



PLANNING AND ZONING COMMITTEE
Meeting Agenda
December 2nd, 2021 at 7:00 PM
Arlington Community Center — Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Approve the Minutes
 - a. October 7, 2021
5. EDA Director- Discussion of Amba Homes Development
6. Review Amended section 7 and home occupancy definition City of Arlington Zoning Code
7. New Business
 - a. Reviewing/Amending pages 8-1 through 10-4 of the City of Arlington Zoning Code
 - b. Discussion of Removing Section 5 Urban Reserve District from the City of Arlington Code
8. Other/Updates
 - a. Update of SRTS grant
9. Adjournment

6. Review Amended section 4 City of Arlington Zoning Code

The Planning and Zoning Committee requested that the Planning and Zoning Administrator highlight the changes in each section and strike the information that has been removed. This will help to clarify the amendments made in the Zoning Code

7. Discussion about creation of Chapter 32- Permitting Process, to City Code

The Planning and Zoning Committee liked the idea of having a layout for the Permitting Process. The Planning and Zoning Administrator stressed this will help streamline and simplify the process for local and future residents. The Committee agreed with the Administrator. They also suggested that the City notify local Contractors about the new process.

8. A Resolution Approving/Denying 08-2021 Creation of the Chapter 32: Permitting Process

Motion by Battcher to Approve Resolution 08-2021 Creation of the Chapter 32: Permitting Process, seconded by Prasad. Roll call was taken all where in favor, Deno was absent.

9. Discussion about allowing a RV at Pit Stop for housing for an employee

Given that the owners did not provide a detail information for their request the Planning and Zoning Committee decided not to entertain the idea of allowing a RV, until the owner provides some detail information on the matter. The motion was introduced by Battcher and Seconded by Hatlestad; Motion was carried.

10. New Business

a. Reviewing/Amending the pages 7-1 through 10-4 of the City of Arlington Zoning Code

On page 7-1 The Committee decided that Subdivision 2 (E)(3) be removed, and Subdivision 2 (E) be renumbered. The Committee requested that the Administrator research Subdivision (3) (D), on how home occupancies are being handled during the COVID pandemic. They have also decided to remove Subdivision (3) (E) from the code. The Committee has determined that Subdivision (3.5) should be moved to permitted use section for the R-1 district. Height regulation should be changed based on what the Fire Chief recommends. Under Subdivision 4 (F)(1) the Committee wants to remove the language that address two, three and four family dwellings they are not permitted in the R-1 Zoning District. The Committee has tabled pages 8-1 to 10-4 for next meeting

11. Other/Updates

a. Safe Route to School Grant

The Planning and Zoning Administrator briefly went over the grant opportunity they came across. The Administrator informed the Committee, that Council approved the go ahead to apply. The Administrator briefly broke down what will be in the project, increase of the lanes and bike signage, a few curb cuts, installation of sidewalk at the rear of the Community Center, installation of crosswalks and curb extensions near the school.

12. Adjournment

Motion made by Battcher to adjourn the Meeting at 8:26 and was second by Hatlestad
Motion Carried

P&Z Administrator

P&Z Chair

SECTION 7: R-1 SINGLE FAMILY RESIDENCE DISTRICT. (Edits)

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:

- A. Single family detached dwellings.
- B. Parks and recreational areas owned or operated by governmental agencies.
- C. 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.
- D. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.
- E. Accessory Buildings and Uses:
 1. 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 (2) ton or heavier, and any tractor-trailer units. One (1) commercial motor vehicle of not over thirty-two (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 one thousand (1,000) square feet. Any proposed accessory structure which exceeds this square footage shall be permitted only by a conditional use permit.
 2. Swimming pools per Section 17, Subdivision 5.
 - ~~3. Reserved.~~
 4. 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 (1) 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.
 5. Signs: per Section 18 of this Ordinance.
- F. Establishments of a person's residence as a home occupation

- D. ~~Offices of business persons as a home occupation~~
- E. Boarding or rental of rooms to one (1) or more persons on the premises.
- F. Any use determined by the Planning Commission to be of the same general character as the permitted or conditional uses and found not to be detrimental to the general health, safety and welfare of the City.
- G. Parking of a commercial motor vehicle of over thirty-two (32) foot length used by the resident occupant.

SUBDIVISION 3.5. USES BY INTERIM USE PERMIT WITHIN AN R-1 DISTRICT.

