



PLANNING AND ZONING COMMITTEE

Meeting Agenda

October 6<sup>th</sup>, 2022 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. August 4<sup>th</sup>, 2022
5. Discussion on the finalization of the Arlington Zoning Code Updates
6. New Business
  - a. None
7. Other/Updates
  - a. None
8. Adjournment



PLANNING AND ZONING COMMITTEE

Meeting Agenda Minutes

August 4<sup>th</sup>, 2022 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order

Members Present

Jeanne Bearson  
Tom Hatlestad  
Michelle Battcher  
Brandon Brinkman  
Dave Meyer

Member Absent

None

Staff Present

Phil Mangis

Staff Absent

None

Guest Present

None

2. Pledge of Allegiance

3. Approve Agenda- Motion by Hatlestad to approve the agenda, seconded by Battcher. Motion carried.

4. Approve the Minutes

- a. July 7<sup>th</sup>, 2022- Motion by Battcher to approve July 7<sup>th</sup>, 2022 minutes, seconded by Hatlestad. Motion carried.
- b. July 14<sup>th</sup>, 2022- Motion by Battcher to approve July 14<sup>th</sup>, 2022 minutes, seconded by Hatlestad. Motion carried.

5. Updates made to the Arlington Zoning Code- There were two updates made to the Zoning Code. While updating the City Ordinances, the Planning and Zoning Administrator realized that section 29 of the Zoning Code was never added into the actual code. The P&Z Administrator also came across in the resolutions that Outdoor Storage and Parking in Chapter 6 of the City Code, was supposed to be in the Zoning Code. Per discussion with the City Attorney, they stated it would be fine to added it into the Zoning Code.

6. Discussion on the finalization of the Arlington Zoning Code- The Committee will do one final review of the corrections made for the Zoning Districts, before they are brought in front of the City Council for review.
7. New Business
  - a. Final Draft of Tiny Homes Policy- The P&Z Administrator requested that the Committee tabled the Final Draft of the Tiny Homes Policy. A motion was made by Battcher to table the Final Draft of the Tiny Homes Policy, seconded by Bearson.
8. Other/Updates
  - a. Update on 505 W Adams St (Animal Shelter)- The P&Z Administrator informed the Committee that the Animal Shelter home occupancy permit has expired. The Administrator has reached out to the owner on couple of occasions to see if they want to reply for a home occupancy permit, they have responded but not have come into the office and meet with the Administrator. The Administrator also sent a notice of violation for the fence the owner was building and also had to send a cease and deceit order given they where still building the fence without a permit after they received the notice of violation. The 30-day grace period for the notice of violation has passed for the fence. Currently the issues at 505 W Adams St have gone beyond a zoning authority and is now a police matter.
  - b. Planning Commission Fact/Information of the Public Hearing Process- The P&Z Administrator came across information breaking down the role of the Planning Commission and the Public Hearing Process.
9. Adjournment- Motion by Hatlestad to adjourn the meeting at 7:17pm., seconded by Battcher. Motion carried.

### **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/Ag-R-2/Ag Residence & Agricultural District

R-1 Single Family Residence District

R-2 One- and Two-Family Residence District

R-3 Multiple Family Residence District

##### **BUSINESS DISTRICTS:**

B-1 Service Business District

B-2 Central Business District

##### **INDUSTRIAL DISTRICTS:**

I-1 Limited Industrial District

I-2 General Industrial District

##### **PUBLIC AND INSTITUTIONAL DISTRICTS:**

P-I Public Institutional District

##### **PLANNED UNIT DEVELOPMENT DISTRICTS:**

PUD Planned Unit Development

##### **MOBILE HOME PARK DISTRICT:**

M-1 Mobile Home Park District

~~UR: URBAN RESERVE 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.

