

ORDINANCE NO. 169

ZONING ORDINANCE

THE COUNCIL OF THE CITY OF ARLINGTON, SIBLEY COUNTY, MINNESOTA, DOES ORDAIN AS FOLLOWS:

SECTION 1: PURPOSES, SCOPE, INTERPRETATION, SHORT TITLE

SUBDIVISION 1. PURPOSES.

This Ordinance is enacted for the following purposes: to promote the health, safety, comfort, convenience, and general welfare of the inhabitants of the City of Arlington by lessening congestion in the streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of properties; and encouraging the more appropriate use of land.

SUBDIVISION 2. SCOPE.

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to or relocated and every use within a building or use accessory thereto, in the City of Arlington, shall be in conformity with the provisions of this Ordinance. An existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended, or changed subject to the special regulations herein provided with respect to non-conforming properties or uses.

SUBDIVISION 3. INTERPRETATION.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provision of this Ordinance shall be controlling. Where the provisions of any statute, other Ordinance or regulation impose greater restrictions than the Ordinance. The provisions of such statute, other ordinance or regulation shall be controlling.

SUBDIVISION 4. SHORT TITLE.

This Ordinance shall be known and may be cited as the "City of Arlington Zoning Ordinance".

SECTION 2: RULES and REGULATIONS.

SUBDIVISION 1. RULES

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot" and the word "shall" is mandatory and not discretionary.

SUBDIVISION 2 DEFINITIONS.

For the purpose of this Ordinance, certain terms and words are defined as follows:

Accessory Building: A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Agriculture: The growing of soil crops in the customary manner on open tracts of land, the raising of animals or poultry, including incidental retail selling by the producer of the product raised on the premises, providing customer parking space is furnished off the public right-of-way.

Alley: A public thoroughfare less than thirty (30) feet in width which provides secondary access to the abutting property.

Apartment: A part of the building consisting of a room or suite of rooms which is designed for, intended for or used as a residence for one family or an individual and is equipped with cooking facilities.

Apartment Building: Three (3) or more apartments grouped in one building.

Automobile Wrecking: See Junk Yards.

Boarding House: Any dwelling other than a hotel or motel where lodgings and meals for compensation are provided for five (5) or more persons, for a long term basis, meaning other than a day to day rental agreement.

Building: Any structure for the shelter, support or enclosure of persons, animals, or property of any kind. When separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height: The vertical distance from the average of the highest and lowest point of that portion of a lot covered by a building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the Earth.

City Council: Refers to the City Council of Arlington.

Conditional Use: A use of land not normally allowed in a particular zoning district but which may be allowed under certain conditions.

Dwelling: Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings, either permanently, or transiently; a mobile home, house trailer or tent shall not be considered a dwelling for purposes of this Ordinance.

Family: One or more persons related by blood, marriage or adoption, or state licensed family, or not more than five (5) person, including owner-occupant, not so related occupying a dwelling and living as a single housekeeping unit, as distinguished from occupying a boarding house private club or hotel.

Flood Plain: The areas adjoining a watercourse or lake which have been or hereafter may be covered by a regional flood. Flood plain areas within the City of Arlington shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.

Floodway: The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

Garage, Private: A garage with a capacity of not more than four (4) power driven vehicles for storage only and which is erected as an accessory building. No commercial activity is to be conducted in any private garage.

Garage, Public: Any premises except those described as a private or community garage used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Home Occupation: Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use. The occupation shall be conducted only by members of a family residing in the dwelling and in connection with which there is kept no stock in trade or commodity for sale on the premises.

Hotel: Any building or portion thereof where lodging is offered to transient guest for compensation and in which there are more than five (5) sleeping rooms in individual rooms or apartments.

Junk Yard: Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of vehicles.

Lodging house: A building or premises where lodging is provided for compensation of five (5)

or more persons, but not exceeding twenty-five (25) persons.

Lot: One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Ordinance and having frontage on a public street.

Lot Area: The Lot area within the lot lines.

Lot Area Per Family: The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

Lot, Double Frontage: An interior lot having frontage on two (2) streets.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein. When a lot line abuts on a street, avenue, park, or other public property except an alley, such line shall be known as a street line, and when a lot line abuts on an alley, it shall be known as an alley line.

Lot , Corner: A lot situated at the intersection of two or more streets.

Lot, Depth: The average distance between the front and rear lot line (the greater frontage of a corner lot shall be deemed its depth and the lesser frontage its width.)

Lot, Width: The horizontal straight line distance between the side lot lines at the setback line.

Mobile (Manufactured) Home: A factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be relocated as a structure or structures used for occupancy without a permanent foundation. The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.

Modular Home: A non-mobile housing unit that is fabricated at a factory and transported to a building site where final installations are made, permanently affixing the module to the site. A modular home shall be congruous to a one family dwelling.

Motel: Any building or portion thereof that is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms in individual rooms or units.

Non-Conforming use: A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated, except that such a use is not non-conforming if it would be authorized under a special use permit where located.

Persons: Any individual, firm, partnership, limited liability company, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee or

similar representative thereof.

Premises: A lot or plot with the required front, side and rear yards for a dwelling or other use allowed under this Ordinance.

Sanitary landfill: A sanitary landfill according to the American Society of Civil Engineers is a "method of disposing of solid wastes on land without creating nuisances or hazards to public health and safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operations, or at such more frequent intervals as may be necessary".

Setback: The shortest distance between the front lot line and the foundation wall of a building or the allowable building line as defined by the front yard regulations of this Ordinance.

Sign: A name, identification, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, purpose, institution or business.

Sign, Advertising: A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Sign, Business: A sign which directs attention to a business or profession or a commodity, service or entertainment sold or offered upon the premises where such sign is located.

Sign, Flashing: Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Sign, Illuminated: Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as part of the design.

Sign, Nameplate: Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

Sign, Rotating: A sign which revolves or rotates on its axis by mechanical means.

Sign, Surface Area of: The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display, (only one side of a double-face or V-type structure shall be used in computing total surface area.)

Story: That portion of the building included between the surface of any floor and the surface of the next floor above it, or, if there is not floor above it, the space between the floor and the ceiling next above it.

Story-half: A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

Structural Alteration: Any change or addition to the supporting members of a building such as bearing walls, columns, beams or girders.

Swimming Pool: A permanent or portable structure which is not completely enclosed within a building, whether below ground level, above ground level or partially above and partially below ground level, intended for non-commercial use as a swimming pool and which exceeds 24 inches in depth capacity and has a surface area exceeding 100 square feet.

Use: The purpose for which land or premises of the building thereon is designated, arranged, or intended, or for which it may be occupied or maintained.

Use, Accessory: A use incidental or accessory to the principal use of a lot or building located on the same lot as the accessory use.

Yard: An open space between a building and any lot line which is open to the sky obstructed by any permanent or temporary uses or structures.

Yard, Front: A yard extending across the full width of the lot and lying between the front lot line and the front building line.

Yard, Rear: A yard extending across the width of the lot and lying between the rear lot line and the nearest line of the principal building.

Yard, Side: A yard extending from the front lot line to the rear lot line and lying between the side lot line and nearest line of a building.

Zoning Administrator: The City Official appointed by the City Council from time to time to administer the Zoning Ordinance, to include monitoring compliance with the Ordinance, maintaining the City of Arlington Zoning Map, and administering the application process for building permits, conditional use permits and variance requests and all other administrative matters pertaining to the Zoning Ordinance.

SECTION 3: ZONING DISTRICTS

SUBDIVISION 1. ESTABLISHMENT OF DISTRICTS.

