

CHAPTER 8**LAND AND BUILDING REGULATIONS****SECTION 841.1 RESIDENTIAL-MID DENSITY (R3) DISTRICT**

Section 841.1.01 Residential-Mid Density (R3) - Purpose. The purpose of the Residential-Mid Density (R3) district is to provide a zoning district for a mix of townhome and smaller scale multi-family residential development, designed in a way to protect the natural environment, to be well buffered from adjacent lower density land uses, and to implement the objectives of the Medium Density Residential land use in the city's Comprehensive Plan.

Section 841.1.02. (R3) Permitted Uses. The following shall be permitted uses within the R3 district, subject to applicable provisions of the city code:

- (1) Townhouse Dwellings, provided no structure contains more than six dwelling units
- (2) Multiple Family Structures, provided that:
 - (a) No structure shall contain more than 16 dwelling units; and
 - (b) A development with one or more structures containing more than eight dwelling units shall install a buffer yard with an opacity at least 0.1 greater than the district requirements described by Section 828.31.
- (3) Parks and Open Space
- (4) Essential services

Section 841.1.03. (R3) Conditional Uses. The following shall be permitted within the R3 district, subject to conditional use permit approval, the specific requirements established in Section 841.4.05, and other applicable provisions of the city code:

- (1) Religious Institutions
- (2) Educational Facilities
- (3) Day Care Facilities serving 16 or fewer persons
- (4) State Licensed Residential Facility, serving 16 or fewer persons
- (5) Assisted Living Facilities and Nursing Homes

Section 841.1.04. (R3) Accessory Uses. The following accessory uses shall be permitted within the R3 district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Garages or detached private structures, except no such structure shall contain components to constitute a separate complete dwelling unit
- (2) Off-street parking
- (3) Private swimming pools, sport courts, and other common recreational facilities
- (4) Signs, subject to the requirements of the sign ordinance

- (5) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

Section 841.1.05. (R3) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code. Many of these standards may be applied across a coordinated development so that individual lots may not meet all requirements (lot area and impervious surface coverage, for example) but the development as a whole is consistent with the standards. In these situations, the city shall require documentation which describes the property which is subject to the coordinated development.

Subd. 1. Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

Subd. 2. Minimum Net Area per Unit: 8,750 square feet per unit

Subd. 3. Maximum Net Area per Unit: 12,500 square feet per unit

Subd. 4. Density Bonuses: Certain design and construction features serve to reduce the real and perceived impacts of crowding prevalent in multiple-residential dwelling units and building complexes. The Minimum Net Area per Unit requirement above may be reduced in accordance to the following, except that the density after the bonus(es) must be consistent with the Comprehensive Plan.

- (a) Affordable Housing (max. bonus = 1.5 unit/acre). The density bonus shall be based on the proportion of units which will be preserved as affordable housing and the nature of the restriction utilized to maintain affordability.
- (b) LEED Certification or similar (max. bonus = 1.0 unit/acre). The density bonus shall be based upon the level of certification, with the full bonus available for the highest level of certification.
- (c) Low impact development (max. bonus = 1.0 unit/acre). The density bonus shall be based on the water quality improvements above those required by the city.
- (d) Underground Parking (max. bonus = 1.0 unit/acre). The density bonus shall be based upon the number of parking stalls provided, with the full bonus available if at least one underground space is provided per dwelling unit.
- (e) Sound suppression (max. bonus = 0.5 unit/acre). In order to be eligible, the STC rating must be increased by ten from that specified as the minimum in the Minnesota State Building Code.
- (f) Oversized garages or lockable storage units (max. bonus = 0.25 unit/acre). Additional storage must be at least 100 square feet for townhomes or 50 square feet for other uses.
- (g) Common open space and shared recreational facilities (max. bonus = 0.25 unit/acre)

Subd. 5. Minimum Setback from Perimeter of Site: 20 feet, except as modified below. This setback shall apply to structures, parking, and recreational areas.

- (a) Increase adjacent to less intensive zoning district. The setback adjacent to or across a street from property of a less intensive zoning district shall be increased to 40 feet.
- (b) Increase for required buffer yard. The required setback shall be increased when necessary to abide by buffer yard requirements.

