
CHAPTER 8**LAND AND BUILDING REGULATIONS****SECTION 843 MIXED RESIDENTIAL (MXR) DISTRICT**

Section 843.01 Mixed Residential (MXR) – Purpose. The purpose of the Mixed Residential (MXR) district is to implement the mixed residential land use described in the City’s Comprehensive Plan by providing a zoning district for a mix of residential styles with an overall average density of 3.5-4.0 units per acre but which includes at least a certain amount of higher density residential units. Any land use application or similar request within this district shall be reviewed for consistency with the following objectives in addition to the other standards of the district and city code. Any application may be required to be amendment or shall be denied if found to be in consistence with these objectives. Any request shall be consistent with the following objectives:

- (1) The MXR district shall consist of a creative and thoughtful mix of residential styles which preserve open space and natural features.
- (2) The layout and design of a MXR development shall complement adjacent existing and planned land uses and shall, to the extent practicable, locate and buffer higher-density residential uses from lower density uses on adjacent property.
- (3) The overall net residential density shall be 3.5 units per acre to 4.0 units per acre over the net area (*e.g. a site with a Net Area of 50 acres could be developed with 175-200 total units*).
- (4) The total number of residential units developed shall include a minimum number of higher-density units equal to the number of acres of Net Area of a development site. For the sake of this requirement, the higher-density units shall exceed 8.0 units per net acre. *For example, a site with a Net Area of 50 acres would be required to include a minimum of 50 higher-density units (in excess of 8.0 units per net acre) as a part of the total 175-200 residential units.*
- (5) Development on a MXR development site may be phased, provided the site is master-planned to ensure compliance with the purpose and standards of the MXR district and the Mixed Residential land use in the Comprehensive Plan. An enforceable covenant shall be recorded against the property to ensure development occurs consistent with these requirements.
- (6) In a phased MXR development in which property is reserved for future high-density residential development, flexibility for a range of high-density units shall be reserved equivalent to at least 5% of the maximum number of units. *For example, if a site with a total Net Area of 50 acres (maximum units=200) reserves 7 net acres for future high-density development, the master-plan is required to reserve capacity for a minimum of 56-66 units on these 7 net acres. The remaining 43 net acres could be developed with no more than 134 units.*
- (7) The City may consider modifications of density restrictions for developments that protect moderate to high quality natural resources as described in the City’s natural

resource inventory or exceed other standards. Such modification shall not result in a density less than 90% of the minimum density nor more than 105% of the maximum density requirement of the relevant land use. Such modifications shall be at the full and complete discretion of the City Council following recommendation by the Planning Commission and shall only be provided to encourage substantial protection of natural features or development which significantly exceeds standards.

Section 843.02 (MXR) Development Review and Approval Process.

Subd. 1. Mixed Residential Master Plan Required. A Mixed Residential Master Plan shall be required to regulate uses, density and permissible number of units over a MXR development to ensure compliance with the purpose, objectives, and requirements of the district and of the Comprehensive Plan. No development, construction, or subdivision of property shall be permitted in the MXR District prior to the review and approval of a Master Plan as described in this subsection.

Subd. 2. All development, construction, and subdivision requests shall be consistent with the approved Master Plan. Any request which is not consistent with the approved Master Plan shall be denied.

Subd. 3. Master Plan Review Procedures. An application for Mixed Residential Master Plan approval shall follow the process described herein. A Master Plan may be reviewed on its own, or concurrently with other requests such as a concept plan, preliminary plat, or site plan review.

- (a) Submittal Requirements. An application for Master Plan review shall include all of the following information:
- (1) Application form
 - (2) Fee prescribed by City fee schedule
 - (3) A Mixed Residential Master Plan which includes:
 - (i) Clear identification of the limits of the overall site(s) to which the Master Plan will apply.
 - (ii) Documentation of property ownership, interest in title, or authorization from owner(s) of all parcels to make application on their behalf.
 - (iii) Narrative describing how the project serves the purposes of the MXR district.
 - (iv) General site analysis identifying Net Acreage and the locations of floodplains, wetlands, required upland buffers, and waterbodies. The site analysis shall also identify existing improvements, existing vegetation, sensitive environmental areas, significant view sheds and other important features.
 - (v) Permissible range of residential units and minimum number of high-density residential units required based upon Net Acres.