For the purpose of this Ordinance, the City is divided into the following districts.

RESIDENTIAL DISTRICTS:

R-1 One and Two Family Residence District

R-2 Multiple Family Residence District

BUSINESS DISTRICTS:

- B-1 Service Business District
- B-2 General Business District

INDUSTRIAL DISTRICTS:

- I-1 Limited Industrial District
- I-2 General Industrial District

MOBILE HOME PARK DISTRICT:

- M-1 Mobile Home Park District

SECTION 4: ZONING INSTRUMENTS

SUBDIVISION 1. ZONING MAP.

The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map and said map is hereby made a part of this Ordinance, which map shall be known as the "City of Arlington Zoning Map". Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said map, and amendments thereto shall be recorded on said Zoning map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the City Hall.

SUBDIVISION 2. DISTRICT BOUNDARIES.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, or railroad rights of way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated unless otherwise indicated.

SECTION 5: R-1 ONE and TWO FAMILY RESIDENCE DISTRICT

SUBDIVISION 1. PURPOSE.

The R-1 Residence District is intended to provide low density residential areas and restrict incompatible commercial and industrial uses.

SUBDIVISION 2. PERMITTED USES.

The following uses shall be permitted in the R-1 Residence District:

- One and two family dwellings.

Parks and recreational areas owned or operated by governmental agencies.

Public schools or private schools, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.

Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.

Accessory buildings and uses:

- A. Private garages, carports and other accessory buildings used for the purpose of storing private vehicles and equipment but not including the storage of vehicles and equipment used for commercial purposes. Prohibited commercial vehicles shall automatically be considered to include, but are not limited to, any trucks rated as two ton or heavier, and any tractor-trailer units. One commercial motor vehicle of not over 32 foot length used by the resident occupant may be parked on the premises or the public street bordering the premises.

Detached garages and accessory buildings shall not exceed 1,000 square feet. Any proposed accessory structure which exceeds this square footage shall be permitted only by a Conditional Use Permit.

- B. Swimming pools per Section 13, Subdivision 5
- C. Maintenance of dogs or cats or other household pets not to exceed two (2) full grown animals of each type. A full grown animal is defined as an animal of breeding age.
- D. Vehicle Parking. No vehicles may be parked or stored on the premises which are inoperable or unlicensed, unless such vehicles are kept in a fully enclosed structure or fully enclosed licensed trailer, so that no part of the vehicle can be viewed by the public. No vehicles may be parked or stored on the premises which are advertised for sale or rent, except that one vehicle may be advertised for sale or rent as an isolated personal transaction, and not in the ordinary course of business of sale or rent of vehicles, and such vehicle advertised for sale or rent must be operable and licensed.
- E. Signs:
 - (1) A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.
 - (2) A sign pertaining to the lease or sale of the building or property, provided such sign does not exceed four (4) square feet in surface area. Such signs shall not be illuminated.

- (3) Temporary signs identifying an engineer, architect, contractor, product engaged in or used in the construction of a building, provided such signs do not exceed four (4) square feet in surface area and are removed prior to the occupancy of the building. Such signs shall not be illuminated.
- (4) One identification sign not to exceed 24 square feet in surface area displaying directional information for churches, schools, hospitals, sanitariums, clubs, libraries or similar uses provided that each use shall be limited to one (1) such sign per thoroughfare approach or similar use. Such signs may be illuminated.
- (5) Directional, unilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, sanitariums, clubs, libraries or similar uses provided that each use shall be limited to one (1) such sign per thoroughfare approach.
- (6) Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.
- (7) All signs exceeding sixty-four (64) square feet shall require a sign permit.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT WITHIN AN R-1 DISTRICT.

Buildings or land may be used for the following if granted a Conditional Use Permit:

1. Municipal administration buildings, police and fire stations, museums, art galleries, post offices, and other municipal service buildings except those customarily considered industrial in use, providing that no building shall be located within fifty (50) feet of any lot in a residential district.
2. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.
3. Golf course, golf clubhouse, miniature golf course, driving tee, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot in a residential district.
4. Offices of business persons as a home occupation.
5. Apartment buildings housing no more than three or four families.
6. Boarding or rental of rooms to one or more persons on the premises.
7. Parking of a commercial motor vehicle of over 32 foot length used by the resident occupant.

SUBDIVISION 4. HEIGHT, YARD AND LOT REGULATIONS.

1. Height Regulations:

No structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that church spires, belfries, domes which do not contain usable space, and chimneys may be of any height which does not conflict with airport requirements.

2. Front Yard Regulations:

A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except that in a block where two or more residences have been erected facing the same street, the setback for remaining lots in that block fronting on the same street shall be as far back as the longest setback.

B. There shall be a front yard on the street side of each corner lot except that for corner lots of record at the date of this Ordinance, the front yard on the side street side may be reduced to a depth of not less than twenty-five (25) feet.

3. Side Yard Regulations:

Each lot of less than one hundred (100) feet shall have two (2) side yards, each such yard having a width of not less than four (4) feet. Lots one hundred (100) feet and over shall have two (2) side yards, each such yard having a width of not less than eight (8) feet.

4. Rear Yard Regulations:

Each lot shall have an unoccupied rear yard having a depth of not less than twenty-five (25) percent of the lot depth, except that accessory buildings and uses as stipulated in this Section 5, Subdivision 2, (5) shall be allowed.

5. General Yard Regulations:

A. Cornices, canopies and eaves may extend into a required yard at a distance not exceeding two (2) feet, six (6) inches.

B. Fire escapes may extend into a required front or rear yard at a distance not exceeding two (2) feet, six (6) inches.

C. A landing place or uncovered porch or deck or handicap access ramp may extend into a required front yard a distance not exceeding six (6) feet if the landing place or porch or deck or handicap access ramp has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such structure.

D. A wall, fence or hedge may occupy part of a required yard except that on corner lots there shall be a triangular area formed by the property lines of intersecting streets, intersecting streets and alleys, and a line joining points on said lines twenty (20) feet distant from said intersection. In this area there shall be no wall, fence or hedge. Trees shall be trimmed from the ground to a height above curb level sufficient for proper safety and traffic clearance, so as not to restrict the view of vehicle or pedestrian traffic of on coming traffic from the intersecting streets.

6. Lot Size Regulations:

A. Every lot on which a one or two family dwelling is erected shall contain an area of not less than 12,000 square feet. For lots on which three or four family dwellings are erected, 2,000 additional square feet shall be provided for each dwelling unit in excess of two.

B. Every lot on which a one or two family dwelling is erected shall not be less than one hundred (100) feet in width. Lots fronting on curvilinear streets and cul-de-sacs shall have a minimum frontage of seventy-five (75) feet and a one hundred (100) foot width at the building line.

C. The lot area, width and depth regulations of this SECTION shall not apply to lots recorded prior to the adoption of this Ordinance. However, such lots shall not be altered in any way which would further reduce their dimensions and no lot in conformance with the provisions of this SECTION shall be reduced or resubdivided to produce a lot not in full conformance with this SECTION.

SUBDIVISION 5. PARKING REGULATIONS:

1. One (1) off-street parking space shall be provided for each dwelling unit on the premises, exclusive of required yards.

2. Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:

A. Churches - One (1) parking space for each seating space for four persons, based on the design capacity of the main seating area.

B. Elementary school or junior high school - Two (2) parking spaces for each classroom.

C. Senior high school - One (1) parking space for each classroom plus one (1) parking space for each ten (10) students, based on design capacity.