Subd. 6. Street Setbacks: The following yard setback shall be required adjacent to public or private streets. Structures, parking areas, and active recreational areas shall not be located within this setback area. The required yard setback shall be based on the classification of the street in the Comprehensive Plan as follows:

- (a) Private Street: 25 feet, except as follows:
 - (i) Parking areas and recreational areas shall be exempt from this requirement.
 - (ii) Reduction of setback for side- or rear-load garage: The front yard setback may be reduced to 15 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (b) Local Roadway: 40 feet
- (c) Collector or Arterial Roadway: 50 feet

Subd. 7. Minimum Setbacks between buildings within a development: 30 feet

Subd. 8. Maximum Impervious Surface: 50 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented which, according to the City Engineer, exceed stormwater retention and treatment regulations. However, in no case shall impervious surface coverage exceed 65 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

Section 841.1.06. (R3) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The design and development standards of Section 841.4 shall be observed.

Subd. 2. Maximum Building Height: Building height shall not exceed 32 feet.

- (a) Additional height if sprinkled. The maximum building height shall be increased to 35 feet if the structure is equipped with a compliant fire sprinkler.
- (b) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
- (c) Maximum distance from ground to eave. In no case shall the vertical distance from the lowest ground level (at the footprint of the building and eight feet out) to the eave be greater than 30 feet.

SECTION 841.2 RESIDENTIAL-LIMITED MULTIPLE FAMILY (R4) DISTRICT

Section 841.2.01. Residential-Limited Multiple Family (R4) - Purpose. The purpose of the Residential-Limited Multiple Family (R4) district is to provide a zoning district for a mix of townhome and multi-family residential development, designed in a way to protect the natural environment, to be well buffered from adjacent lower density land uses and to implement the objectives of the High Density Residential land use in the city's Comprehensive Plan.

Section 841.2.02. (R4) Permitted Uses. The following shall be permitted uses within the R4 district, subject to applicable provisions of the city code:

- (1) Townhouse Dwellings, provided no structure contains more than twelve dwelling units
- (2) Multiple Family Structures, provided that a development with one or more structures containing more than 20 dwelling units shall install a buffer yard with an opacity at least 0.1 greater than the district requirements described by Section 828.31.
- (3) Parks and Open Space
- (4) Essential services

Section 841.2.03. (R4) Conditional Uses. The following shall be permitted within the R4 district, subject to conditional use permit approval, the specific requirements established in Section 841.4.05, and other applicable provisions of the city code:

- (1) Religious Institutions
- (2) Educational Facilities
- (3) Assisted Living Facilities and Nursing Homes
- (4) Day Care Facilities serving 16 or fewer persons
- (5) State Licensed Residential Facility, serving 16 or fewer persons

Section 841.2.04. (R4) Accessory Uses. The following accessory uses shall be permitted within the R4 district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Garages or detached private structures, except no such structure shall contain components to constitute a separate complete dwelling unit
- (2) Off-street parking
- (3) Private swimming pools, sport courts, and other common recreational facilities
- (4) Signs, subject to the requirements of the sign ordinance
- (5) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

Section 841.2.05. (R4) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code. Many of these

standards may be applied across a coordinated development so that individual lots may not meet all requirements (lot area and impervious surface coverage, for example) but the development as a whole is consistent with the standards. In these situations, the city shall require documentation which describes the property which is subject to the coordinated development.

Subd. 1. Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

Subd. 2. Minimum Area per Unit: 3,600 square feet per unit

Subd. 3. Maximum Area per Unit: 6,200 square feet per unit, excluding wetlands.

Subd. 4. Density Bonuses: Certain design and construction features serve to reduce the real and perceived impacts of crowding prevalent in multiple-residential dwelling units and building complexes. The Minimum Area per Unit requirement above may be reduced in accordance to the following, except that the density after the bonus(es) must be consistent with the Comprehensive Plan.

