycare facility serving twelve or fewer persons as allowed under Minnesota Statutes 462.357 Subd 7, as amended.
  - (9) A Group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minn. Stats. § 462.357, subd. 7. A conditional use permit obtained pursuant to this Chapter is required for the operation of such schools or facilities on non-residential premises within this zone. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related 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.

- (10) A State licensed residential facility or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357, Subd. 7, as amended.
- (11) Essential services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer systems, rights-of-way for transportation modes, and telephone switching facilities.

(c) *Accessory Structures and Uses.*

- (1) *Generally.* The following are permitted accessory structures uses in the R-4 District, provided they are subordinate to, associated with and located on the same lot as a permitted use. An accessory structure or use shall not predate a principal structure or use, unless granted an interim use permit as permitted under this Chapter:
  - a. Private recreation facilities – swimming pools, tennis courts, etc., for the use and enjoyment of residents and guests.
  - b. Uses customarily incidental to the permitted, conditional or interim uses allowed in the district.
  - c. Private garages and off-street parking and loading as regulated by this Chapter.
  - d. Signs as regulated by this Chapter.
  - e. The operation of necessary facilities and equipment in connection with schools, universities, hospitals, colleges, and other instructions permitted or conditionally permitted in the district.
  - f. Recreation, refreshment and service buildings in public parks and playgrounds.
  - g. In one and two-family dwellings, boarding or renting of rooms to not more than two (2) individuals per dwelling unit as regulated by this Chapter and the Property Maintenance Chapter of the City Code. A person providing home healthcare shall not be considered as a boarder or renter for the purposes of this ordinance.
  - h. Home occupations as permitted by this Chapter.
  - i. Recreational vehicles and equipment parking as regulated by this Chapter.
  - j. Tool houses, sheds and other structures for the storage of domestic supplies and equipment.
  - k. Radio and television receiving antennas, including single satellite dish TVRO's (television receiving only) one meter or

less in diameter, short-wave radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio station if the antenna is thirty-five feet (35') or less in height.

- l. Outdoor sales and fundraising events sponsored by non-profit uses allowed in this district and limited to six (6) events per calendar year, no one event to exceed four (4) days.
  - m. Garage and yard sales limited to three (3) events per calendar year, no one event to exceed three (3) days.
  - n. Solar equipment.
  - o. Minor mass transit facilities including benches, which may include advertising signs.
  - p. Air conditioning machinery located on an exterior pad.
  - q. Home schools.
  - r. Uses customarily incidental to permitted, conditional or interim uses allowed in the district.
- (d) *Conditional uses.* The following uses of buildings or land are permitted in the R-4 high density multiple-family district if granted a conditional use permit:
- (1) Private recreation including golf driving ranges, clubhouse, country club, swimming or tennis club.
  - (2) Public schools or equivalent private schools.
  - (3) Churches or other religious or philanthropic institutions.
  - (4) Municipal administrative or service buildings or uses including public and semi-public institutions, libraries, museums, post offices, etc., except industrial type use.
  - (5) Essential public service and utility structures and uses.
  - (6) Railroad right-of-way.
  - (7) Cemetery.
  - (8) Temporary real estate offices until development is completed.
  - (9) Food store or delicatessen, retail, personal service uses and professional offices as secondary use in building with any permitted principal use and whether or not in building with permitted principal use if part of a P.U.D.
  - (10) Boarding and lodging houses.

- (11) A state licensed residential facility serving from thirteen (13) through sixteen (16) persons as allowed under Minnesota Statutes 462.357 Subd. 8, as amended.
  - (12) A convalescent and nursing home.
  - (13) A State licensed daycare facility serving from seven (7) through sixteen (16) persons as allowed under Minnesota Statutes 462.357 Subd. 8, as amended.
  - (14) Public and community buildings owned or operated by public bodies.
- (e) *Interim Uses.* The following uses of land or structures are permitted in the R-4 High Density Multiple Family Residential District if granted an Interim use Permit:
- (1) Home occupations as regulated by this Chapter.
  - (2) Radio and television antennas, including single satellite dish TVRO's (television receiving only) one meter or less in diameter short-wave radio dispatching antennas, and antennas necessary for the operation of electronic equipment including radio receivers and federally licensed amateur radio stations if the antenna is over 35 feet in height.
  - (3) Land filling and excavation/grading operations, including mining, if more than 1,000 cubic yards of material.
  - (4) Temporary classroom structures.
  - (5) Temporary real estate offices until development is completed.
  - (6) Major mass transit facilities, including park and ride facilities and inter-modal transfer points and bus shelters.
  - (7) Other uses similar to those permitted by this subsection or determined to be consistent with the standards for interim uses as regulated by this chapter.
- (f) *Prohibited Uses.*
- (1) A use not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.
- (g) *Lot area requirements.* Except as otherwise provided in this chapter, every dwelling hereafter erected, enlarged, relocated, altered or reconstructed in the R-4 high density multiple-family district shall be located upon lots containing the following areas:
- (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than 7,500 square feet, and shall not be less than 60 feet wide at the building setback line, nor less than 120 feet in depth.