D. Offices of professional persons - Two (2) parking spaces for each professional person.

E. Hospitals - One (1) parking space for each three (3) beds.

- F. Convalescent or Nursing Home - one (1) parking space for each four (4) beds.

SECTION 6: R-2 MULTIPLE FAMILY RESIDENCE DISTRICT

SUBDIVISION 1. PURPOSE.

To establish residential districts which will allow multiple dwellings (apartments, town houses, etc.) in those areas where such development is compatible with the Land Use Plan and which will maintain optimum space, height and lot requirements approximating the standards of single family residential development.

SUBDIVISION 2. PERMITTED USES.

Within an R-2 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

1. One and two family dwellings.
2. Parks and recreational areas owned or operated by governmental agencies.
3. Public schools or private schools, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.
4. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.
5. Accessory buildings and uses:
 - A. Private garages, carports and other accessory buildings used for the purpose of storing private vehicles and equipment but not including the storage of vehicles and equipment used for commercial purposes. Prohibited commercial vehicles shall automatically be considered to include, but are not limited to, any trucks rated as two ton or heavier, and any tractor-trailer units. One commercial motor vehicle of not over 32 foot length used by the resident occupant may be parked on the premises or the public street bordering the premises.

Detached garages and accessory buildings shall not exceed 1,000 square feet. Any proposed accessory structure which exceeds this square footage shall be permitted only by a Conditional Use Permit.

- B. Swimming pools per Section 13, Subdivision 5.
- C. Maintenance of dogs or cats or other household pets not to exceed two (2) full grown animals of each type. A full grown animal is defined as an animal of breeding age.

D. Vehicle Parking. No vehicles may be parked or stored on the premises which are inoperable or unlicensed, unless such vehicles are kept in a fully enclosed structure or fully enclosed licensed trailer, so that no part of the vehicle can be viewed by the public. No vehicles may be parked or stored on the premises which are advertised for sale or rent, except that one vehicle may be advertised for sale or rent as an isolated personal transaction, and not in the ordinary course of business of sale or rent of vehicles, and such vehicle advertised for sale or rent must be operable and licensed.

E. Signs:

- (1) A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.
- (2) A sign pertaining to the lease or sale of the building or property, provided such sign does not exceed four (4) square feet in surface area. Such signs shall not be illuminated.
- (3) Temporary signs identifying an engineer, architect, contractor, product engaged in or used in the construction of a building, provided such signs do not exceed four (4) square feet in surface area and are removed prior to the occupancy of the building. Such signs shall not be illuminated.
- (4) One identification sign not to exceed 24 square feet in surface area displaying directional information for churches, schools, hospitals, sanitariums, clubs, libraries or similar uses provided that each use shall be limited to one (1) such sign per thoroughfare approach or similar use. Such signs may be illuminated.
- (5) Directional, unilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, sanitariums, clubs, libraries or similar uses provided that each use shall be limited to one (1) such sign per thoroughfare approach.
- (6) Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.
- (7) All signs exceeding sixty-four (64) square feet shall require a sign permit.

6. Multiple dwellings, apartment buildings, townhouses.

7. Boarding or lodging houses.

8. Hospitals, convalescent and nursing homes.

9. Private clubs or lodges, except those whose chief activity is service customarily carried on

as a business.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT:

Within an R-2 District, buildings or land may be used for one or more of the following uses if granted a Conditional Use Permit:

1. Municipal administration buildings, police and fire stations, museums, art galleries, post offices, and other municipal service buildings except those customarily considered industrial in use, providing that no building shall be located within fifty (50) feet of any lot in a residential district.
2. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.
3. Golf course, golf clubhouse, miniature golf course, driving tee, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot in a residential district.
4. Offices of business persons as a home occupation.
5. Boarding or rental of rooms to one or more persons on the premises.
6. Parking of a commercial motor vehicle of over 32 foot length used by the resident occupant.

SUBDIVISION 4. HEIGHT, YARD and AREA REGULATIONS.

1. Height Regulations:

Structure shall not exceed 2 1/2 stories or thirty-five (35) feet in height, which ever is lower, except that church spires, belfries, domes which do not contain usable space, water towers, chimneys or smoke stacks and cooling towers, may be erected with no height limitations except airport requirements.

2. Front Yard Regulations:

- A. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- B. There shall be a front yard on each street side of a corner lot.

3. Side Yard Regulations:

- A. For one and two family dwellings, and their accessory buildings there shall be a side yard as required in SECTION 5, Subdivision 4.(3).

B. For multiple family dwellings greater than two family, there shall be two side yards, each such yard having a width of not less than fifteen (15) feet.

4. Rear Yard Regulations:

There shall be a rear yard as required in SECTION 5, Subdivision 4 (4).

5. General Yard Regulations:

The general yard regulations of the R-2 District shall be those of SECTION 5, Subdivision 4, (5).

6. Lot Size Regulations:

A. The minimum lot area for a one or two family unit shall not be less than 12,000 square feet.

B. Every lot on which a one or two family dwelling is erected shall not be less than one hundred (100) feet in width. Lots fronting on curvilinear streets and cul-de-sacs shall have a minimum frontage of seventy-five (75) feet and a one hundred (100) foot width at the building line.

C. The minimum lot area for a multiple dwelling containing three or more dwelling units shall not be less than 12,000 square feet, plus 2,000 square feet for each dwelling unit in excess of two.

D. Not more than thirty-five (35) percent of a lot or plot shall be occupied by buildings.

SUBDIVISION 5. PARKING REGULATIONS.

1. Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:

Multiple dwellings, two (2) parking spaces for each apartment, except housing for the elderly projects, which shall provide one (1) parking space for each dwelling unit.

2. Parking as required in SECTION 5, Subdivision 5, (2).

SECTION 7: B-1 SERVICE BUSINESS DISTRICT

SUBDIVISION 1. PURPOSE.

The B-1 District is intended for commercial activities which might be incompatible with uses in the Central Business District by reason of traffic considerations, marketing characteristics, area requirements, and other characteristics inherent in these uses.

SUBDIVISION 2. PERMITTED USES.

Within the B-1 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

1. Armories, convention halls, or exhibition halls.
2. Bowling alleys, billiards or pool halls.
3. Bakeries employing not more than four (4) persons in the baking process.
4. Bus Station.
5. Cabinet, carpenter, upholstering, or furniture repair shops employing not more than four (4) persons in the construction or repair process.
6. Dry cleaning establishments, laundries, Laundromats, self-servicing or employing not more than four (4) persons in the laundering, cleaning, and pressing process.
7. Frozen food lockers for individuals or family.
8. Grocery, fruit, vegetable and meat stores.
9. Greenhouses, nurseries and garden stores.
10. Laboratories, medical and dental.
11. Lumber yards.
12. Marine and boat sales and servicing establishments.
13. Miniature golf courses, par three golf courses or archery or golf driving ranges operated for commercial purposes.
14. Monument sales, not including processing.
15. Mortuaries or funeral homes.
16. Motels, hotels or apartment hotels.
17. Newspaper distribution agencies.
18. Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.
19. Pet and animal hospitals.