- (vi) A depiction of which development standards (MXR-1, MXR-2 or MXR-3) will apply to the various lots of the overall Master Plan.
 - (vii) A sketch plan demonstrating planned residential densities consistent with the requirements of the mixed residential land use and MXR district, including potential building layout, unit style, street jurisdiction, lot layout, environmental conservation areas, public or private open space, public or private recreation space, buffering, and other elements of the plan.
 - (viii) Identification of important utility and other infrastructure connections and issues.
 - (ix) Connectivity of the site to surrounding existing and planned land uses, potential pedestrian/bicycle connections, and other external land use relationships.
- (4) A survey showing all easements of record may also be required by the Zoning Administrator.
 - (5) Any additional information as may be reasonably required by the Zoning Administrator to review compliance with relevant code requirements.
- (b) The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the City at least 10 days prior to the hearing. Notice of the hearing shall also be mailed to owners of property located within 1000 feet of the outer boundaries of the subject property.
 - (c) The proposal shall be forwarded to the City Council following review and recommendation by the Planning Commission, or after 45 days have elapsed since the commission began its review, whichever occurs first. The City Council shall act on the application within the time period prescribed by state law. The person making the application shall be notified of the action taken.
 - (d) A Mixed Residential Master Plan shall only be approved if it determined to be consistent with the purpose of the district, the objectives of the Comprehensive Plan and other relevant requirements of City Code. The City Council may impose such conditions it deems appropriate to protect the public health, safety, and welfare, and to ensure consistency with relevant requirements.
 - (e) The Master Plan shall be recorded against the subject property and regulate future requests for development, construction, or subdivision.

Subd. 4. Establishment of Mixed Residential Subdistricts. Development within the MXR zoning district shall be regulated subject to the standards established within either the MXR-1, MXR-2, or MXR-3 subdistrict as described below. These subdistricts shall be applied to portions of the property on the overall MXR Master Plan at the discretion of the City to achieve the purposes of the MXR zoning district.

Section 843.03. (MXR) Allowed Uses.

Subd. 1. Permitted Uses. The following shall be permitted uses within the MXR district, subject to applicable provisions of the City Code:

- (a) Single-Family Homes
- (b) Two-Family Homes
- (c) Townhome Dwellings
- (d) Multiple Family Structures
- (e) Parks and Open Space
- (f) Essential Services

Subd. 2. Conditional Uses. The following shall be permitted within the MXR district, subject to conditional use permit approval, the specific requirements established in Section ###, and other applicable provisions of the City Code:

- (a) Religious Institutions
- (b) Educational Facilities
- (c) Assisted Living Facilities and Nursing Homes
- (d) Day Care Facilities serving 16 or fewer persons
- (e) State Licensed Residential Facility, serving 16 or fewer persons
- (f) Community Center

Subd. 3. Accessory Uses. The following accessory uses shall be permitted within the MXR district, subject to applicable provisions of the City Code and provided such use is subordinate to and associated with a permitted or conditional use:

- (a) Garages
- (b) Off-street parking
- (c) Private swimming pools, sport courts, and other common recreational facilities
- (d) Signs, subject to the requirements of the sign ordinance
- (e) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code

Section 843.04. (MXR-1 and MXR-2) Single Family and Two Family Residential Lot Standards. The following standards shall be observed for all single-family and two-family residential uses, subject to additional requirements, exceptions and modifications set forth in the City Code.

Subd. 1. Density of Development and Number of Units: Development or redevelopment shall be consistent with density and number of unit requirements in the Comprehensive Plan, the approved Mixed Residential Master Plan and Section 843 of the City Code.

Subd. 2. MXR-1 Subdistrict Lot Standards.