- (a) Affordable Housing (max. bonus = 4.0 unit/acre). The density bonus shall be based on the proportion of units which will be preserved as affordable housing and the nature of the restriction utilized to maintain affordability.
- (b) LEED Certification or similar (max. bonus = 2.0 unit/acre). The density bonus shall be based upon the level of certification, with the full bonus available for the highest level of certification.
- (c) Low impact development (max. bonus = 2.0 unit/acre). The density bonus shall be based on the water quality improvements above those required by the city.
- (d) Exceeding building design, landscaping or buffer yard requirements (max. bonus = 2.0 unit/acre).
- (e) Sound suppression (max. bonus = 2.0 unit/acre). In order to be eligible, the STC rating must be increased by ten from that specified as the minimum in the Minnesota State Building Code.
- (f) Underground Parking (max. bonus = 2.0 unit/acre). The density bonus shall be based upon the number of parking stalls provided, with the full bonus available if at least one underground space is provided per dwelling unit.
- (g) Oversized garages or lockable storage units (max. bonus = 1.0 unit/acre). Additional storage must be 100 square feet for townhomes or 50 square feet or greater for other uses.
- (h) Common open space and shared recreational facilities (max. bonus = 1.0 unit/acre)
- (i) Dwelling unit amenities (max. bonus = 1.0 unit/acre). Amenities such as additional bathrooms, fireplaces, etc.

Subd. 5. Minimum Setback from Perimeter of Site: 20 feet, except as modified below. This setback shall apply to structures, parking, and recreational areas.

- (a) Increased setback for three-story buildings. The required structure setback shall be increased to 40 feet if the building exceeds two and one-half stories.

- (b) Increased setback adjacent to less intensive zoning district. The setback adjacent to or across a street from property of a less intensive zoning district shall be increased to 40 feet.
- (c) Increased setback for required buffer yard. The required setback shall be increased when necessary to abide by buffer yard requirements.

Subd. 6. Street Setbacks: The following yard setback shall be required adjacent to public or private streets. Structures, parking areas, and active recreational areas shall not be located within this setback area. The required yard setback shall be based on the classification of the street in the Comprehensive Plan as follows:

- (a) Private Street: 25 feet. Parking areas and recreational areas shall be exempt from this requirement.
- (b) Local Roadway: 40 feet
- (c) Minor Collector Roadway: 50 feet
- (d) Major Collector or Arterial Roadway: 50 feet

Subd. 7. Minimum Setbacks between buildings within a development: 30 feet or the average height of the two structures, whichever is greater

Subd. 8. Maximum Impervious Surface Coverage: 60 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented which, according to the City Engineer, exceed stormwater retention and treatment regulations. However, in no case shall impervious surface coverage exceed 70 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

Section 841.2.06. (R4) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The design and development standards of Section 841.4 shall be observed.

Subd. 2. Maximum Building Height: Building height shall not exceed 45 feet or three stories, whichever is greater. In the case that a structure is not equipped with a compliant fire sprinkler system, the maximum building height shall be 30 feet.

SECTION 841.3 RESIDENTIAL-MULTIPLE FAMILY (R5) DISTRICT

Section 841.3.01 Residential-Multiple Family (R5) - Purpose. The purpose of the Residential-Multiple Family (R5) district is to provide a zoning district for a mix of multi-family residential development, designed in a way to protect the natural environment, to be well buffered from adjacent lower density land uses and to implement the objectives of the High Density Residential land use in the city's Comprehensive Plan.

Section 841.3.02. (R5) Permitted Uses. The following shall be permitted uses within the R5 district, subject to applicable provisions of the city code:

- (1) Townhouse Dwellings, provided no structure contains more than 12 dwelling units
- (2) Multiple Family Structures, provided that a development with one or more structures containing more than 20 dwelling units shall install a buffer yard with an opacity at least 0.1 greater than the district requirements described by Section 828.31.
- (3) Parks and Open Space
- (4) Essential services

Section 841.3.03. (R5) Conditional Uses. The following shall be permitted within the R5 district, subject to conditional use permit approval, the specific requirements established in Section 841.4.05, and other applicable provisions of the city code:

- (1) Religious Institutions
- (2) Educational Facilities
- (3) Assisted Living Facilities and Nursing Homes
- (4) Day Care Facilities serving 16 or fewer persons
- (5) State Licensed Residential Facility, serving 16 or fewer persons

Section 841.3.04. (R5) Accessory Uses. The following accessory uses shall be permitted within the R5 district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Garages or detached private structures, except no such structure shall contain components to constitute a separate complete dwelling unit
- (2) Off-street parking
- (3) Private swimming pools, sport courts, and other common recreational facilities
- (4) Signs, subject to the requirements of the sign ordinance
- (5) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

Section 841.3.05. (R5) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code. Many of these standards may be applied across a coordinated development so that individual lots may not meet all requirements (lot area and impervious surface coverage, for example) but the development as a whole is consistent with the standards. In these situations, the city shall require documentation which describes the property which is subject to the coordinated development.