## SECTION 4: ZONING INSTRUMENTS.

### SUBDIVISION 2. AMENDED ZONING MAP.

Any Amendments made to the Zoning Map, require the Planning and Zoning Department to conduct a study and a zoning report of said amendment. The study and report are required to have a public hearing and must be reviewed by the Planning and Zoning Commission and City Council. *Reference Minnesota Statue 462.357 subd. 3 and Minnesota Statue 462.357 subd. 4*

*Subd. 3. Public hearings. No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.*

*Subd. 4. Amendments. An amendment to a zoning ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning agency shall be referred to the planning agency, if there is one, for study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency.*

## **SECTION 4: ZONING INSTRUMENTS.**

### **SUBDIVISION 3. 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 6: R1/AG-R21AG RESIDENCE & AGRICULTURAL DISTRICT.**

### **SUBDIVISION 1. PURPOSE.**

The R1/AG-R2/AG Residence & Agricultural District is established for the purpose of accommodating large lot residential and agricultural development in recently annexed areas which are transitioning from rural to urban densities. This district allows space for both very low. density urban (with municipal utilities) residential uses and agricultural/farming/hobby farm operations in areas that have not yet developed to urban densities but are expected to do so in the future.

### **SUBDIVISION 2. PERMITTED USES.**

- A. Farming, dairying, pasturage, agriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities.
- B. Single family detached residences connected to municipal sewer and water.
- C. Hobby Farms and agricultural dwellings with individual private wells and individual septic facilities.
- D. State Licensed Residential Facility serving six (6) or fewer persons in a single family detached dwelling which is connected to municipal sewer and water.
- E. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling which is connected to municipal sewer and water.

### **SUBDIVISION 3. CONDITIONAL USES.**

The following uses require a conditional use permit as regulated in this Ordinance:

- A. Governmental and public utility buildings and structures.
- B. Retail or wholesale trade related to agricultural operations and services.

### **SUBDIVISION 4. PERMITTED ACCESSORY USES.**

- A. Operation and storage of vehicles, machinery and equipment which is incidental to permitted or conditional uses allowed in this district.
- B. Home occupations as regulated by this Ordinance.
- C. Detached garages and accessory structures less than one thousand (1,000) square feet on lots less than ten thousand one (10,001) square feet in area. Detached garages and accessory structures over one thousand (1,000) square feet are allowed under a conditional use permit.



- D. Detached garages and accessory structures on lots greater than ten thousand (10,000) square feet provided the aggregate ground floor square footage of all detached garage/accessory structures do not occupy greater than fifteen (15) percent of the lot area. The aggregate ground floor square footage of all detached garage/accessory structures may exceed fifteen (15) percent of the lot area provided a conditional use permit is issued.
- E. 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.
- F. 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.
  2. One additional sign not to exceed thirty-two (32) square feet in area.

G. Swimming Pools as regulated by this Ordinance

H. Accessory Dwelling Unit, provided:

1. A maximum of one (1) accessory dwelling unit per lot.
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.
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 5. LOT/DIMENSIONAL REQUIREMENTS.**

**A. Minimum Lot Area:**

1. Existing single family detached base lots of record within corporate limits (with urban services): Ten thousand (10,000) square feet.
2. New single family detached lots (with urban services): One (1) acre — forty-three thousand, five hundred sixty (43,560) square feet.
3. New hobby farms, residences, agricultural dwelling sites, agricultural operations (individual, private well & septic): Ten (10) acres.

**B. Minimum Lot Width:** One hundred twenty-five (125) feet, except that if a lot or tract has less area or width than herein provided and was legally platted and was of record at the time of the passage of this Ordinance, that lot may be used for any of the use allowed by and as provided for within this Section.

**C. Setback Requirements:**

1. Front yard setbacks of not less than thirty (30) feet from all other public rights-of-way, unless subject site is a lot of record as of the date of adoption of this Ordinance and said lot abuts a lot with buildings that have observed a smaller front yard in which instance the minimum front yard setback shall be the distance the existing structures are setback. 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.
2. Side yard setback shall be ten (10) feet, except existing lots of record less than one hundred (100) feet in width shall have minimum side yard setbacks of four (4) feet.
3. Minimum rear yard setback shall be ten (10) feet.