- (2) A lot on which there is erected a two-family dwelling shall contain an area of not less than 8,500 square feet, and shall not be less than 60 feet wide at the building setback line nor less than 125 feet in depth.
- (3) A lot which there is erected a multiple dwelling shall contain an area of not less than 9,000 square feet for the first three dwelling units plus 1,000 square feet for each additional dwelling unit.
- (4) Townhouse lot area regulations: The minimum lot area per dwelling unit shall not be less than 4,500 square feet and the minimum total lot area shall not be less than 22,500 square feet.
- (5) Riparian lots shall have a minimum area of 15,000 square feet and not be less than 75 feet and 200 feet in depth. No more than 30 percent of the total lot area may be covered by an impervious surface. Such surface area must be a minimum of 50 feet from the ordinary high water level and screened by natural material.
- (6) Corner lots shall have at least ten (10) feet extra width and sufficient depth for established building setback on both streets.

**State law references--**State mandated conditional uses, Minn. Stats. § 462.357, subd. 1b; authority to require conditional use permit for certain state licensed facilities, Minn. Stats. § 462.357, subd. 8.

(h) *Front, side and rear yard requirements.* Front, side and rear yard requirements in the R-4 high density multiple-family district shall be as follows:

- (1) *Front yard regulations.* Front yard regulations shall be as follows:
  - a. For two-family and multiple family structures there shall be a front yard having a depth of not less than 35 feet. For any single-family structure there shall be a front yard having a depth of not less than 25 feet. There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the front yard line of either street.
  - b. Riparian lots shall have front yards of 100 feet from the ordinary high water level. On riparian lots the front yard is defined as the area which abuts the water.
- (2) *Side yard regulations.* Side yard regulations shall be as follows:
  - a. For two-family and multiple family structures there shall be a side yard on each side of a building, having a width of not less than 15 feet. For any single-family structure there shall be a side yard of not less than 10 feet. A minimum of five-foot side yard setback is allowable next to either an attached or detached garage.
  - b. There shall be a side yard which shall have a width of not less than 20 feet on each side of a three-story building.
- (3) *Rear yard regulations.* One- or two-family dwellings shall have a rear yard of not less than 25 feet. Three or more family dwellings shall have a rear yard of not less than 30 feet. All nonresidential uses shall have a

rear yard area of not less than 40 feet. Detached permitted accessory uses and structures may be located five feet from the property line.

(i) *Maximum building height:*

- (1) No building shall be erected in an R-4 district to exceed thirty-five (35) feet in height or three (3) stories, except greater heights may be allowed by conditional use permit providing each side yard is increased by one (1) foot for each additional foot of height above thirty-five (35) feet.
- (2) A detached accessory building shall not exceed fifteen (15) feet in height for a building with a shed or flat roof, eighteen (18) feet in height for gable, hip, gambrel, mansard, arch or round roof, or the height of the principal building, whichever is less.
- (3) The wall height of a detached accessory building shall not exceed twelve (12) feet.
- (4) Attached garages shall not exceed the height of the principal building.

(j) *Special regulations.* Special regulations for the R-4 high density multiple-family district shall be as follows:

- (1) *Lot coverage.* No more than the following percentage of each lot shall be covered by buildings, drives, and parking areas:

<u>Type of Lot</u>	<u>Percentage Covered</u>
Two-family	30
Townhouse	30
Quadrhomes	50
Multiple	50

- (2) The minimum distance between principal buildings on the same lot shall be one-third the sum of the building heights but not less than 35 feet.
- (3) All residential dwellings must be in conformance with the state building code.
- (4) Parking and driving areas:
  - a. The minimum number of spaces for a single-family dwelling shall be two (2) and shall be an enclosed garage of at least four hundred forty (440) square feet.
  - b. The minimum number of required surfaced off-street parking spaces for the following residential uses:

1. Two-family and quad - a minimum of two spaces per dwelling unit and shall be an enclosed garage of at least four hundred (400) square feet.
  2. Townhouse - a minimum of two spaces per unit. At least one (1) space per unit shall consist of an enclosed garage.
  3. Multiple - a minimum of 2.5 spaces per unit. At least one (1) space per unit shall consist of an enclosed garage.
- c. No parking shall be permitted or drives constructed within five (5) feet of any property line or within twenty (20) feet of any right-of-way line. There shall be no parking permitted within the sight triangle described in this Article.
  - d. Parking is permitted in the side, front, or rear yard areas in multi-family housing developments provided that the parking area is effectively screened from public view by a combination of fence, plantings, and berms.
- (5) Garages and Accessory Buildings:
- a. Where the principal use is a single-family dwelling, garages shall contain at least four hundred forty (440) square feet and not more than one thousand fifty-six (1,056) square feet.
  - b. For two-family units, garages shall not contain less than four hundred (400) square feet and not more than one thousand fifty-six (1,056) square feet of floor area.
  - c. An accessory building shall be attached to and made structurally part of the principal building if it is within five (5) feet of the principal building.
  - d. For single-family and two-family residential uses, the total area of all accessory buildings on a lot, including attached garage space, shall not exceed one thousand two hundred (1,200) square feet.
  - e. For single-family and two-family residential uses, a lot shall contain no more than three (3) accessory buildings, including attached garages.
- (6) No parking of any kind shall be permitted in the public right-of-way, boulevard or sidewalk areas.
- (k) *Architectural standards.* The architectural control and appearance for townhomes, rowhomes, group houses, multiple dwellings, and apartments in the R-4 district shall be regulated as follows. The following standards apply to all newly constructed buildings, structures, or additions. New additions may use exterior materials that are similar to the existing structure materials. Projects involving only ordinary maintenance or the replacement of existing or identical materials of an existing building are exempt.

(1) Facades.

- a. Visual Breaks. The exterior of new buildings shall be designed with visual breaks through the use of decorative tile work, masonry (but not smooth surfaced concrete block), belt courses of a different texture and color, projecting cornices, medallions, opaque or translucent glass, artwork, vertical articulation, lighting fixtures, or architectural elements not listed herein as approved by the City Council.
- b. Width. A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combination of the following techniques:
  1. Division of breaks in materials
  2. Window bays
  3. Special treatment at entrances
  4. Subtle variations in rooflines and parapet detailing
  5. Building setbacks
  6. Awnings
  7. Repetitive elements

(2) Exterior Materials and Detailing.

- a. New buildings and structures, additions, and renovations must be constructed of durable materials.
- b. In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of a combination of the following:
  1. An intermediate cornice line
  2. A difference in building materials or detailing
  3. An offset in the façade
  4. An awning, loggia, or arcade
  5. Special window lintels
  6. Brick/stone corbels
- c. The exterior opaque materials on each respective elevation must be brick, stone, decorative masonry or similar materials or a combination thereof according to the following: Public Façade: 50%; Side Façade: 33%; Interior Façade: 25%. The brick, stone, or decorative masonry shall be focused on prominent architectural features, particularly the elevations that include primary building entrance, corners of buildings, and the prominent building elevations fronting on public streets.
- d. The remaining percentage of the exterior opaque wall finish materials on any building shall be comprised of the following materials:
  1. Cast stone

2. Wood shingles (cedar shingles with 6-inch maximum exposure)
  3. Lap siding, cedar or redwood (6 inch width, no diagonal siding)
  4. Tongue and groove paneling, cedar or redwood (6 inch width, no diagonal siding)
  5. Copper (untreated)
  6. Stucco and EFIS
  7. Cement board
  8. Glass (does not include windows)
  9. Dark anodized aluminum or metal as accent
  10. Materials that are similar in character to those listed above.
- e. The following materials are not allowed as exterior wall finish materials on new buildings:
1. Smooth surfaced concrete block
  2. Pre-fabricated steel panels
  3. Aluminum, vinyl or fiberglass siding or roofing materials.
  4. Pre-cast concrete panels
  5. Painting of previously unpainted brick
  6. Wooden exteriors, except for those listed as allowed above.
- (3) Dumpster and refuse enclosures.
- a. Dumpster and refuse enclosures must be gated and completely screened using enclosures constructed of materials compatible with the principal building, and must be located in designated side or rear yards or inside the building.

**Section 74-217.**

**R-5 residential flex district.**

- (a) *Intent.* The R-5 residential flex district is intended to allow and encourage high density residential development adjoining the downtown business district to provide a high level of accessibility to services, retail outlets, public facilities and public transportation to persons with less mobility and for those choosing a more urban lifestyle. The R-5 residential flex district attempts to create a reasonable balance between the interests of the property owner in developing the property, and at the same time protect the interest of the surrounding properties and the City in the following ways:
- (1) By encouraging a more creative approach in housing developments that will result in quality living environments through innovative design and aesthetic controls.
  - (2) By permitting a combination of housing types and style, including single-, two-family, townhouse, and multiple-family dwellings.
  - (3) By allowing flexibility in design by permitting cluster developments and a variety of architectural styles and treatments.