Subd. 1. Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

Subd. 2. Minimum Area per Unit: 2,200 square feet per unit

Subd. 3. Maximum Area per Unit: 4,350 square feet per unit, excluding wetlands.

Subd. 4. Density Bonuses: Certain design and construction features serve to reduce the real and perceived impacts of crowding prevalent in multiple-residential dwelling units and building complexes. The Minimum Area per Unit requirement above may be reduced in accordance to the following, except that the density after the bonus(es) must be consistent with the Comprehensive Plan.

- (a) Affordable Housing (max. bonus = 4.0 unit/acre). The density bonus shall be based on the proportion of units which will be preserved as affordable housing and the nature of the restriction utilized to maintain affordability.
- (b) LEED Certification or similar (max. bonus = 2.0 unit/acre). The density bonus shall be based upon the level of certification, with the full bonus available for the highest level of certification.
- (c) Low impact development (max. bonus = 2.0 unit/acre). The density bonus shall be based on the water quality improvements above those required by the city.
- (d) Exceeding building design, landscaping or buffer yard requirements (max. bonus = 2.0 unit/acre).
- (e) Sound suppression (max. bonus = 2.0 unit/acre). In order to be eligible, the STC rating must be increased by ten from that specified as the minimum in the Minnesota State Building Code.
- (f) Underground Parking (max. bonus = 2.0 unit/acre). The density bonus shall be based upon the number of parking stalls provided, with the full bonus available if at least one underground space is provided per dwelling unit.
- (g) Oversized garages or lockable storage units (max. bonus = 1.0 unit/acre). Additional storage must be 100 square feet for townhomes or 50 square feet or greater for other uses.
- (h) Common open space and shared recreational facilities (max. bonus = 1.0 unit/acre)
- (i) Dwelling unit amenities (max. bonus = 1.0 unit/acre). Amenities such as additional bathrooms, fireplaces, etc.

Subd. 4. Minimum Structure Setback from Perimeter of Site: 40 feet, or larger if required to install required buffer yard.

Subd. 5. Street Setbacks: The following yard setback shall be required adjacent to public or private streets. Structures, parking areas, and active recreational areas shall not be located within this setback area. The required yard setback shall be based on the classification of the street in the Comprehensive Plan as follows:

- (a) Private Street: 25 feet. Parking areas and recreational areas shall be exempt from this requirement.
- (b) Local Roadway: 40 feet
- (c) Minor Collector Roadway: 50 feet
- (d) Major Collector or Arterial Roadway: 50 feet

Subd. 6. Minimum Setbacks between buildings within a development: 30 feet or the average height of the two structures, whichever is greater

Subd. 7. Maximum Impervious Surface Coverage: 60 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented which, according to the City Engineer, exceed stormwater retention and treatment regulations. However, in no case shall impervious surface coverage exceed 70 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

Section 841.3.06. (R5) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The design and development standards of Section 841.4 shall be observed.

Subd. 2. Maximum Building Height: Building height shall not exceed 45 feet or three stories, whichever is greater. In the case that a structure is not equipped with a compliant fire sprinkler system, the maximum building height shall be 30 feet.

**SECTION 841.4 DESIGN AND DEVELOPMENT STANDARDS
FOR MID DENSITY, LIMITED MULTIPLE FAMILY, AND MULTIPLE FAMILY
RESIDENTIAL DISTRICTS**

Section 841.4.01. Generally. The standards of this Section shall apply to the R3, R4, and R5 zoning districts, subject to requirements set forth in other sections of this ordinance. These standards are established to achieve a high standard of development, to create vibrant and high quality neighborhoods, and to protect the natural environment.