20. Plumbing, heating and air conditioning shops and showrooms.
21. Printing and publishing shops.
22. Public utility structures.
23. Municipal and government buildings.
24. Radio and television service and repair shops.
25. Recording studios.
26. Restaurants.
27. Skating rinks.
28. Taverns.
29. Telephone booths (outside).
30. Theaters.
31. Vending machines for ice, soft drinks and milk sales.
32. Accessory uses, other than signs, customarily incident to the uses permitted in SECTION 6, Subdivision 2, and SECTION 6, Subdivision 3.
33. Signs, as follows:
 - A. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage or ten (10) percent of the building frontage area, or seventy-five (75) square feet in area, whichever is greater; for corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street. Such signs may be illuminated.
 - B. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage; such structure may not contain more than two (2) signs per facing, nor exceed fifty-five (55) feet in total length. No advertising sign may be erected within one hundred (100) feet of an adjoining Residential District. Such signs may be illuminated.
 - C. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above average grade at the building line, whichever is greater.

- D. Rotating signs or flashing signs shall not be permitted.
- E. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition and shall be repainted, removed, or painted out when, in the opinion of the City Council, they are not so maintained.
- F. No sign shall be placed that resembles any official marker erected by a governmental agency or displaying such words as "stop" or "danger".
- G. No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, or access to any building.
- H. Political signs may be permitted for a period of not more than thirty (30) days before and ten (10) days after an election.
- I. Upon notification by the City Council that a sign is rotted, unsafe, or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.
- J. Where a sign is illuminated, the source of light shall not be visible from any public right of way and such light shall be directed away from any Residential District.
- K. Signs that exceed sixty-four (64) square feet shall require a sign permit.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT

Within a B-1 District buildings or land may be used for one or more of the following uses if granted a Conditional Use Permit:

1. New or used automobile sales or storage lots, new or used implement sales or storage lots, automobile laundries or car washes, automobile service stations or repair shops provided:
 - A. The parking lot shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exists, screening of exterior storage lots, and parking stalls shall accompany the request for a conditional use permit.
 - B. Artificial lighting shall be directed away from any public right of way and any Residential District.
 - C. A screen of acceptable design shall be constructed along the property line when said use is abutting any Residential District.
2. Drive-in restaurants, drive-in theaters, or similar uses that provide goods and services to patrons in automobiles, provided:

- A. A screen of acceptable design shall be constructed along the property line when said use is abutting any Residential District.
 - B. The parking area shall be surfaced with a dust-free material, and plans for the arrangements of entrances, exits, and parking stalls shall accompany the request for a conditional use permit.
 - C. Lighting shall be directed away from any public right of way and any Residential District.
- 3. Parking lots in setback zone.
 - 4. Other business activities of the same general character as listed in SECTION 7, Subdivision 2.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

- 1. Height Regulations:
 - A. The height regulations of the B-1 District shall be those of SECTION 6, Subdivision 4, (1).
 - B. On any lot abutting an R-1 District, the height regulation of the R-1 District SECTION 5, Subdivision 4, (1) shall be observed.
- 2. Front Yard Regulations.

There shall be a front yard having a depth of sixty (60) feet.
- 3. Side Yard Regulations:
 - A. No side yard shall be required, except that
 - B. On every lot having a common lot line with a lot located in any Residential District, each such yard having a width of not less than fifty (50) feet shall contain a solid fence or vegetative screening.
- 4. Rear Yard Regulations:
 - A. There shall be a rear yard having depth of not less than twenty (20) feet.
 - B. On every lot having a common lot line with a lot located in any residential District, each such yard having a width of not less than fifty (50) feet shall contain a solid fence or vegetative screening.
- 5. Lot Coverage Regulations.

Not more than fifty (50) percent of a lot shall be occupied by buildings.

SUBDIVISION 5. PARKING REGULATIONS.

The required parking and loading spaces shall be provided on the premises of each use. No parking shall be allowed in any required yard except as provided in SECTION 7, Subdivision 3, (3). Each parking space shall contain a minimum area of not less than three hundred (300) square feet including access drives, and a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet. The minimum number of required off-street parking spaces for various uses shall be a minimum of one (1) parking space for each employee, based on the number of employees present at the same time on a typical work shift, plus sufficient off street parking to accommodate visitors and customers during normal business traffic hours, as determined by the City Council on a case by case basis.

SECTION 8: B-2 CENTRAL BUSINESS DISTRICT

SUBDIVISION 1. PURPOSE.

The B-2 District is intended for retail stores and offices which are mutually compatible and can benefit from and contribute to a compact shopping area serving the City or region.

SUBDIVISION 2. PERMITTED USES.

Within a B-2 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

1. Animal or pet shops.
2. Antique, gifts, or jewelry stores.
3. Apparel, dry goods, or department stores.
4. Appliance, sewing machine sales and service, hardware, paint and wallpaper stores; bicycle sales and repair.
5. Art and school supply, book and stationery stores.
6. Art, photographic, music and dance studios.
7. Bakeries employing not more than four (4) persons in the baking process.
8. Banks, savings and loan associations, loan and finance companies.
9. Barber and beauty shops.

10. Business, commercial, or trade schools.
11. Camera, or photographic supply stores, hobby, toy, or record stores, sporting goods stores; musical instrument stores.
12. Clinic, for people only.
13. Radio or television broadcasting or transmitting stations or studios; radio and television repair, when operated as an accessory to a retail sales establishment.
14. Drugs, variety and five-and-ten cent stores.
15. Dry cleaning and laundry collection stations.
16. Professional and other business offices; employment agencies.
17. Furniture store, carpet and rug stores.
18. Grocery, fruit, vegetable, floral or meat stores; candy, ice cream, soft drink or confectionary stores, excluding drive-in type service.
19. Leather goods, and luggage; shoe stores and shoe repair service.
20. Liquor stores and taverns.
21. Medical supply stores.
22. Newsstands.
23. Laboratories
24. Physical culture and health clubs, gyms.
25. Pipe and tobacco shops.
26. Post offices.
27. Restaurants, tearooms, delicatessens, cafes, excluding drive-in type service.
28. Tailor shops.
29. Telephone booths (outside).
30. Theaters.
31. Accessory uses as follows:

- A. Any accessory use, except signs, customarily incident to the above permitted uses.
- B. Signs as regulated in SECTION 7, Subdivision 2 (33).

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT

Buildings or land may be used for the following, if granted a Conditional Use Permit:

- 1. Any business activity of the same general character as those listed in SECTION 8, Subdivision 2.
- 2. Any of the uses listed in SECTION 7, Subdivision 2, except that such uses must conform to the rules set out in SECTION 8, Subdivisions 4 and 5.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

- 1. Height Regulations:

The height regulations of the B-2 District shall be those of SECTION 6, Subdivision 4, (1).

- 2. Yard Regulations and Lot Coverage Regulations:

None required except to provide off-street parking and loading if required.

SUBDIVISION 5. GENERAL REGULATIONS.

- 1. Lighting shall be directed away from public right of way and Residential Districts.
- 2. An awning, canopy, or marquee suspended from a building may extend over the public right of way ten (10) feet and not closer than two (2) feet of the curb line extended. Such structures shall be not less than eight (8) feet from the sidewalk or ground grade line, and the owner of such structure shall be responsible for its structural safety.

SECTION 9: I-1 LIMITED INDUSTRIAL DISTRICT

SUBDIVISION 1. PURPOSE.

The I-1 District is intended for administrative, wholesaling, manufacturing and related uses which can maintain high standards of appearance, including open spaces and landscaping, and limit external effects such as noise, orders, smoke and vibration.

SUBDIVISION 2. PERMITTED USES.

Within an I-1 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following uses, and such uses must comply with the performance standards

of this SECTION.