- (a) Minimum Lot Width: 90 feet
- (b) Minimum Lot Depth: 90 feet. The minimum lot depth shall be increased to 115 feet for a lot adjacent to a Collector or Arterial Roadway
- (c) Minimum Front Yard Setback: 25 feet, except as follows:

- (a) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
- (b) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if no garage doors face a street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (d) Minimum Rear Yard Setback: 30 feet. The rear yard setback may be reduced to 15 feet if abutting a preserved open space or common area, but may not be reduced if abutting public park property.
- (e) Minimum Interior Side Yard Setback: 10 feet
- (f) 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: 25 feet.
 - (c) Collector or Arterial Roadways: 50 feet.
 - (d) Notwithstanding the requirements above, an unroofed deck with a floor no higher than the main level of the structure may encroach up to 10 feet into the increased yard setback adjacent to a Collector or Arterial Roadway.
- (g) Maximum Impervious Surface Coverage: 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 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.
- (h) Maximum Building Height: All buildings shall meet all of the following requirements:
 - (i) Building height shall not exceed 32 feet, but the maximum building height shall be increased to 35 feet if the structure is equipped with a compliant fire suppression system or if interior side yard setbacks are increased by 50 percent.
 - (ii) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
 - (iii) 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 32 feet.
- (i) The standards described in Section 843.04 Subd. 4 shall apply.

Subd. 3. MXR-2 Subdistrict Lot Standards.

- (a) Density of Development and Number of Units: Development or redevelopment shall be consistent with density and number of unit requirements in the Comprehensive Plan and the approved Mixed Residential Master Plan.
- (b) Minimum Lot Width (Single Family Detached): 50 feet, except as noted below:
- (i) The minimum lot width shall be increased to 60 feet for corner lots with a side yard adjacent to a street.
 - (ii) The minimum lot width shall be increased to 70 feet for lots with a side yard adjacent to a collector or arterial roadway.
- (c) Minimum Lot Width (Two Family Dwelling): 50 feet per unit. except as noted below:
- (i) The minimum lot width shall be increased to 60 feet for corner lots with a side yard adjacent to a street.
 - (ii) The minimum lot width shall be increased to 70 feet for lots with a side yard adjacent to a collector or arterial roadway.
- (d) Minimum Lot Depth: 90 feet. The minimum lot depth shall be increased to 115 feet for a lot adjacent to a Collector or Arterial roadway
- (e) Minimum Front Yard Setback: 25 feet, except as follows:
- (i) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
 - (ii) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if no garage doors face a street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (f) Minimum Rear Yard Setback: 25 feet. The rear yard setback may be reduced to 15 feet if abutting a preserved open space or common area, but may not be reduced if abutting public park property.
- (g) Minimum Interior Side Yard Setback (Single Family Detached): 7.5 feet
- (h) Minimum Interior Side Yard Setback (Two Family Dwelling): 10 feet, except the side yard setback shall be reduced to zero for the common wall between two dwelling units.
- (i) 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:
- (i) Private Street: 25 feet. Parking areas and recreational areas shall be exempt from this requirement.
 - (ii) Local Roadway: 25 feet.

- (iii) Collector or Arterial Roadways: 50 feet.
 - (iv) Notwithstanding the requirements above, an unroofed deck with a floor no higher than the main level of the structure may encroach up to 10 feet into the increased yard setback adjacent to a Collector or Arterial Roadway.
- (j) Maximum Impervious Surface Coverage: 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 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.
- (k) Maximum Building Height: All buildings shall meet the following requirements:
- (i) Building height shall not exceed 32 feet, but the maximum building height shall be increased to 35 feet if the structure is equipped with a compliant fire suppression system or if interior side yard setbacks are increased by 50 percent.
 - (ii) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
 - (iii) 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 32 feet.
- (l) The standards described in Section 843.04 Subd. 4 shall apply.

Subd. 4. Additional MXR-1 and MXR-2 Development Standards

(a) Building Materials and Design.

- (i) Building Materials. All exterior building materials shall be durable and consistent with relevant codes, regulations, and other industry standards.
- (ii) Garages. 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.
- (iii) Utilities. Utilities shall be placed underground.
- (iv) Parking. Refer to Section 828.51. Subd. 2.

(b) Landscaping Requirements for the Development Site.