- (4) By allowing for any type of ownership, private, condominium, or rental.
  - (5) By allowing flexibility in setback and height restrictions.
  - (6) By allowing office, retail shops, and personal service uses which will serve the inhabitants of such district, provided such nonresidential uses will enhance the character, amenities, and convenience of those who live in the proposed development.
  - (7) By providing an efficient use of land resulting in more cost efficient installation of utilities, streets, and other facilities.
  - (8) By encouraging the preservation of common open space, recreational facilities, and natural features such as shore lands and woodlands.
  - (9) By contributing to the tax base of the community without making undue demands on the community service.
- (b) *Criteria.* The R-5 residential flex district is an overlay zoning district and may be allowed only in the central business district or adjoining residential districts. Every proposal presented to the City Council for rezoning to the residential flex district shall be accompanied by a site plan as required in section 74-37. A conditional use permit is required at the time of final plan approval to insure adherence to the site plan. The City Council shall consider the following criteria and objectives in processing the application for rezoning to R-5 residential flex district and the application for the conditional use permit.
- (1) That the proposed development is compatible with the purposes and intents of this ordinance and with the comprehensive plan.
  - (2) That the proposal shall exercise no substantial detrimental influence upon the market value of surrounding properties.
  - (3) That the proposal shall show a favorable economic impact on the overall community.
  - (4) That the proposal shall in no way be detrimental to the environment.
  - (5) That the proposal shall not impose any undue burden upon the public services and facilities, such as fire and police protection, schools, streets, water systems, sanitary sewer systems, and storm sewer systems.
  - (6) That the proposed development is designed in such a manner to not be detrimental to future land uses in the surrounding area.
  - (7) That the proposal be consistent with all other applicable City and state regulations.
- (c) *Procedure.* The following procedure shall apply to the R-5 residential flex district:
- (1) Prior to the preparation and filing of a preliminary site plan and formal application for the conditional use permit and rezoning to the R-5

residential flex district, the developers or owners shall meet with the director of community development to review all applicable ordinances, regulations, and plans that will affect the area to be rezoned.

- (2) The developers or property owners in the R-5 residential flex district shall prepare a site plan in accordance with the regulations of section 74-37 and shall submit the plan to the office of community development 30 days prior to the public hearing.
  - (3) The notice for public hearing shall be published in the official newspaper at least ten days, but not more than 30 days, prior to the public hearing, at which time the item will be heard. Notices will also be sent during this time period to property owners of record within 350 feet of exterior boundaries of subject property.
  - (4) The Planning Commission shall simultaneously hold a public hearing on the site plan and proposed rezoning and conditional use permit requests. Following the public hearing, the planning commission shall submit in writing to the City Council its report, its findings, and its recommendation as to the appropriateness of the site plan, and shall recommend approval, modification, postponement, or disapproval based upon the criteria set forth in subsection (b) of this section.
  - (5) The site plan and rezoning application shall be scheduled for a City Council meeting within 30 days after submittal of the planning commission report.
  - (6) The City Council shall consider the application for rezoning pursuant to subsection (b) of this section and shall approve, postpone, or disapprove the application for the rezoning. If the application for the rezoning is approved, the City Council shall approve or modify the site plan.
- (d) *Major changes.* If the applicant proposes major changes in the site plan for property in a R-5 residential flex district, these changes can only be made by resubmission of a new site plan and rezoning application to the office of community development, and rescheduling of a new public hearing before the planning commission and reviewal again by the City Council. The following constitute major changes:
- (1) Increase in density.
  - (2) Change in architectural design or style.
  - (3) Change in type of ownership, private, condominium, or rental.
  - (4) Change of more than ten percent in total floor area.
  - (5) Increase in height of any building.
  - (6) Major modification to the landscape plan.
  - (7) Reduction in the proposed open space.

- (8) Change in the development schedule.
- (9) Change in the road location or standards.
- (10) Any changes determined to be major by the City Council.
- (e) *Minor changes.* The City Council may, in its discretion, permit minor deviations from the site plan for property in a R-5 residential flex district which do not change the concept or intent of the proposed development as previously approved.
- (f) *Rezoning.* The following shall apply to rezoning in the R-5 residential flex district:
  - (1) If a conditional use permit is not granted within a two-year period from the time the City Council approves the rezoning and site plan, the Council may initiate a rezoning to remove the residential flex district zoning.
  - (2) If construction does not commence within 12 months after issuance of the conditional use permit, the Council may initiate a rezoning to remove the residential flex district zoning and rezone the property to the zoning that was in effect at the time of the initial rezoning.
  - (3) If construction is not proceeding in accordance with the approved development schedule, the Council may initiate a rezoning of all or part of the property to the zoning that was in effect at the time of the initial rezoning.
- (g) *Development guarantee.* Prior to the granting of any building permit within a R-5 residential flex district, a deposit shall be made to the City, in cash or letter of credit, approved by the City, equal to 125 percent of the estimated cost of all on site improvements, except building structure, as required by the final plans.
- (h) *Standards.* In order to provide a maximum flexibility, no fixed standards shall apply to the R-5 residential flex district. However, the City Council shall consider for any proposed use the regulations prescribed in other sections of this chapter for the classification most closely resembling the proposed use. It is the intent that the Planning Commission shall consider and recommend to the City Council appropriate restrictions in connection with each individual application and site development plan for rezoning.
- (i) *Compliance.* No development shall occur nor shall any building permits be issued for any construction that is not in accord with the approved final plans.