1. All uses permitted in the B-1 Service Business District.
2. Cartage and express facilities, and railroad rights of way.
3. Storage and warehousing facilities; wholesale business and office establishments.
4. Bottling establishments.
5. Building materials sales and storage establishments.
6. Radio and television towers and stations; electric light or power generating stations.
7. Engraving, printing, publishing, cartographic, and bookbinding establishments.
8. Dry cleaning, dyeing and laundering establishments.
9. Electrical and electronic manufacturing establishments; electrical service shops.
10. Medical, dental, and optical laboratories.
11. Public utility structures and governmental buildings.
12. Jewelry, camera, and photographic manufacturing establishments.
13. Accessory uses as follows:
 - A. All uses, except signs, customarily incident to the above permitted uses.
 - B. Signs as follows:
 1. The total area of all business signs on a lot shall not exceed three (3) square feet of each lineal foot of lot frontage or twenty (20) percent of the building frontage or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.
 2. Advertising signs structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Such structures shall not exceed fifty-five (55) feet in length. No advertising sign may be erected within one hundred (100) feet of a Residential District. Such signs may be illuminated.
 3. Sign lighting shall not be directed toward a public right of way or any Residential District.

4. Any sign exceeding sixty-four (64) square feet shall require a sign permit.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

Within an I-1 District, buildings or land may be used for the following, if granted a Conditional Use Permit:

1. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, good, or products similar to those listed in SECTION 9, Subdivision 2, which comply with the performance standards of this District.
2. Retail and service establishments consistent with a Planned Unit Development Overlay and providing goods and services which are primarily for the use of persons employed in this District.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

1. Height Regulations:

No structure shall exceed 2 1/2 stories or thirty-five (35) feet in height, whichever is lower, except that cooling towers, elevator penthouses, domes which do not contain usable space, water towers, and smokestacks may be of any height which does not conflict with airport requirements.

2. Front Yard Regulations:

- A. There shall be a front yard having a depth of not less than thirty (30) feet, except where the lot fronts on a major thoroughfare the front yard shall have a depth of fifty (50) feet.
- B. Where the district is adjacent to or across the street from a Residential District, there shall be a front yard having a depth of not less than fifty (50) feet.

3. Side Yard Regulations:

- A. There shall be a side yard on each side of a building, each yard having a width of not less than fifteen (15) feet, except
- B. Where the district abuts a Residential District, the side yard shall have a width of not less than fifty (50) feet, and shall contain a solid fence or a vegetative screening.

4. Rear Yard Regulations:

- A. There shall be a rear yard having a depth of not less than thirty (30) feet, except
- B. Where the district abuts a Residential District, there shall be a rear yard having a

depth of not less than fifty (50) feet, and shall contain a solid fence or vegetative screening.

5. Lot Area Regulations:

Every individual lot, site, or tract shall have an area of not less than twenty thousand (20,000) square feet.

6. Minimum District Area Regulations:

No I-1 District shall be established on any tract containing less than (10) acres in single ownership or other unified control. This requirement shall not apply where the tract abuts an existing industrial district.:

7. Lot Coverage Regulations:

Not more than fifty (50) percent of the total area of a lot shall be covered by buildings.

SUBDIVISION 5. PERFORMANCE STANDARDS.

1. Noise, Smoke, Dust, Fumes or Gases, Sewer and Water Discharge:

The City hereby adopts by reference all State of Minnesota standards in regard to pollution control, to include noise abatement standards, dust, fumes or gases sources, and sewer and water discharge standards.

In order to insure compliance with said performance standards, the City Council may require the owner or operator of any permitted use to have made such investigations or tests as may be required to show adherence to the performance standards. Such investigation or tests as are required shall be carried out by an independent testing organization selected by the owner or operator and approved by the City. Such investigations or testing shall be ordered by the owner or operator. The cost of same shall be paid by the owner or operator.

2. Odors:

No odors shall be detectable beyond the limits of the property.

3. Exterior Lighting:

Any lights used for exterior illumination shall direct light away from adjoining property. Glare, whether direct or reflected, such as from floodlights, spotlights, or high-temperature processing, and as differentiated from general illumination, shall not be visible beyond the limits of the property.

4. Vibration:

No vibration shall be discernible at any property line to the human sense of feeling for an accumulated total of three (3) or more minutes during any hour.

SUBDIVISION 6. PARKING.

Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:

1. Wholesale business establishments and storage or warehouse establishments: One (1) Off-street parking space for each employee on the major shift plus one (1) Off-street parking space for each company motor vehicle when customarily kept on the premises, plus sufficient off-street parking space for delivery and pickup vehicles servicing the facility.
2. Manufacturing or processing plant: One (1) off-street parking space for each employee on the major shift plus one (1) off-street parking space for each company motor vehicle when customarily kept on the premises plus sufficient off-street parking space for delivery and pickup vehicles servicing the facility.

SECTION 10: I-2 GENERAL INDUSTRIAL DISTRICT

SUBDIVISION 1. PURPOSE.

The I-2 District is intended for general industrial uses which, due to their size and nature, would not be appropriate in the I-1 District.

SUBDIVISION 2. PERMITTED USES.

Within an I-2 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

1. Cartage and express facilities, and railroad rights of way.
2. Storage and warehousing facilities; wholesale business and office establishments.
3. Bottling establishments.
4. Building materials sales and storage establishments.
5. Radio and television towers and stations; electric light or power generating stations.
6. Engraving, printing, publishing, cartographic, and bookbinding establishments.
7. Dry cleaning, dyeing and laundering establishments.

8. Electrical and electronic manufacturing establishments; electrical service shops.
9. Medical, dental, and optical laboratories.
10. Public utility structures and governmental buildings.
11. Jewelry, camera, and photographic manufacturing establishments.
12. Blacksmith Shops.
13. Creameries.
14. Contractor's offices, shops, yards and storage facilities for plumbing, heating, glazing, painting, paperhanging, roofing, ventilating, air conditioning, lumber, masonry, electrical and refrigeration industries.
15. Freight and transportation terminals, including airports.
16. Fuel and ice sales and storage facilities.
17. Garages for storage, repair, and servicing of motor vehicles and farm implements.
18. Gasoline and oil bulk stations and distributing plants.
19. Highway maintenance shops and yards.
20. Monument works.
21. Public service structures, including power substations, gas regulator stations, sewage disposal plants, telephone exchanges, police or fire stations, elevated tanks, and waterworks.
22. Manufacturing, processing, storage, servicing and testing establishments.
23. Accessory uses as follows:
 - A. Accessory uses, except signs, customarily incidental to the above permitted uses.
 - B. Signs as regulated in SECTION 9, Subdivision 2.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

Within an I-2 District, buildings or land may be used for one or more of the following uses if granted a Conditional Use Permit:

1. Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing

of materials, goods, or products similar to those listed in SECTION 10, Subdivision 2, which comply with the performance standards of this District.

2. Extraction, processing, or storage of sand and gravel, stone, or other raw materials.
3. Retail and service establishments consistent with the operation of a General Industrial District.
4. Junk yards as regulated in SECTION 13, Subdivision 5.
5. Sanitary land fills.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

1. Height Regulations:

No structure shall exceed 2 1/2 stories or thirty-five (35) feet in height.

2. Yard Regulations:

- A. No building shall be located within twenty-five (25) feet of any Residential District.
- B. Except for railroad loading areas, no parking or loading space shall be located within twenty-five (25) feet of any Residential District.
- C. Any open storage or materials or pen loading areas shall be located or screened so as not to be visible from any Residential District.

SUBDIVISION 5. PERFORMANCE STANDARDS.

The performance standards of the I-2 District shall be those of SECTION 9, Subdivision 5, except the measurement or determination of noise, odor, and vibration shall be made at the boundary of the I-2 District.