- (i) Generally. All areas within a development site shall be landscaped, except for areas occupied by streets, sidewalks, trails, buildings, driveways, walks, recreational areas, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Properly maintained prairie and 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, vegetative 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.
- (ii) **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.
 - (iii) **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 City water usage regulations.
 - (iv) **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.
 - (i) 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 financial guarantee responsibility to another willing entity.
 - (ii) 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 of the 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.
 - (v) **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.
- (c) Landscaping Requirements for Individual Single-Family and Two-Family Lots.**
- (i) **Generally.** Each lot shall be landscaped, except for areas occupied by buildings, driveways, walks, patios, recreational areas, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Properly maintained prairie or natural vegetation may be utilized within buffer yards. 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.

- (ii) Lawn Establishment. The entire lot and adjacent right-of-way to the edge of the street shall be landscaped and vegetation established prior to issuance of a certificate of occupancy for a new home.
 - (i) Financial Guarantee Option. If vegetation is not established at the time of certificate of occupancy, the city may accept a financial guarantee, in an amount determined by the city council, to ensure that landscaping is completed within one year. If landscaping is not completed, the city may take action to complete the work, and the property owner shall grant access to the property and be responsible for the cost of such work.
 - (ii) Type of Ground Cover. Low maintenance and water conserving alternatives to traditional Kentucky bluegrass are encouraged and may be seeded. Otherwise, sod or hydro-seed application shall be required.
- (iii) Yard Trees. A minimum of four overstory trees shall be required to be planted prior to issuance of a certificate of occupancy for each dwelling unit. Trees shall meet the following requirements:
 - (i) Financial Guarantee Option. If the trees are not planted at the time of certificate of occupancy, the city may accept a financial guarantee, as established by the city council, to ensure that planting occurs within one year.
 - (ii) Size. Deciduous trees shall not be less than two caliper inches measured four feet off ground, and coniferous trees shall not be less than six feet in height.
 - (iii) Location. For single-family dwellings, two trees shall be located within 15 feet of the front lot line. For two-family dwellings, at least one of the trees shall be located within 15 feet of the front lot line. Trees shall be located in a way which does not interfere with utilities.
 - (iv) 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. Species with known vulnerability to disease or infestation shall not be permitted. The trees shall not be of a single species and, to the extent possible, should be differentiated across the neighborhood so that no more 25 percent are from one species.
 - (v) Credit for Preserved Trees. The city may reduce the required number of overstory trees if existing trees are preserved in the front yard. In order to receive credit, the trees shall satisfy the requirements of the Tree Preservation Ordinance, Section 828.41.
- (iv) Maintenance. The property owner shall be responsible to see that landscaping is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Irrigation for landscaping and lawns shall be consistent with city water usage regulations.

- (v) **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 843.05. MXR-3 Subdistrict Standards for Townhome, Multiple Family Residential and other Uses.

The following standards shall be observed for townhomes, multiple family residential uses and other uses, excluding single-family and two-family dwellings. The standards shall be 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 and Number of Units: Development or redevelopment shall be consistent with density and number of unit requirements of the Comprehensive Plan.

Subd. 2. Density Bonuses: Exceptions or modifications to the density requirements may be considered natural resources are protected or exceed other standards of the zoning district.

Subd. 3. Minimum Net Area per Dwelling Unit: 4,350 square feet, except as modified by Subd. 4. below.

Subd. 4. Reduction of Minimum Net Area per Dwelling Unit. 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 Lot Area per Unit requirement above may be reduced in accordance to the following, except that the density after the reduction(s) must be consistent with the Comprehensive Plan. Notwithstanding the reductions awarded for a development, in no event shall the bonus(es) allow for an increase in building height, nor a net area per dwelling unit less than 2900 square feet.

- (a) **Affordable Housing** (max. reduction = 560 square feet of Net Lot Area per Unit). 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. reduction = 390 square feet of Net Lot Area per Unit). 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. reduction 200 square feet of Net Lot Area per Unit). 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. reduction 390 square feet of Net Lot Area per Unit).
- (e) Underground Parking (max. reduction 560 square feet of Net Lot Area per Unit). 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.
- (f) Oversized garages or lockable storage units (max. reduction 110 square feet of Net Lot Area per Unit). Additional storage must be 40 square feet for townhomes or 25 square feet or greater for other uses.
- (g) Common open space and shared recreational facilities (max. reduction = 390 square feet of Net Lot Area per Unit)
- (h) Dwelling unit amenities (max. reduction 110 square feet of Net Lot Area per Unit). Amenities such as additional bathrooms, fireplaces, etc.