**Section 74-218.**

**R-6 mobile home park residence district.**

- (a) *Intent.* The R-6 mobile home park residence district is intended to allow mobile home park development in areas generally meeting the locational requirements of the R-4 district, however, due to the unique site development requirements the R-6 district is established to assure compatible development.
- (b) *Permitted uses.* The following are permitted uses in the R-6 mobile home park residence district:

Parks and recreational areas owned or operated by public bodies.

- (c) *Conditional uses.* The following uses are permitted in the R-6 mobile home park residence district if granted a conditional use permit:

Churches or other religious or philanthropic institutions.

Essential public service and utility structures or uses.

Home occupations as regulated in this ordinance.

Mobile home parks.

- (d) *Accessory uses.* The following are permitted accessory uses in the R-6 mobile home park residence district:

Parking and signs as regulated in this ordinance.

Private recreation facilities swimming pools, tennis courts, etc. for the use and enjoyment of residents and guests.

Private garages.

Uses customarily incident to permitted or conditional uses allowed in the district.

- (e) *Location of mobile homes outside mobile home parks.* The location of mobile homes outside mobile home parks in a R-6 mobile home park residence district shall be regulated as follows:

(1) It shall be unlawful within the City for any person to park any mobile home on any street, alley or highway or other public place, or on any tract of land owned by any person, occupied or unoccupied except as provided in this section.

(2) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than three hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

(3) No person shall park or occupy any mobile home on either the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling which is situated outside of an approved mobile home park; except that the parking of only one mobile home unoccupied in an accessory private garage building, side yard or rear yard is permitted provided no living quarters shall be maintained or any businesses practiced in the mobile home which such mobile home is so parked or stored.

(4) Temporary special permits may be issued by the building inspector for use of a trailer as an office by persons directly connected with new construction in the City; provided that such person has obtained a building permit for the construction and is proceeding with such work.

Such temporary special permits shall be limited to periods of not more than ten days following completion of project.

- (f) *Mobile home park permits.* Mobile home park permits in the R-6 mobile home park residence district shall be as regulated as follows:
- (1) Application for a permit to establish, construct and maintain a mobile home park under the provisions of this section shall be made to the City.
  - (2) The application for a permit shall be accompanied by four copies of the mobile home park plan showing the following, either existing or proposed:
    - a. The extent and area proposed for mobile home park purposes;
    - b. Roads and driveways;
    - c. Location of sites or lots for mobile homes;
    - d. Location and number of sanitary conveniences;
    - e. Proposed disposition of surface drainage;
    - f. Proposed street surfacing and lighting;
    - g. Utility easements;
    - h. Off-street parking;
    - i. Patios;
    - j. Location of community building;
    - k. Location of recreation facilities;
    - l. Location of sidewalks;
    - m. Location of setback lines;
    - n. Location of screening, planting and green areas;
    - o. Any other information requesting by the City.
  - (3) Each application for a permit shall be accompanied by a certificate of ownership as to all of the property within 300 feet of any boundary line of the proposed mobile home park site.
  - (4) Each applicant shall be required to pay a fee at the time that such application is filed with the City. Such fee shall be as established by resolution of the City Council and this money shall be used by the City to defray the expenses of processing the application.
  - (5) No permit for any mobile home park shall be issued by the City Council until after a public hearing has been held.