Section 841.4.02. Building Materials and Design.

Subd. 1. Building Materials.

- (a) Generally. All exterior building materials shall be durable and consistent with relevant codes, regulations, and other industry standards.
- (b) Accent materials. No less than 20 percent of any façade facing a public or private street shall be an accent material. These materials may include shakes, brick, stone, face brick, decorative concrete, or others approved by the city.
- (c) Multiple Family Structures. No less than 50 percent of the vertical exterior building materials shall be non-combustible material such as brick, face brick, decorative concrete or others approved by the city.

Subd. 2. Garage Doors. In the case that garage doors occupy more than half of the horizontal building façade facing a street, architectural elements shall be provided to reduce the monotonous appearance of garage doors. These elements may include varying the setback of the garage doors, differentiating roof designs, constructing dormers, and installing garage doors with windows or other design elements.

Subd. 3. Building Modulation and Articulation. Buildings shall be modulated a minimum of once per 50 feet of building perimeter to avoid long, monotonous building walls. This may include varying building height, building setback, building orientation, roof pitch, roof design, or significant differences in building materials/design.

Subd. 4. Enclosed Parking. Townhomes shall include garage space with a minimum capacity of two vehicles, and multiple family structures shall include a minimum of one enclosed or underground parking stall per dwelling unit.

Subd. 5. Utilities and Mechanical Equipment. All utilities shall be placed underground. Mechanical and HVAC equipment serving individual dwellings shall be screened, to the extent possible, from all public or private streets as well as from adjacent structures. Equipment which serves more than dwelling unit shall be screened as follows:

- (a) Rooftop Equipment. Equipment shall be screened through the use of architectural elements and materials which are compatible with the overall design of the building. Wood fencing or chain link fencing with slats shall not be permitted.

- (b) Ground Equipment. Equipment shall be screened with walls which are constructed of materials which are compatible with the building or with landscaping which is opaque during the entire year.

Subd. 6. Trash and Recycling Facilities.

- (a) Trash and recycling bins for individual dwelling units shall be stored so not to be prominently visible from streets or neighboring units.
- (b) For other uses, all trash and recycling shall be stored within the principal building, within an accessory structure, or within an enclosed outdoor area easily accessible from the principal structure. The accessory structure or enclosed area shall be constructed of similar materials and have compatible architecture as the principal structure and shall abide by yard setback requirements.

Section 841.4.03. Landscaping Requirements.

Subd. 1. Generally. All areas within a development site shall be landscaped, except for areas occupied by streets, sidewalks, trails, buildings, parking lots, driveways, walks, recreational areas, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Water conserving alternatives to traditional Kentucky-Bluegrass are encouraged. Properly maintained prairie or natural vegetation is encouraged within common open space and buffer yards. Species with known vulnerability to disease or infestation shall not be permitted. Integrated stormwater management practices, such as vegetative swales, vegetated filter strips, bioretention, and raingardens, shall be considered landscaping and shall be included in the gross acreage of the parcel when calculating impervious surface coverage.

Subd. 2. Building Setting. At least 10 feet of landscaped area shall be provided adjacent to all buildings except for walks, driveways, and plaza/patio space. Walks within this landscaped area shall be limited to where practically necessary to serve access points of buildings.

Subd. 3. Buffer Yards. Buffer yards shall be required adjacent to less intensive zoning districts and adjacent to collector and arterial roadways. The buffer yard requirements are described in Section 828.31 of the City Code.

Subd. 4. Overstory Deciduous Shade Trees and Coniferous Trees. A minimum of one tree per 60 feet, or fraction thereof, of lot perimeter shall be required. Any lot perimeter for which a buffer yard is required shall be excluded from this calculation.

- (a) Size. Deciduous trees shall not be less than two caliper inches measured four feet off ground, and coniferous trees shall not be less than five feet in height.
- (b) Location. Tree location shall be approved by the city prior to planting.
- (c) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species, as listed within the tree preservation ordinance are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.

- (d) Credit for Preserved Trees. The city may reduce the required number of overstory trees if an applicant preserves more existing trees than required by the Tree Preservation Ordinance, Section 828.41. The city shall determine the amount of credit granted for such existing trees.

