

CITY OF ARLINGTON
ORDINANCE NO. 222

AN ORDINANCE AMENDING SECTIONS 13 (GENERAL STANDARDS), 15 (CONDITIONAL USE PERMITS) AND 5 (R-1 ONE AND TWO FAMILY RESIDENTIAL) OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO ACCESSORY STRUCTURES WITHIN THE CITY

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAINS:

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 13 OF ORDINANCE 169 SHALL BE AMENDED TO INCLUDE SUBD. 6 AS FOLLOWS:

SECTION 13 GENERAL STANDARDS.

SUBDIVISION 6. ACCESSORY STRUCTURES.

- A. *Agricultural buildings on agricultural properties are exempt from the requirements of this Section.*
- B. *In cases where an accessory building is attached to the principal structure it shall be made structurally part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure. An accessory building unless attached to and made a part of the principal structure shall not be closer than ten (10) feet to the principal structure.*
- C. *Accessory buildings or structures shall not be constructed on any lot prior to the construction of a principal building.*
- D. *Accessory buildings shall not be constructed in the front yard. Accessory buildings may be constructed in an interior side yard provided a conditional use permit meeting the standards of Section 13, Subd. 6(L) and Section 15 of the Arlington Zoning Ordinance is issued. An interior side yard is a side yard not abutting a street. Accessory structures are allowed in rear yards providing setbacks are achieved.*
- E. *Private and public garages and accessory structures larger than one-hundred twenty (120) square feet shall be placed on a permanent foundation which shall be defined as a floating slab with a rodent inhibiting barrier extending to a depth of at least one (1) foot below the average grade. A storage or utility structure of one-hundred twenty (120) square feet or less shall be placed on a leveled four (4) inch gravel or rock base with a rodent inhibiting barrier provided between the base and the structure.*
- F. *Architectural Detail Requirements. Accessory structures shall have architectural details which are the same or reasonably similar to the principal structure based on, but not limited to, the following:*
 - 1. *Roof orientation and pitch, excluding flat roofs;*
 - 2. *Roof type (e.g. gabled or hipped);*
 - 3. *Eave, overhang depth, and fascia/soffit type and appearance;*
 - 4. *As an exterior material, steel siding is allowed provided it is architectural grade with concealed fasteners; and,*

5. Exterior color.

G. Size Limit. Accessory structures shall be clearly and reasonably subordinate to the principal structure in terms of both scale and bulk. Total accessory structure square footage, excluding attached garages, shall not exceed ten (10) percent of the lot area within the R-1, R-2, Manufactured Home or any commercial district. Total accessory structure square footage within the Agricultural Residence District or any industrial district shall not exceed fifteen (15) percent of the lot area unless a conditional use permit is issued. In addition, aggregate square footage of building coverage per lot shall not exceed the maximum allowed within the applicable zoning classification.

H. Number of Accessory Structures Limited. For all districts except the Agricultural Residence District, a maximum of two (2) detached accessory buildings less than or equal to one-hundred twenty (120) square feet are allowed per lot. In addition one (1) detached accessory structure greater than one-hundred twenty (120) square feet is allowed per lot unless a conditional use permit meeting the standards of Section 13, Subd. 6(L) and Section 15 of the Arlington Zoning Ordinance is issued. Within the Agricultural Residence District on lots greater than two (2) acres in size, up to two (2) structures equal to or less than one-hundred twenty (120) square feet and two (2) structures greater than one-hundred twenty (120) square feet but not exceeding three total structures are allowed.