- (g) *Building permit for mobile home park.* Building permits for mobile home parks in R-6 mobile home park residence districts shall be regulated by the following:
- (1) The applicant for a building permit for the construction of a mobile home park or any part thereof shall comply with all applicable provisions of the City building code.
  - (2) Each application shall be accompanied by four copies of detailed plans of the proposed construction and improvement of the site.
  - (3) Every application for a building permit to construct a mobile home park or to expand an existing mobile home park shall be accompanied by plans approved by the state department of health showing that the applicant is complying with all recommendations, suggestions and laws under the jurisdiction of that department.
  - (4) The building permit shall be issued by the City building inspector after it has been approved by a majority vote of the City Council. The building permit fee shall be based on a registered engineer's estimate of total construction costs.
  - (5) Each segment of a proposed mobile home park or expansion of an existing mobile home park shall be complete as to design standards of this article before occupancy is permitted.
- (h) *Site requirements.* Site requirements for the R-6 mobile home park residence district shall be as follows:
- (1) Each lot shall have a gross area of not less than 5,000 square feet.
  - (2) Each lot shall have a minimum width of 50 feet; corner lots shall have a minimum width of 60 feet. The length of a lot shall be measured from the curb face to the rear lot line.
  - (3) The front yard to a mobile home lot shall be no less than ten feet from the curb and no less than five feet from the sidewalk. Such front yard shall not be occupied by parked vehicles.
  - (4) Where an alley is provided adjacent to the rear lot line, there shall be a minimum rear yard of ten feet. Where there is no alley, the rear yard shall be not less than 20 feet.
  - (5) There shall be a side yard of not less than five feet between a mobile home and any side lot line.
  - (6) There shall be not less than 20 feet of area between mobile homes in all directions.
  - (7) A patio shall be constructed on the ground beside each mobile home parking space; this patio shall be not less than 200 square feet in area constructed of concrete with four-inch minimum thickness.

- (8) At least one suitable shade tree other than of the elm variety (minimum diameter two inches at time of planting) shall be placed and maintained on each lot.
- (9) Except for the areas used for the mobile home, patio, sidewalk, driveways and off-street parking space, the entire lot shall be sodded and maintained with grass or plantings.
- (10) Each lot shall abut on and have access to a public or private street. All streets, driveways and off-street parking areas shall be constructed in accordance with City street standards.
- (11) A concrete curb or curb and gutter shall be constructed on each side of the street and face of this curb shall be at least 17 feet from the centerline of the street. The curb design shall be in accordance with the City curb standards.
- (12) A concrete sidewalk, not less than 36 inches wide and four inches thick, shall be constructed parallel with and on the lot side of the curb. This sidewalk shall be connected to the required patio by a concrete walk not less than 24 inches in width. All sidewalks shall be constructed in accordance with City sidewalk standards.
- (13) There shall be a yard of not less than 50 feet in depth along each public street or way adjacent to the park and this area shall be sodded or planted.
- (14) Every mobile home park shall provide for a minimum yard of at least 20 feet on all sides of the mobile home park except where abutting upon a public street, way or residential area. This area shall be planted to provide a screen between the mobile home park and adjacent property.
- (15) Where a mobile home park abuts any residence district there shall be a yard of at least 50 feet and this area shall be landscaped.
- (16) No more than one mobile home shall be parked on any mobile home lot; except that an unoccupied camper or pickup truck may be parked in the driveway of the lot.
- (17) No mobile home may be inhabited by a greater number of occupants than that for which it was designed by the manufacturer.
- (18) Water facilities, sewage disposal and street lighting shall be installed and maintained by the owner of the mobile home park and shall be constructed in accordance with the laws of the State, the recommendations of the State Health Department and this Code and other ordinances and requirements of the City.
- (19) Design and placement of fire hydrants throughout the area shall be such as to satisfy the Fire Chief that adequate fire protection is achieved.
- (20) An off-street parking area of at least 440 square feet shall be provided on each lot or adjacent to each lot if joint parking facilities are provided.

- (21) All utility lines and services within the mobile home park shall be placed underground.
  - (22) A minimum of ten percent of the total mobile home park area shall be devoted to usable park and recreation space and shall be furnished with playground type equipment meeting City standards for quality, durability and safety.
  - (23) All boats, trailers, snowmobiles, hauling trailers and all other equipment not stored within the mobile home or the utility enclosure that may have been provided shall be stored in a separate area provided by the park and not upon the lots occupied by mobile homes nor upon the streets within the mobile home park.
  - (24) All mobile homes occupied or stored in the mobile home park shall be registered with the motor vehicle division of the state and shall display license plates for the current year.
  - (25) An adequate office and community building including a storm shelter as regulated by the State, common laundry facilities and sanitation facilities shall be provided adjacent to an area to be used for exterior clothes drying. No exterior clothes drying shall be permitted within any lot or any other area of the mobile home park except in an area specifically provided.
  - (26) The mobile home park operator shall remove snow from all street and sidewalk areas within the park.
  - (27) No domestic animals or house pets of mobile home occupants shall be allowed to run at large, or commit any nuisances within the limits of a mobile home park.
- (i) *Administration of section; mobile home park license; variances.*
- (1) This section shall be administered and enforced by the building inspector, who is hereby designated as enforcing officer. The building inspector may institute in the name of the City any appropriate actions or proceedings against a violator as provided by law.
  - (2) Before any person shall operate and maintain a mobile home park in the City, such person shall first obtain a license to do so as provided in this subsection. An application for a license shall be filed with the City Clerk on forms furnished by the municipality. The fee for each license shall be as established by the Council per annum. The Clerk shall submit the license application to the City Council for its approval. Licenses shall expire on January 1 following the date of issuance unless sooner revoked or forfeited.
  - (3) The City Council shall have the power to revoke the mobile home park license of any person who fails to comply to the requirements of this section or any other municipal or state law that is applicable.
  - (4) The City Council shall have the right to vary or modify the strict application of any of the regulations or provisions contained in this

section in cases in which there are practical difficulties or unnecessary hardships in the way of strict application.