Buildings or land may be used for the following if granted an interim use permit:

- A. Accessory Dwelling Unit, provided:
 1. ~~A maximum of one (1) accessory dwelling unit per lot is allowed within the R-1 District.~~
 2. ~~The subject property maintains homestead classification status for property tax purposes and is occupied by the fee owner of the property.~~
 3. ~~The accessory dwelling unit is accessory to a detached single family dwelling or twin home.~~
 4. ~~The accessory dwelling unit is not accessory to a duplex (two family dwelling), an apartment, or a single family attached structure containing more than two units per structure.~~
 5. ~~The accessory dwelling unit is attached or contained within the principal structure and/or an attached garage. Detached accessory dwelling units are prohibited.~~
 6. ~~The accessory dwelling unit is at least 250 square feet in area.~~
 7. ~~The accessory dwelling unit does not exceed thirty (30) percent of the ground floor area of the principal structure or 400 square feet, whichever is greater.~~
 8. ~~The accessory dwelling unit shall not alter the basic single family appearance of the principal structure.~~
 9. ~~If the accessory dwelling unit has separate ingress/egress, a separate street address and separate shutoffs for water and electrical service are required.~~
 10. ~~One (1) off street parking space shall be provided exclusively for the accessory dwelling unit.~~

SUBDIVISION 4. HEIGHT, YARD AND LOT REGULATIONS.

- A. Height Regulations: No structure shall exceed ~~two and one half (2-1/2) stories~~ **three (3) stories** or thirty-five (35) feet in height, except that church spires, belfries, domes which do not contain

yard for a reasonable accommodation under the federal Fair Housing Act.

- ii. A request for a reasonable accommodation shall be made by filing an administrative permit application with the Zoning Administrator.
 - iii. Required findings to establish a reasonable accommodation:
 - a) The subject dwelling shall be used by an individual with disabilities protected under fair housing laws.
 - b) The request is necessary to make housing available to an individual with disabilities protected under fair housing laws
 - c) The requested action shall employ conventional building materials as opposed to flimsy, temporary, or makeshift materials such as pallets, plywood, wire, mesh, dock sections, and similar materials.
 - d) The portion of the reasonable accommodation encroaching in the setback shall be removed if/when an individual with disabilities protected under fair housing laws no longer resides at the subject location.
 - e) The requested action will not impose an undue financial or administrative burden on the City.
 - f) The requested action will not require a fundamental alteration of the nature of the City's land use plan, zoning standards, and/or building code.
4. 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 oncoming traffic from the intersecting streets.
5. For lots less than ten thousand (10,000) square feet in size, a maximum of forty (40) percent of a lot may be occupied by buildings. For lots of ten thousand (10,000) square feet or more, a maximum of thirty-five (35) percent of the lot may be occupied by buildings.

F. Lot Size Regulations:

SECTION 8 : R-2 ONE AND TWO FAMILY RESIDENCE DISTRICT.

SUBDIVISION 1. PURPOSE.

The R-2 Residence District is intended to provide low and medium density residential areas and restrict incompatible commercial and industrial uses.

SUBDIVISION 2. PERMITTED USES.

The following uses shall be permitted in the R-2 Residence District:

- A. Single family detached dwelling units.
- B. Single family attached dwelling units, not to exceed six attached units per structure.
- C. Duplexes, triplexes, and quadraplexes.
- D. Parks and recreational areas owned or operated by governmental agencies.
- E. 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.
- F. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.
- G. Accessory Buildings and Uses:
 1. 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 (2) ton or heavier, and any tractor-trailer units. One (1) commercial motor vehicle of not over thirty-two (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 one thousand (1,000) square feet. Any proposed accessory structure which exceeds this square footage shall be permitted only by a conditional use permit.
 2. Swimming pools per Section 13, Subdivision 5.
 3. 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 (1) 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.
 4. Signs: per Section 18 of this Ordinance.

5. The accessory dwelling unit is attached or contained within the principal structure and/or an attached garage. Detached accessory dwelling units are prohibited.
6. The accessory dwelling unit is at least 250 square feet in area.
7. The accessory dwelling unit does not exceed thirty (30) percent of the ground-floor area of the principal structure or 400 square feet, whichever is greater.
8. The accessory dwelling unit shall not alter the basic single-family appearance of the principal structure.
9. If the accessory dwelling unit has separate ingress/egress, a separate street address and separate shutoffs for water and electrical service are required.
10. One (1) off-street parking space shall be provided exclusively for the accessory dwelling unit.

SUBDIVISION 4. HEIGHT, YARD AND LOT REGULATIONS.

A. 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.

B. Front Yard Regulations:

1. There shall be a front yard having a depth of not less than twenty-five (25) feet, except that in a block where two (2) 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.
2. 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 fifteen (15) feet, providing a viewing triangle measuring twenty-five (25) feet from the intersection of the front/side property line at street intersections shall be maintained free of structures.

C. Side Yard Regulations:

1. Detached principal structures:

- a. 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.
- b. 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.