Subd. 5. Minimum Setback from Perimeter of Site: 40 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 50 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 50 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) Collector or Arterial Roadway: 50 feet.

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

Subd. 8. Maximum Impervious Surface Coverage: 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 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

Subd. 9. 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.

Subd 10. Building Materials and Design

(a) Building Materials.

- (i) Generally. All exterior building materials shall be durable and consistent with relevant codes, regulations, and other industry standards.
 - (ii) 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.
 - (iii) 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, glass, or others approved by the city.
- (b) 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.
- (c) 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.
- (d) Parking. Refer to Section 828.51. Subd. 2.
- (e) 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 six dwelling units shall be screened as follows:
- (i) 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.
 - (ii) 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.

- (f) Trash and Recycling Facilities.
 - (i) Trash and recycling bins for individual dwelling units shall be stored so not to be prominently visible from streets or neighboring units.
 - (ii) 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.

Subd. 11. Landscaping Requirements.

- (a) 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.
- (b) Building Setting. A 10-foot wide 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.
- (c) 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.
- (d) 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.
 - (i) Size. Deciduous trees shall not be less than two caliper inches measured four feet off ground, and coniferous trees shall not be less than six feet in height.
 - (ii) Location. Tree location shall be approved by the city prior to planting.
 - (iii) 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.

- (iv) 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.
- (e) 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.
 - (i) Size. Trees shall not be less than one and one-half caliper inches measured four feet off ground.
 - (ii) Location. Tree location shall be approved by the city prior to planting.
 - (iii) 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.
- (f) Understory Shrubs. In addition to trees, a full complement 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.
- (g) 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.
 - (i) Landscaping at least 12 feet in width shall separate parking lots into cells of no more than 120 stalls.
 - (ii) Landscaping shall break up rows of parking approximately every 20 spaces.
 - (iii) Species selection shall be guided by soils conditions and plantings shall be designed in a way which increases the likelihood of long-term survival.
 - (iv) Where practical, the landscaping areas shall be designed to receive stormwater runoff from the adjacent parking area.
- (h) 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.

- (i) 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.
 - (i) 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.
 - (ii) 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.
- (i) 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 843.06 Supplemental Requirements for Specific Uses within the MXR Zoning District. 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, except for emergency notification systems
- (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;
- (g) residential uses shall not be permitted, with the following exceptions:
 - (i) 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

- (ii) 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;
- (h) the property shall not be utilized for for-profit purposes, or regularly utilized by for-profit entities;
- (i) 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;
- (j) 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.
- (k) 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) exterior bells shall be limited to school hours and shall not be so loud as to create a nuisance and exterior loudspeakers shall be limited to emergency notification systems;
- (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;
- (g) 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;
- (h) 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.
- (i) 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 an arterial or 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, fiber cement siding, 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, wood, or other materials approved by the city, if used as accent materials which are integrated into the overall building design.
- (e) the minimum required net lot area per unit shall be reduced by 50% for nursing home, memory care, or similar units which do not include individual kitchens and where residents are not able to drive. In order to reduce the required lot area in this way, an agreement in a form and of substance acceptable to the City is required to be recorded against the property ensuring that the units will remain nursing home or memory care units.
- (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. 4. Day Care Facilities serving 16 or fewer persons

- (a) shall abut an arterial or a collector roadway;
- (b) shall not be operated within a townhome or multiple family dwelling;
- (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 or a collector;
- (b) shall not be operated within a townhome or multiple family dwelling;
- (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 November 20, 2018 (Ord. 640).

September 17, 2019 (Ord. 650). Amended Section 843.04 regarding (MXR-1 and MXR-2) lot standards.

March 4, 2020 (Ord. 654). Amended Sections 843.04 and 843.05 regarding garages and parking.

December 15, 2020 (Ord. 665). Amended Section 843.05 regarding minimum area per dwelling unit.