I. Accessory Structure Setback Requirements.

<u>District</u>	<u>Side, Interior</u>	<u>Side, Corner</u>	<u>Rear</u>
<u>Residence & Ag District</u>	<u>Underlying zoning standard.</u>	<u>Underlying zoning standard for front yard</u>	<u>Five feet unless rear loading, then 10 ft.</u>
<u>R-1</u>	<u>Underlying zoning standard.</u>	<u>Underlying zoning standard for front yard</u>	<u>Five feet unless rear loading, then 10 ft.</u>
<u>R-2</u>	<u>Underlying zoning standard.</u>	<u>Underlying zoning standard for front yard</u>	<u>Five feet unless rear loading, then 10 ft.</u>
<u>Manufactured Home</u>	<u>Underlying zoning standard.</u>	<u>Underlying zoning standard for front yard</u>	<u>Five feet unless rear loading, then 10 ft.</u>
<u>Commercial</u>	<u>Underlying zoning standard.</u>	<u>Underlying zoning standard for front yard</u>	<u>Underlying zoning standard.</u>
<u>Industrial</u>	<u>Underlying zoning standard.</u>	<u>Underlying zoning standard for front yard</u>	<u>Underlying zoning standard.</u>

J. Accessory Structure Height Limited. The height of an accessory structure shall not exceed maximums listed in the following table as measured from the average grade to the highest part of the structure.

<u>Parcel Size</u>	<u>Maximum Height</u>	<u>Roof Pitch Minimum</u>
<u>< 20,000 sf</u>	<u>18</u>	<u>4:12</u>
<u>20,001 sf to one (1) acre</u>	<u>20</u>	<u>4:12</u>
<u>Greater than one (1) but equal to or less than two (2) acres</u>	<u>22</u>	<u>4:12</u>
<u>Two to five acres</u>	<u>30</u>	<u>No limit</u>
<u>> than five (5) acres</u>	<u>No limit</u>	<u>No limit</u>

K. Accessory structures shall not encroach upon easements.

L. CUP Requirements.

1. The purpose of this Subsection is to provide the Planning Commission and City Council with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.
2. In making the determination whether or not a conditional use permit is to be allowed, the City shall consider the requirements of Section 15 of the Zoning Ordinance and may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining streets, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.
3. In recommending or approving a conditional use permit when required for an accessory structure, the Planning Commission and the Council may impose conditions which are considered necessary to meet the standards of the Zoning Ordinance as set forth in Section 15 of the Zoning Ordinance. In addition, the City may impose additional conditions to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Section and Ordinance. Additional conditions imposed may include but are not limited to the following:
 - a. Require the use of trim, wainscoting and lighting or other additional architectural detail to soften the impact of the bulk and height of the proposed structure(s).
 - b. Require the structure be designed and placed on a lot so as to reasonably maintain a scale/size difference between the principal and accessory structure with the accessory structure being clearly subordinate to the principal structure.
 - c. Require the visibility of the accessory structure be minimized as viewed from adjacent lots and rights of way through the use of topography, increased setbacks, increased lot size, fencing, existing or proposed vegetative landscaping and the like.
 - d. Require garage door openings are placed so as to reduce their visibility from adjacent lots and rights-of-way
 - e. Require the accessory structure be reasonably compatible with the architectural detail of the principal structure. The applicant holds the burden of proving the proposed structure is reasonably compatible with the architectural detail of the principal structure.
 - f. Require the use of the same or similar window and exterior door proportion and type to soften the impact of the bulk and height of the proposed structure(s).
 - g. Require general compatibility with adjacent and other property in the district.
4. Prior to approving the CUP the City shall consider the action in relation to the specific policies and provisions of Section 15 of the Zoning Ordinance.

II. THE CITY COUNCIL OF THE CITY OF ARLINGTON FURTHER ORDAINS SECTION 15 OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 15: CONDITIONAL USE PERMITS.

SUBDIVISION 1. PURPOSE.

The purpose of this Section of the Zoning Ordinance is to provide the Planning Commission and City Council with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

SUBDIVISION 2. SCOPE.

A Conditional Use Permit is required when the use is classified as a conditional use within a zoning district or acknowledged as requiring a conditional use permit within a zoning district or zoning standard.

SUBDIVISION 3. APPLICATION.