SECTION 11: PLANNED UNIT DEVELOPMENT DISTRICT

SUBDIVISION 1. PURPOSE AND INTENT

The purpose of this Section is to encourage, preserve and improve the health, safety and general welfare of the people of the City of Arlington by encouraging the use of contemporary land planning principles and coordinated community design. Planned Unit Developments (PUDs) are created hereby in recognition of the economic and cultural advantages of planned community-type developments of sufficient size to provide related areas for various housing types, retail and service activities, industrial operations, recreation, schools, public facilities and other uses of land. The PUD procedure is designed to be used where designation of a single use zoning district or application of standard zoning provisions to a development are too rigid for

practical application.

It is the intent of this Section to provide an optional method of land use regulations which permit design flexibility by substantial variances from the provisions of this Ordinance, including uses, setbacks, height, lot widths, lot depths and similar regulations.

SUBDIVISION 2. DEFINITION OF PLANNED UNIT DEVELOPMENTS

A Planned Unit Development (PUD) is a zoning district overlay which may include single or mixed uses, one or more lots or parcels, intended to create a more flexible, creative and efficient approach to the use of land and subject to the procedures, standards and regulations contained in this Section.

SUBDIVISION 3. APPLICABILITY OF THIS SECTION

The granting of a Planned Unit Development does not alter the existing or proposed zoning district classification of a parcel. A Planned Unit Development shall be considered a Conditional Use and shall follow the procedures established by this Ordinance for a Conditional Use Permit. Building permits shall not be issued for a parcel which is not in conformance with the Uniform Building Code, with all other applicable City Code provisions and with the approved conditions of the Conditional Use Permit.

SUBDIVISION 4. ADDITIONAL REQUIREMENTS

In addition to the provisions listed in this Ordinance for Conditional Use Permits, Planned Unit Developments shall also submit a Development Plan. The Development Plan shall be submitted concurrently with the request for a Conditional Use Permit. Both the Development Plan and Conditional Use Permit shall be submitted and approved by the City Council prior to submittal of the Preliminary Plat to the Planning Commission.

SUBDIVISION 5. DEVELOPMENT PLAN

A minimum of ten (10) copies of the Development Plan shall be submitted at the time of Conditional Use Permit review. The Development Plan shall include the following material:

1. Boundary Survey prepared by a Registered Land Surveyor.
2. A topographic survey with a minimum of contour of two feet.
3. Existing public rights-of way
4. Existing utility and drainage easements.
5. Wetlands as listed on the National Wetland Inventory map.
6. Existing buildings and other structures.

7. Present zoning district classification.
8. Proposed buildings and structures.
9. Proposed public roads and rights-of-way.
10. Proposed private open area.
11. Proposed public park land.
12. Proposed water and sewer utility lines.
13. Proposed landscaping including species and characteristics.
14. Proposed signage including size, location and characteristics.
15. A proposed grading and drainage plan using two foot topographic contour intervals and prepared by a Registered Professional Engineer.
16. Sketched illustrating building façade design and materials.
17. Proposed staging plan if applicable.

SUBDIVISION 6. METHOD OF CANCELLATION OF A PLANNED UNIT DEVELOPMENT

In the event that a Development Plan and Conditional Use Permit is given final approval and the developer subsequently abandons the project, or if the developer fails to begin and continue substantial improvements to the project within 12 months after final approval has been granted, final approval shall be rescinded unless such time period is extended by the City Council upon written application of the developer.

A Development Plan and Conditional Use Permit shall only be amended following the guidelines established in this Ordinance. The City Council reserves the right to withhold Building Permits in the event that the developer is not making satisfactory progress toward completion of the Development Plan.

SECTION 12: M-1 MOBILE HOME PARK DISTRICT

SUBDIVISION 1. PURPOSE.

The Mobile Home Park District is intended for the location and use of mobile homes on a contiguous parcel of land developed specifically for mobile home units.

SUBDIVISION 2. MOBILE HOME PARK REGULATIONS.

1. Minimum Density and Area Requirements: Lot areas and density as hereby established shall be considered the minimum requirements within a mobile home park.

- A. The establishment of a mobile home park from the date of this Ordinance shall be allowed only by Conditional Use Permit.
 - B. Minimum area requirements for a mobile home park shall be five (5) acres and shall not be less than one hundred fifty (150) feet in width.
 - C. A minimum of five hundred (500) square feet per mobile home shall be provided for definable play areas and open space within the mobile home park. Such areas of open space and/or play area shall not be areas included within any setback nor shall they include any areas of less than twenty (20) feet in length or width.
 - D. Minimum lot area per unit shall be 50 foot frontage by 100 foot depth, excluding private drives, parking spaces and street rights-of-way.
2. Lot Coverage and Setback Requirements:
- A. Maximum lot coverage for mobile home parks shall be twenty-five (25) percent.
 - B. Minimum distance between units shall be not less than twenty (20) feet, or the sum of the heights of the two units, whichever is greater; the point of measurement being a straight line between the closest point of the units being measured.
 - C. When a mobile home park abuts a single family residential use area, there shall be a minimum setback on that side of fifty (50) feet between the street right-of-way line and any mobile home park use; which setback area shall act as a buffer zone and shall be landscaped according to a landscape plan, to be submitted at time of application. Such plan shall show the type of planting material, size and planting schedule.
3. General Internal Park Development Requirements;
- A. There shall be a minimum front yard setback from the mobile home unit to the street line of fifteen (15) feet.
 - B. The mobile home stand shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of the mobile home with a car, tow truck, or other customary moving equipment is practical. The mobile home stand shall have a longitudinal grade of less than four (4) percent and transverse crown or grade to provide adequate surface drainage. The stand shall be compacted and surfaced with a material which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.
 - C. The entire mobile home park shall be landscaped (excluding hard surfaced area) and there shall be planted, or otherwise located, one shade tree with a minimum diameter of two (2) inches placed and maintained near each unit pad.

- D. All utilities supplied by the mobile home park shall be underground. This shall include sanitary sewer, municipal water and electricity. When piped fuel and/or gas is provided by the mobile home park to each mobile home stand, such service shall also be located underground.

4. Parking and Street Requirements:

A. Parking:

1. Off-street parking areas shall be surfaced in accordance with the street surface standards below.
2. All required off-street parking space shall be located not further than one hundred (100) feet from the unit or units for which they are designated.
3. A minimum of two spaces of parking must be provided for each mobile home unit space provided within the park. The one unit space for occupant use must be within the distance from the unit established above. The remaining spaces must be in group compounds at an appropriate location within the park.

B. Streets:

1. Public or private streets shall be of sufficient width so as to permit ease of access to the mobile home parking stands and the placement and removal of mobile homes without causing damage to or otherwise jeopardizing the safety of any occupants or mobile homes in the park.
2. Streets shall have a minimum width so as to permit two (2) moving lanes of traffic. Minimum lane width shall be ten (10) feet.
3. Public access to a mobile home park shall be so designated as to permit a minimum number of ingress and egress points to control traffic movement, and to keep undesirable traffic out of the park.
4. Streets shall be graded to their full width to provide proper grades for pavement and sidewalks to have adequate surface drainage to the storm sewer system. The improvements shall extend continuously from existing improved streets to provide access to each lot and to provide connections to existing or future streets at the boundaries of the mobile home park.
5. Streets and parking areas shall be surfaced for all weather travel with not less than four (4) inches of crushed stone, gravel, or other suitable base material topped with not less than one and one-half (1 1/2) inches of bituminous concrete, or four (4) inches Portland cement concrete. The surface shall be limited at the edge by a Portland cement curb not less than four (4) inches high.