2. Attached principal structures:

- a. Except for shared (common) lot lines, each lot of less than one hundred (100) feet

- c. The requested action shall employ conventional building materials as opposed to flimsy, temporary, or makeshift materials such as pallets, plywood, wire, mesh, dock sections, and similar materials.
 - d. The portion of the reasonable accommodation encroaching in the setback shall be removed if/when an individual with disabilities protected under fair housing laws no longer resides at the subject location.
 - e. The requested action will not impose an undue financial or administrative burden on the City.
 - f. The requested action will not require a fundamental alteration of the nature of the City's land use plan, zoning standards, and/or building code.
4. 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 five (25) 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 oncoming traffic from the intersecting streets.

6. Building Coverage.

- a. Detached structures. For lots less than ten thousand (10,000) square feet in size, a maximum of forty (40) percent of a lot may be occupied by buildings. For lots of ten thousand (10,000) square feet or more, a maximum of thirty-five (35) percent of the lot may be occupied by buildings.
- b. Attached structures. For lots less than ten thousand (10,000) square feet in size, a maximum of fifty (50) percent of a lot may be occupied by buildings. For lots of ten thousand (10,000) square feet or more, a maximum of forty-five (45) percent of the lot may be occupied by buildings.

F. Lot Size Regulations:

1. Minimum Lot size.

- a. Single family lots existing as of June 1, 2017: not less than 6,000 square feet.
- b. Single family lots created after June 1, 2017: 12,000 square feet.
- c. Single family attached with two units per structure and duplexes: Not less than twelve thousand (12,000) square feet in aggregate.
- d. Attached dwellings units with more than two units per structure: Not less than twelve thousand (12,000) square feet in aggregate, plus two thousand (2,000) additional square feet for each dwelling unit in excess of two (2).

SECTION 9 : R-3 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-3 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

- A. One (1) and two (2) family dwellings.
- B. Parks and recreational areas owned or operated by governmental agencies.
- C. 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.
- D. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.
- E. Accessory Buildings and Uses:
 1. 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 (2) ton or heavier, and any tractor-trailer units. One (1) commercial motor vehicle of not over thirty-two (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 one thousand (1,000) square feet. Any proposed accessory structure which exceeds this square footage shall be permitted only by a conditional use permit.
 2. Swimming pools per Section 17, Subdivision 5.
 3. Reserved.
 4. 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 (1) 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.

2. There shall be a front yard on each street side of a corner lot.

C. Side Yard Regulations:

1. For one (1) and two (2) family dwellings, and their accessory buildings there shall be a side yard as required in Section 7, Subdivision 4 (C).
2. For multiple family dwellings greater than two (2) family, there shall be two (2) side yards, each such yard having a width of not less than fifteen (15) feet.

D. Rear Yard Regulations:

1. There shall be a rear yard as required in Section 7, Subdivision 4 (D).

E. General Yard Regulations:

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

F. Lot Size Regulations:

1. The minimum lot area for a one (1) or two (2) family unit shall not be less than twelve thousand (12,000) square feet.
2. Every lot on which a one (1) or two (2) 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.
3. The minimum lot area for a multiple dwelling containing three (3) or more dwelling units shall not be less than twelve thousand (12,000) square feet, plus two thousand (2,000) square feet for each dwelling unit in excess of two (2).
4. Not more than thirty-five (35) percent of a lot or plot shall be occupied by buildings.

SUBDIVISION 5. PARKING REGULATIONS.

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

1. 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. For all other uses: as required in Section 7, Subdivision 5 (B).

- R. Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.
- S. Pet and animal hospitals.
- T. Plumbing, heating and air conditioning shops and showrooms.
- U. Printing and publishing shops.
- V. Public utility structures.
- W. Municipal and government buildings.
- X. Radio and television service and repair shops.
- Y. Recording studios.
- Z. Restaurants.
- AA. Skating rinks.
- BB. Taverns.
- CC. Telephone booths (outside).
- DD. Theaters.
- EE. Vending machines for ice, soft drinks and milk sales.
- FF. Accessory uses, other than signs, customarily incident to the uses permitted in Section 6, Subdivision 2, and Section 9, Subdivision 3.
- GG. Signs: per Section 18 of this Ordinance.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

Within a B-1 District buildings or land may be used for one (1) or more of the following uses if granted a conditional use permit:

- A. 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:
 1. The parking lot shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exits, screening of exterior storage lots, and parking stalls shall accompany the request for a conditional use permit.
 2. Artificial lighting shall be directed away from any public right-of-way and any residential district.

of the business from the adjoining lot.

- E. Lot Coverage Regulations: Not more than fifty (50) percent of a lot shall be occupied by buildings.

SUBDIVISION 5. PARKING REGULATIONS.

- A. The required parking and loading spaces shall be provided on the premises of each use.
- B. No parking shall be allowed in any required yard except as provided in Section 10, Subdivision 3 (C).
- C. 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.
- D. 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.