**State law reference--**Regulation of manufactured home parks, Minn. Stats. § 462.357, subd. 1a.

**Section 74-219. Manufactured Home Park Closings.**

(a) *Intent/purpose.* In view of the unique nature and issues presented by the closure or conversion of manufactured home parks, the City Council finds that the public health, safety and general welfare will be promoted by requiring relocation assistance and/or compensation to displaced homeowners and residents of such parks. The purpose of this Section is to require park owners to pay displaced home owners and residents reasonable relocation costs and purchasers of manufactured home parks to pay additional compensation, pursuant to the authority granted under Minnesota Statutes, Section 327C.095.

(b) *Definitions.* The following words and terms when used in the Section shall have the following meanings unless the context clearly indicates otherwise:

*Closure statement* means a statement prepared by the park owner clearly stating the park is closing, addressing the availability, location and potential costs of adequate replacement housing within a twenty-five (25) mile radius of the park that is closing and the probable relocation costs of the manufactured homes located in the park.

*Displaced resident* means a resident of an owner-occupied manufactured home who rents a lot in a manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the Planning Director, acting on behalf of the Planning Commission.

*Lot* means an area within a manufactured home park, designed or used for the accommodation of a manufactured home.

*Manufactured home* means a structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on the site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in it.

*Manufactured home park* means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park. This definition does not include facilities that are open only during three or fewer seasons of the year.

*Park owner* means the owner of a manufactured home park and any person acting on behalf of the owner in the operation or management of the park.

*Person* means any individual, corporation, firm, partnership, incorporated and unincorporated association or other legal or commercial entity.

*Relocations costs incurred.* The reasonable cost actually incurred by a displaced resident of relocating a manufactured home from a manufactured home park within the City of Anoka that is being closed or converted to another use to another manufactured home park within a twenty-five (25) mile radius of the park, as follows.

1. *Preparation for move.* Reasonable costs incurred to prepare the eligible manufactured home for transportation to another site. This category includes crane services if needed, but not the cost of wheel axles, tires, frame welding or trailer hitches.
2. *Transportation to another site.* Reasonable costs incurred to transport the eligible manufactured home to another manufactured home park within a twenty-five mile radius. This category also includes the cost of insuring the manufactured home while the home is in the process of being relocated, and the cost of obtaining moving permits. This category does not include the cost of moving personal property separate and distinct from the manufactured home and separate and distinct from the appliances and appurtenances of the manufactured home.
3. *Hook-up at new location.* The reasonable cost of connecting the eligible manufactured home to utilities at the relocation site, including crane services if needed. The park owner shall not be required to upgrade the electrical or plumbing systems of the manufactured home.

Relocation costs do not include the cost of any repairs or modifications to the manufactured home needed to bring the home into compliance with the state and federal manufactured home building standards for the year in which the home was constructed. Relocations costs also do not include the cost of any repairs or modifications to the home or appurtenances needed to bring the home into compliance with the rules and regulations of the manufactured home park to which the manufactured home is to be relocated, if these rules and regulations are no more stringent than the rules and regulations of the park in which the home is located.

- (c) *Notice of closing.* If a manufactured home park is to be closed, converted in whole or part to another use or terminated as a use of the property, the park owner shall, at least nine (9) months prior to the closure, conversion to another use, or termination of use, provide a copy of a closure statement to a resident of each manufactured home and to the Planning Director, acting on behalf of the Planning Commission, and to the Commissioners of Health and the Housing Finance Agency.
- (d) *Notice of public hearing.* The Planning Director shall submit the closure statement to the City Council and request the City Council to schedule a public hearing. The city shall mail a notice at least ten (10) days prior to the public hearing to a resident of each manufactured home in the park and to the park owner stating the time, place and purpose of the hearing. The park owner shall provide the City with a list of names and addresses of at least one resident of each manufactured home in the park at the time the closure statement is submitted to the City.