Conditional use permits may be issued for any of the following:

- A. Any of the uses or purposes for which such permits are required by the provisions of this Ordinance.
- B. Public utility or public service uses or public building in any district when found to be necessary for the public health, safety, convenience or welfare.
- C. Commercial excavating and storage of natural material used for building or construction purposes, in any district.
- D. To classify as a conforming use any non-conforming institutional use existing in any district at the time of the establishment of such district.
- E. ~~To permit the location of any of the following uses in a district from which they are excluded by the provisions of this Ordinance: airport, library, community center, church, hospital, any institution of an educational, philanthropic or charitable nature, cemetery or mausoleum.~~

SUBDIVISION 4. PROCEDURE.

- A. Application of the issuance of a Conditional Use Permit shall be made to the City Planning Commission, except that any proceedings to classify certain uses as conforming uses as provided in this Section may be initiated either by such application or by the City Council or by the City Planning Commission.
- B. The City Planning Commission may hold such hearings on the proposal to issue a Conditional Use Permit as it may consider necessary, but at least one (1) public hearing shall be held on any application for a Conditional Use Permit.
- C. Following the hearing, the City Planning Commission shall make a report on the proposal to the Council and shall recommend to the Council whatever action it deems advisable, but the City Planning Commission shall not recommend the granting of a permit unless it finds that the establishment, maintenance, or conducting of the use for which a permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of such use, or to the public welfare, or injurious to property or improvements in the neighborhood.
- D. The City Planning Commission may designate conditions and require guarantees in the granting of use permits in the same manner provided in Section 16 of the Zoning Ordinance, Board of Zoning Adjustment, for the granting of adjustments.
- E. Upon receipt of the report of the City Planning Commission, the City Council may hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant a conditional use permit.

SUBDIVISION 5. CRITERIA FOR REVIEW.

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria:

- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated. Adequate right-of-way shall be provided.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with the off street parking requirements.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
- D. Adequate off street parking and off-street loading shall be provided in compliance with the off street parking requirements of the zoning ordinance.
- E. Loading docks and drive-up facilities shall be positioned so as to: minimize internal site access problems and maneuvering conflicts; to avoid visual or noise impacts on any adjacent residential use or district; and be in compliance with the off street parking requirements of this Ordinance.
- F. Whenever a non-residential use abuts or is across the street from a lot or area guided to future residential development within the Comprehensive Plan, the non-residential use shall employ landscaping and/or landscape treatments that soften the visual impact of the structure containing the non-residential use pursuant to a plan approved by the City.
- G. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts.
- H. Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be employed.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
- K. Provisions shall be made for an interior location for recycling and trash handling and storage or if exterior to a structure said recycling and trash shall be placed in an outdoor, enclosed receptacle. Fencing and/or landscaping are required around the enclosed receptacle.
- L. All signs shall be in compliance with the Section(s) of this Ordinance pertaining to signs.
- M. The use and site shall be in compliance with any federal or state laws or regulations which are applicable. As such, any related permits are obtained and documented to the City.
- N. Any/all outdoor storage proposed shall be in compliance with the Section of this Ordinance pertaining to outdoor storage.

- O. The hours of operation may be restricted when there is potential negative impact upon a residential use or district.

SUBDIVISION 6. CONDITIONAL APPROVAL.

All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein. The Council may impose conditions which are considered reasonably necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance.

III. THE CITY COUNCIL OF THE CITY OF ARLINGTON FURTHER ORDAINS SECTION 5 OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 5: R-1 ONE AND TWO FAMILY RESIDENCE DISTRICT.

SUBDIVISION 4. HEIGHT, YARD AND LOT REGULATIONS.

5. General Yard Regulations:

- E. For lots less than 10,000 square feet in size, a maximum of 40% of a lot may be occupied by buildings. For lots of 10,000 sf or more, a maximum of 35% of the lot may be occupied by buildings.

IV. EFFECTIVE DATE. This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 3rd day of March, 2008.

Attest:

/s/ James R. Kreft
James R. Kreft, Mayor

/s/ Matthew Jaunich
Matthew Jaunich, City Administrator

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Second Reading: March 3, 2008
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