Subd. 5. Ornamental Trees. A minimum of one tree per 120 feet, or fraction thereof, of lot perimeter shall be required. Any lot perimeter for which a buffer yard is required shall be excluded from this calculation. One tree per 150 feet shall be required if a water conserving alternative is utilized for the lawn or if bioretention or other low impact development practices are implemented.

- (a) Size. Trees shall not be less than one and one-half caliper inches measured four feet off ground.
- (b) Location. Tree location shall be approved by the city prior to planting.
- (c) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.

Subd. 6. Understory Shrubs. In addition to trees, a full compliment of understory shrubs shall be provided to complete a quality landscape treatment of the lot. Shrubs shall be potted and a minimum of 24 inches. In no instances shall the number of shrubs be less than one per 40 feet, or fraction thereof, of lot perimeter. Any lot perimeter for which a buffer yard is required shall be excluded from this calculation. One shrub per 50 feet shall be required if a water conserving alternative is utilized for the lawn or if bioretention or other low impact development practices are implemented.

Subd. 7. Parking Lot Landscaping. A minimum of eight percent of the total land area within parking areas shall be landscaped. Parking lots with fewer than 10 stalls shall be exempt from these requirements.

- (a) Landscaping at least 12 feet in width shall separate parking lots into cells of no more than 120 stalls.
- (b) Landscaping shall break up rows of parking approximately every 20 spaces.
- (c) Species selection shall be guided by soils conditions and plantings shall be designed in a way which increases the likelihood of long-term survival.
- (d) Where practical, the landscaping areas shall be designed to receive stormwater runoff from the adjacent parking area.

Subd. 8. Maintenance. The developer shall be responsible for establishing a long-term maintenance plan to see that common space and buffer yard landscaping and fencing is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Landscape irrigation, where necessary, shall be consistent with water usage regulations.

Subd. 9. Landscaping Guarantee. The developer shall guarantee the growth and maintenance of all plants for a minimum of two growing seasons following an inspection of all completed plantings.

- (a) The developer shall submit a financial guarantee and provide access to the property, in forms acceptable to the city, prior to issuance of any building permit to ensure the planting and survival of the plantings. The developer may transfer responsibility of financial guarantee to another willing entity.
- (b) Any plant which does not survive or has severely declined (for example, 25% of the crown has died in the case of trees) shall be replaced, and the replacement will be guaranteed for an additional two growing seasons. After the additional growing seasons, any new plants which do not survive or have severely declined shall be replaced. After provisions have been made for maintenance of these new plants, the city shall release any remaining financial guarantee.

Subd. 10. Tree Preservation. Removal of significant trees and any construction activity within residential districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

Section 841.4.05. Supplemental Requirements for Specific Uses within the R-3, R-4, and R-5 Residential Zoning Districts. In addition to the general standards specified for conditional uses in section 825.39 of the City Code and other requirements of this ordinance, the following uses shall not be permitted unless the city council determines that all of the specific standards contained in this subdivision will be met:

Subd. 1. Religious Institutions.

- (a) the minimum lot size shall be increased to 4 acres;
- (b) the minimum lot width and depth shall be increased to 300 feet;
- (c) shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet from an intersection with an arterial roadway;
- (d) no exterior bells or loudspeakers;
- (e) buffer yard requirements adjacent to or across a street from property of a less intensive zoning district or the same zoning district shall be increased to an opacity measurement of 0.5. Buffer yard requirements are described in Section 828.31 of the City Code.
- (f) structures shall cover no more than 20 percent of the lot, and the maximum combined floor area of all structures on a property shall not exceed 40,000 square feet;
- (g) sanctuary seating capacity shall not exceed 500 persons;
- (h) the number of persons on-site at any given time shall not exceed two times the capacity of the sanctuary, with the exception of larger events no more than four times per year. The city may place further limitations on the number of persons on-site based on the number of parking stalls provided;