- (e) *Public hearing.* A public hearing shall be held before the City Council for the purpose of reviewing the closure statement and evaluating what impact the park closing may have on the displaced residents and the park owner. The City Council shall determine the adequacy of the closure statement and direct payment of relocation costs pursuant to this Ordinance.
- (f) *Conditions of closing.*
1. As a condition of closing of the manufactured home park, the park owner shall pay the relocation costs to displaced residents. If the park owner determines less than six (6) months prior to the date of closure of the park that the park will not be closed, the park owner may rescind the Notice of Closure and shall pay any actual relocation costs incurred by any of the park's manufactured home owners. If the park owner determines at six (6) months or more prior to the date of closure of the park that the park will not be closed, the park owner may rescind the notice of closure, and not be liable for any relocation costs.
  2. The City shall not issue a building permit in conjunction with the reuse of the manufactured home park property unless the park owner has paid the relocation costs and/or the park purchaser has compensated displaced residents in accordance with the requirements of this Section. Approval of any application for a rezoning, platting, conditional use permit, planned unit development, interim use permit, or variance in conjunction with a park closing or conversion shall be conditioned on compliance with the requirement of this Section.
- (g) *Displaced resident statement.* Within ninety (90) days of receipt of a closure notice, the displaced resident shall provide the park owner with a written statement of relocation costs, or, in the alternative, a written statement that the resident cannot relocate his or her manufactured home to another manufactured home park within a twenty-five (25) mile radius. If a resident determines not to relocate as defined within this section, the resident must state whether he or she elects to receive relocation costs under subsection (h) or (i) below.
- (h) *Election to relocate.*
1. If a manufactured home can be relocated to another manufactured home park within a twenty-five (25) mile radius, the owner of the park shall pay displaced residents' relocation costs as defined herein.
  2. The park owner shall make relocation payments directly to contractors providing the relocation services, or shall reimburse the displaced resident directly after the resident submits to the park owner proof of payment or relocation costs. The park owner shall be entitled to receive documentation of relocation cost, including costs of proposals, invoices, estimates and contracts for relocation services.
  3. If a displaced resident cannot relocate the manufactured home within a twenty-five (25) mile radius of the park that is being closed or some other agreed upon distance, and the resident elected not to tender a title to the manufactured home, the resident is entitled to relocation costs based upon an average of relocation costs awarded to other residents of

the park, or, if no other homes have been relocated, the reasonable costs of relocating the home within a twenty-five mile radius.

4. A displaced resident compensated under this Section shall retain title to the manufactured home and shall be responsible for its prompt removal from the manufactured home park. All rent due and owing to the park owner, and all property taxes for the current and prior years shall be paid by the displaced resident prior to removing the manufactured home from the park.

- (i) *Election to receive compensation.* If a resident cannot relocate his or her manufactured home to another manufactured home park within a twenty-five (25) mile radius or some other agreed upon distance and tenders title to the manufactured home, the resident is entitled to compensation to be paid by the owner of the park in order to mitigate the adverse financial impact of the park closing. In such instance, the compensation shall be an amount equal to the estimated market value or the tax assessed value of the manufactured home, whichever is greater, as determined by a state licensed independent appraiser experienced in manufactured home appraisal and approved by the City Manager. The owner of the park shall pay the cost of the appraisal or shall reimburse the City for any advances it makes to such appraiser for such cost. The owner of the park shall pay such compensation into an escrow account, established by the owner of the park, for distribution upon transfer of title to the home. The amount otherwise due the displaced resident may be tendered on the date of transfer of title from the escrow account for payment on liens and encumbrances. The resident shall transfer title of the manufactured home to the owner of the park free and clear of all liens and encumbrances. All rent due the property owner and all property taxes for the current and prior years shall be paid by the displaced residents prior to distribution to the displaced resident from the escrow account.

In the event that the owner is unable to locate the title to the manufactured home, the owner of the home shall sign an affidavit setting forth:

1. The inability to locate the title;
2. The homeowner's desire to transfer ownership of the home to the park owner for disposal purposes; and
3. The homeowner's agreement to transfer ownership and releasing the park owner from any liability for the home's eventual disposal.

Compensation under this section shall be paid to the displaced residents no later than ninety (90) days prior to the earlier of closing of the park or its conversion to another use.

- (j) *Limitation of relocation costs and compensation.* The total amount of compensation paid to displaced residents shall not exceed the greater of twenty-five percent (25%) of the City Assessor's estimated market value of the manufactured home park, as determined by the City Assessor for the year in which the park is scheduled to close, or twenty-five percent (25%) of the purchase price of the park, whichever is greater.
- (k) *Proof of residency.* If any disputes arise regarding the right of an individual to receive compensation, the individual can prove a right to compensation by

providing evidence of legal occupancy in the park. Such evidence includes, but is not limited to, legal title to the home, tax records indicating ownership of the home, records from the department of transportation showing ownership of the home, a copy of a signed lease agreement, or proof of payment of rent. Additionally, any resident on the list provided by the park owner to the city within the closure statement is presumed to be a legal resident.

(l) *Enforcement*

1. A violation of any provisions of this section shall be a misdemeanor.
2. Any provisions of this section may be enforced by injunction or other appropriate civil remedy.

**Sections 74-220--74-235.**

**Reserved.**