5. Storage: Enclosed storage lockers when provided, shall be located either adjacent to the mobile home in a mobile home park or at such other place in the park as to be convenient to the unit for which it is provided. Storage of large items such as boats, boat trailers, etc., shall not be accomplished at the site of the mobile home unit, but rather shall be provided in a separate screened area of the park.
6. Registration:
 - A. It shall be the duty of the operator of the mobile home park to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:
 1. The name and address of each mobile home occupant.
 2. The name and address of the owner of each mobile home.
 3. The make, model, year and license and number of each mobile home.
 4. The state, territory or county issuing such license.
 5. The date of arrival and departure of each mobile home.
 6. The number and type of motor vehicle of residents in the park.
 - B. The park shall keep the register available for inspection at all times by County law enforcement officers, public health officials and other public offices whose duty necessitates acquisition of the information contained in the register. The register record for each occupant and/or mobile home registered shall not be destroyed until after a period of three (3) years following the date of departure of the registrant from the park.
7. Maintenance: The operator of any mobile home park, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with said operator, for the violation of any provisions of these regulations to which said operator is subject.
8. Safety: A mobile home park shall comply with all safety codes and regulations as specified under state law, including the anchoring of the mobile homes to prevent windstorm damage, and the compliance with all other state safety and manufacturing code standards.
9. Design Standards: All mobile (manufactured) homes as defined by Minnesota Statute 327.31 to 327.35 shall be anchored in accordance with the Minnesota Code of Agency Rules, Building Code Division, Section 2; MCAR 1.904.50, "Stabilizing System for Mobile Homes."

Manufactured homes must provide the manufacturers approve foundation drawings. Homes manufactured after November 29, 1989, are not permitted to remove the frames unless approved by the State of Minnesota Manufactured Housing Division.

All manufactured shall be constructed after June 15, 1976, and bear the Housing and Urban Development (H.U.D.) certification seal.

10. Mobile Homes Requiring a Conditional Use Permit: Any newly installed manufactured home older than 15 years from time of the Building Permit shall require a Conditional Use Permit. Approval may be granted, provided the following seven (7) criteria are met:
 1. Interlocked smoke detectors are required in each bedroom and in the corridor.
 2. The windows must be double glazed.
 3. One egress window is required from each bedroom.
 4. Gas piping installation must be retested, reinspected and approved by the City of Arlington's Building Official.
 5. The electrical service must be a minimum of 100 amp circuit breaker type with ground fault interruption.
 6. A Building Permit is required if approval of the Conditional Use Permit is granted.
 7. Compliance with Minnesota Statues 327.32 and 327.34 and other applicable building codes and standards and regulations.

SECTION 13: GENERAL REGULATIONS

SUBDIVISION 1. ADDITIONAL HEIGHT REGULATIONS AND MODIFICATIONS.

1. Public, semi-public or public service buildings, hospitals, institutions, schools or churches may be erected to a height not exceeding 2 1/2 stories or thirty-five (35) feet in the districts in which they are permitted if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided for the district in which the building is located.
2. Height limitations as set forth elsewhere in this Ordinance, may be increased by one hundred (100) percent when applied to the following:
 - A. Monuments.
 - B. Flag poles.

- C. Cooling towers.
- 3. Height regulations as set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following, provided a Conditional Use Permit is issued to increase height.
 - A. Church domes, spires, belfries and roof ridges.
 - B. Chimneys or smokestacks.
 - C. Television and radio broadcasting antennae.
 - D. Fire towers.
 - E. Water towers.
 - F. Ornamental towers and spires.

SUBDIVISION 2. FLOOD PLAIN AND FLOODWAY AREAS.

Flood plain and floodway areas shall be regulated in accordance with the City's Flood Plain Management Ordinance (Ordinance No. 117).

SUBDIVISION 3. MODULAR HOMES.

- 1. Modular homes shall comply with all city regulations that pertain to Residential Districts. Modular homes shall also comply with all zoning regulations for the zone in which they are located. A building permit and any other required permits for structure construction or modification shall be obtained for modular homes in the same manner as for other construction or improvement projects, before said modular home is placed on site.
- 2. No modular home shall have ground floor space of less than 800 square feet, or a width of less than 24 feet at its narrowest point.
- 3. The longest dimension of the modular home structure shall be placed parallel to the longest dimension of other existing homes in the same block. Normally, this will mean that the longest dimension of the structure will be parallel to the frontage street serving the block.
- 4. Modular homes shall be placed on permanent foundations, solid for the complete circumference of the house. The structure shall have exterior siding of wood, vinyl or steel with the appearance of conventional exterior family dwelling type material. The structure shall have a pitched roof covered with shingles or tile and with eaves not less than 6 inches. The modular home must be manufactured in compliance with applicable state law.

SUBDIVISION 4. FOUNDATIONS.

1. All single and multiple family residences shall be placed on a permanent foundation of concrete block or other material complying with the State Building Code, with the foundation extending below the frost line.
2. Private and public garages and other storage and utility structures shall be placed on a permanent foundation, which is defined as a floating concrete slab, with a concrete rodent barrier at the edges of said slab extending to a minimum 1 foot depth below the ground surface.
3. Buildings of pole shed construction shall be anchored with .60 pounds per cubic foot pressure treated poles set on concrete cookies, said concrete cookies to be set at least 4 feet below the surface of the ground.

SUBDIVISION 5. SWIMMING POOLS

1. No pool or spa may be constructed beneath overhead utility lines of any type or above underground utility lines of any type.
2. No swimming pool or spa may be built within ten (10) feet any side or rear lot line or within six (6) feet of any principal structure or within any rear front yard.
3. Construction of a swimming pool or spa may not be started without having the same fully enclosed with a fence, which may be temporary and portable, not less than four (4) feet in height.
4. No swimming pool may be finished without completely enclosing it with a permanent wall or fence of the non-climbing type so as to be impenetrable by young children, affording not external hand holds or foot holds, and a minimum of four (4) feet in height. No integral part of any swimming pool shall constitute compliance with this fence requirement. All such enclosures shall be equipped with a self-locking and self-closing gate. The locking device shall be located within 12 inches of the top of the fence and opened by key only. The opening between the bottom of the fence or gate and the ground or other surface shall not be more than three (3) inches.
5. No swimming pool or spa shall be constructed or maintained which is not enclosed within a fence or wall as described above or a cover which is capable of being latched. Such cover shall be constructed of a material which cannot be penetrated by toddlers.
6. No swimming pool or spa may be constructed without a Building Permit.
7. No outdoor pool lighting shall be permitted to spill or shine upon properties adjacent thereto which are not under the same ownership.

SECTION 14: NON-CONFORMING USES

SUBDIVISION 1. CONTINUATION.

The lawful use of buildings or land existing at the effective date of this Ordinance which does not conform to the provisions of this Ordinance shall be discontinued within a reasonable period of amortization of the building. Use of land which become non-conforming by reason of subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the building. In no event shall the amortization period commencing with the completion of erection of the building, be more than:

1. Three (3) years for outdoor advertising structures (signs and billboards).
2. Thirty (30) years for buildings of ordinary wood frame construction.
3. Forty (40) years for buildings of wood and masonry construction.
4. Fifty (50) years for buildings of fireproof construction.

SUBDIVISION 2. ALTERATIONS.

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

SUBDIVISION 3. RESTORATION.