- (i) residential uses shall not be permitted, with the following exceptions:
 - a. housing for clergy employed at the property, as an accessory use. Such housing shall not exceed 4,000 square feet in floor area of habitable space, which shall be counted against the total floor area allowed on a site; or
 - b. continuation of a residential use existing on the property prior to the religious institution being established. Continuation of a residential use shall be limited in term and be subject to Interim Use Permit approval;
- (j) the property shall not be utilized for for-profit purposes, or regularly utilized by for-profit entities;
- (k) playgrounds and outdoor recreational areas shall be set back a minimum of 100 feet from residential property with adequate screening to protect neighboring properties from noise and adverse visual impacts;
- (l) exterior building materials shall consist of the following materials: brick, natural stone, stucco, Exterior Insulation and Finish System or similar product, copper, glass, decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. A maximum of 20 percent of the vertical building exterior may be metal or fiber cement lap siding or other materials approved by the city, if used as accent materials which are integrated into the overall building design.
- (m) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

Subd. 2. Educational Facilities.

- (a) the minimum lot size shall be increased to 4 acres;
- (b) the minimum lot width and depth shall be increased to 300 feet;
- (c) shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet from an intersection with an arterial roadway;
- (d) no exterior bells or loudspeakers;
- (e) buffer yard requirements adjacent to or across a street from property of a less intensive zoning district or the same zoning district shall be increased to an opacity measurement of 0.5. Buffer yard requirements are described in Section 828.31 of the City Code.
- (f) structures shall cover no more than 20 percent of the lot, and the maximum combined floor area of all structures on a property shall not exceed 40,000 square feet;;
- (h) the number of persons on-site at any given time shall not exceed 700, with the exception of larger events no more than four times per year. The city may place

- further limitations on the number of persons on-site based on the number of parking stalls provided;
- (j) the property shall not be utilized for for-profit purposes, or regularly utilized by for-profit entities;
 - (k) playgrounds and outdoor recreational areas shall be set back a minimum of 100 feet from residential property with adequate screening to protect neighboring properties from noise and adverse visual impacts;
 - (l) exterior building materials shall consist of the following materials: brick, natural stone, stucco, Exterior Insulation and Finish System or similar product, copper, glass, decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. A maximum of 20 percent of the vertical building exterior may be metal or fiber cement lap siding or other materials approved by the city, if used as accent materials which are integrated into the overall building design.
 - (m) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

Subd. 3. Assisted Living Facilities and Nursing Homes.

- (a) shall abut a collector roadway;
- (b) parking requirements shall be based on the number of employees of the facility, expected guest visitation and the likelihood of residents owning vehicles. Parking for residents of the facility shall be enclosed or underground, consistent with the requirements of the zoning district;
- (c) sufficient outdoor plaza and recreational areas shall be provided;
- (d) exterior building materials shall consist of the following materials: brick, natural stone, stucco, Exterior Insulation and Finish System or similar product, copper, glass, decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. A maximum of 20 percent of the vertical building exterior may be metal or fiber cement lap siding or other materials approved by the city, if used as accent materials which are integrated into the overall building design.
- (e) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

Subd. 4. Day Care Facilities serving 16 or fewer persons

- (a) shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet from an intersection with an arterial roadway;

- (b) shall not be operated within a townhome or multiple family structure;
- (c) parking requirements shall be based on the number of employees of the facility and the number of clients to be served. Circulation shall be sufficient so drop-off and pick-up of clientele does not interfere with the right-of-way;
- (d) sufficient outdoor recreational areas shall be provided;
- (e) the facility shall meet licensing requirements as required by law;
- (f) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

Subd. 5. State Licensed Residential Facility or housing with services establishment registered under chapter 144D, serving 16 or fewer persons

- (a) shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet from an intersection with an arterial roadway;
- (b) shall not be operated within a townhome or multiple family structure;
- (c) parking requirements shall be based on the number or residents at the facility as well as the number of employees. Parking for residents of the facility shall be enclosed or underground, consistent with the requirements of the zoning district;
- (d) the facility shall meet licensing requirements as required by law;
- (e) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

Amendment History of this Section

Adopted September 17, 2009 (Ord. 468).

Amended February 3, 2015 (Ord. 575). Amended sections 841.1.03, 841.2.03, 841.3.03 and 841.4.05 regarding assisted living facilities and nursing homes.

Amended February 17, 2015 (Ord. 576). Amending sections 841.1.04, 841.2.04 and 841.3.04 regarding solar equipment.