No building which has been damaged by fire, explosion, or any other cause, to the extent of more than fifty (50) percent of its value, shall be restored except in conformity with the regulations of this Ordinance.

SUBDIVISION 4. DISCONTINUANCE.

In the event that a non-conforming use of any building or premises is discontinued or its normal operations stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

SUBDIVISION 5. JUNK YARDS.

No junk yard may continue as a non-conforming use for more than a reasonable period of time after the effective date of this Ordinance except that a junk yard may continue as a non-conforming use in an industrial district if within that period it is completely enclosed within a building, fence, screen planting or other device of such height so as to screen completely the

operations of the junk yard. Plans of such building or device shall be approved by the Planning Commission and Council before it is erected or put into place.

SUBDIVISION 6. RESIDENTIAL ALTERATIONS.

Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units provided, however, that they do not increase the number of dwelling units in the building.

SUBDIVISION 7. NORMAL MAINTENANCE.

Maintenance of a building or other structure containing or used for a non-conforming use may be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use.

Nothing in this Ordinance shall prevent the placing of a structure in safer condition when said structure is declared unsafe by the City.

SECTION 15: CONDITIONAL USE PERMITS

SUBDIVISION 1. APPLICATION.

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

1. Any of the uses or purposes for which such permits are required by the provisions of this Ordinance.
2. 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.
3. Commercial excavating and storage of natural material used for building or construction purposes, in any district.
4. To classify as a conforming use any non-conforming institutional use existing in any district at the time of the establishment of such district.
5. 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 2. PROCEDURE.

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. 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 for the establishment of any use listed in paragraph 5, Subdivision 1, of this Section. Following the hearing, the City Planning Commission shall make a report upon 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. The City Planning Commission may designate conditions and require guarantees in the granting of use permits in the same manner provided in SECTION 16, Board of Zoning Adjustment, for the granting of adjustments.

Upon receipt of the report of the City Planning Commission, the City Council may hold whatever public hearings it deems advisable and shall made a decision upon the proposal to grant a conditional use permit.

SECTION 16: BOARD OF ZONING ADJUSTMENT

SUBDIVISION 1. CREATION AND MEMBERSHIP.

A Board of Zoning Adjustment is hereby established and vested with such administrative authority as is hereinafter provided. Such Board shall consist of three (3) members of the City Planning Commission and the Zoning Administrator as an ex officio member with the right to vote on matters before the Board and two others. The five (5) Board members shall be appointed by the Mayor, subject to approval by the City Council. The Board shall serve without compensation. Its members shall be appointed for terms coinciding with terms on the Planning Commission.

SUBDIVISION 2. POWERS.

The Board of Zoning Adjustment subject to the approval and confirmation of the City Council, in each case as hereinafter provided, shall have power to grant adjustments in and exceptions to any of the provisions of this Ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.
2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.
3. The Board of Zoning Adjustment shall not recommend the granting of any application and

the Council shall not grant any application unless they find the following facts. At the hearing the applicant shall present a statement and evidence in such form as the Board of Zoning Adjustment may require, to show these facts:

- A. That there are special circumstances or conditions affecting the land, building or use referred to on the application;
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights;
- C. That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

SUBDIVISION 3. APPEALS.

Any person, firm or corporation objecting to the ruling of any official on the administering of the provisions of this Ordinance shall have the right to appeal to the Board of Zoning Adjustment.

SUBDIVISION 4. PROCEDURE.

Application for any adjustment permissible under the provisions of this Section shall be made to the Zoning Administrator, in the form of a written application for a building permit or for a permit to use the property or premises as set forth in the application. An application for an adjustment shall be accompanied by payment of a fee set by resolution of the City Council from time to time, in addition to the regular building permit fee. Upon receipt of any application, such officer shall set a time and place for a public hearing before the Board of Zoning Adjustment on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper.

The Board of Zoning Adjustment shall thereupon make its recommendation upon the application to the City Council, within fifteen (15) days of the application.

In recommending any adjustment or variance under the provisions of this Section, the Board of Zoning Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare.

No permit shall be issued under the provisions of this Section unless and until a recommendation of the Board of Zoning Adjustment, as aforesaid, is approved and confirmed by the City Council. In reporting its recommendation of the City Council, the Board of Zoning Adjustment shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth any adjustment or variance granted and the conditions designated. Upon receipt of such report, the City Council either shall by resolution approve and confirm the decision, with or without changes, whereupon the permit as applied for may be

issued; or shall refuse to approve and confirm the decision. In all cases in which adjustments or variances are granted under the provisions of this Section, the Board of Zoning Adjustment and the City Council shall require such evidence and guarantees as it may deem necessary to insure compliance with the conditions designated in connection therewith.

If an adjustment or variance is granted under this Section, the applicant shall have six (6) months from the date the application is approved in which to comply with all conditions as set out in said adjustment or variance approval. If the conditions are not complied with within said six (6) month term, then the approval shall be considered void and the application process would have to be initiated again. The City will not be considered to be under any obligation to approve any such new application, simply on the basis that a prior application had been approved.

SECTION 17: ENFORCEMENT

SUBDIVISION 1. ZONING ADMINISTRATOR.

The office of the Zoning Administrator is hereby established, for which the City Council may appoint such employee or employees of the City as it may deem proper. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.

SUBDIVISION 2. BUILDING PERMITS.

The City of Arlington hereby adopts the Uniform Building Code by reference.

SUBDIVISION 3. APPLICATION.

Application for a building permit shall be made to the Zoning Administrator on forms to be furnished by the City. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimension of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The fee for a building permit shall be determined by the City Council from time to time by resolution.

SECTION 18: AMENDMENT

This Ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by the procedure specified as follows:

1. An amendment may be initiated by the City Council or the City Planning Commission, or by the verified petition of not less than fifty (50) percent of the property owners affected by the proposed amendment and fifty (50) percent of those property owners within three hundred (300) feet of the boundaries of the proposed change.
2. Before any amendment is adopted, the City Planning Commission shall hold at least one

(1) public hearing thereupon after a notice of the hearing has been published in the official newspaper at least ten (10) days before the hearing. Following the hearing, the City Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the City Clerk within thirty (30) days after the hearing. Failure of the City Planning Commission to so report shall be deemed to be an approval by the Commission of the proposed amendment.

3. Upon the filing of such report or upon the expiration of such thirty (30) days as aforesaid, the City Council may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the City Council may adopt the amendment or any part thereof in such forms as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of all the members of the Council concur in its passage.

SECTION 19: VIOLATIONS AND PENALTIES

SUBDIVISION 1. VIOLATIONS AND PENALTIES.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined the dollar amount and/or be imprisoned for the jail term set out from time to time under State Law for misdemeanors, said penalty to be imposed for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. Any party who begins a construction project without a land use permit, in a case where a building permit is required under this Ordinance, shall be considered to have committed an offense subject to the penalties set out in this subdivision.

SUBDIVISION 2. ENFORCING.

In case any building or structure is erected, constructed, reconstructed, altered, converted, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator in addition to other remedies may institute proper action or proceedings in the name of the City of Arlington and hereby shall have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, conversion, or use, to restrain, correct or abate such violations to prevent the occupancy of said building, structure or land, or prevent any illegal act, conduct, business or use in or about said premises.

SECTION 20: VALIDITY

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 21: REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

This ordinance shall become effective immediately upon publication.

First Reading: June 4, 2001
Second Reading: June 18, 2001
Published: June 28, 2001

For City of Arlington

/s/ David Czech
By David Czech
Its Mayor

/s/ Lowell C. Enerson
By Lowell C. Enerson
Its City Administrator