**D. Maximum Building Height:** Two (2) stories or thirty (30) feet. Height in excess of thirty (30) feet may be allowed provided a conditional use permit is issued.

**E. Site Coverage:** No structure or combination of structures shall occupy more than fifty (50) percent of the lot area.

## **SECTION 7: R-1 SINGLE 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:

- 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.~~ as regulated by this Ordinance
  - 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.~~ as regulated by this Ordinance
- F. ~~Establishments of a person's residence as a home occupation~~ Home Occupations as regulated by this Ordinance

G. Funeral homes, provided side and/or rear yard screening is provided where the funeral home abuts a lot containing a residential dwelling unit

H. 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 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:

- A. 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.
- B. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.
- C. Golf course, golf clubhouse, miniature golf course, driving tee, country club, public swimming pool, private swimming pool serving more than one (1) family, provided that no principal structure shall be located within fifty (50) feet of any lot in a residential district.



~~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

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 twenty-five (25) feet.

**C. Side Yard Regulations:**

1. 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.
2. 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.

**D. Rear Yard Regulations:**

1. At a minimum, principal structures shall be set back from the rear property line a distance equivalent to twenty-five (25) percent of the lot depth. Accessory structures and detached garages shall be set back at least five (5) feet from the rear property line, except that rear loading garages or accessory structures shall be set back at least ten (10) feet from the rear property line.

**E. General Yard Regulations:**

1. Cornices, canopies, and eaves may extend into a required yard at a distance not exceeding two (2) feet, six (6) inches.
2. Fire escapes may extend into a required front or rear yard at a distance not exceeding two (2) feet, six (6) inches.
3. Setback Exceptions:
  - a A landing place or uncovered porch or deck may extend into a required front yard a distance not exceeding six (6) feet if the landing place or porch or deck 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.
  - b Reasonable Accommodation:
    - i. In order to make housing available to an individual with a disability, property owners may request a temporary exception from any required 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:

- 1- Every lot on which a one (1) or two (2) family dwelling is erected shall contain an area of not less than twelve thousand (12,000) square feet. ~~For lots on which three (3) or four~~

~~(4) family dwellings are erected, two thousand (2,000) additional square feet shall be provided for each dwelling unit in excess of two (2).~~

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 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 re-subdivided to produce a lot not in full conformance with this Section.

#### **SUBDIVISION 5. PARKING REGULATIONS.**

- A. One (1) off-street parking space shall be provided for each dwelling unit on the premises, exclusive of required yards.
- B. Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:
  1. Churches - One (1) parking space for each seating space for four (4) persons, based on the design capacity of the main seating area.
  2. Elementary School or Junior High School - Two (2) parking spaces for each classroom.
  3. Senior High School - One (1) parking space for each classroom plus one (1) parking space for each ten (10) students, based on design capacity
  4. Offices of Professional Persons - Two (2) parking spaces for each professional person.
  5. Hospitals - One (1) parking space for each three (3) beds.
  6. Convalescent or Nursing Home - One (1) parking space for each four (4) beds.



## **SECTION 8: R-2 ONE AND TWO FAMILY RESIDENCE DISTRICT. (Edits)**

### **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.~~ **as regulated by The City of Arlington Code as regulated by this Ordinance**
  - 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.~~ as regulated by The City of Arlington Code as regulated by this Ordinance
5. Funeral homes provided side and/or rear yard screening is provided where the funeral home abuts a lot containing a residential dwelling unit.

### **SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT WITHIN AN R-2 DISTRICT.**

Buildings or land may be used for the following if granted a conditional use permit:

- A. 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.
- B. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.
- C. Golf course, golf clubhouse, miniature golf course, driving tee, country club, public swimming pool, private swimming pool serving more than one (1) family, provided that no principal structure shall be located within fifty (50) feet of any lot in a residential district.
- ~~D. Offices of businesspersons as a home occupation.~~
- E. Apartment buildings housing no more than three (3) or four (4) families.
- ~~F. Boarding or rental of rooms to one (1) or more persons on the premises.~~
- G. Establishments of a person's residence as a home occupation Home Occupations as regulated by this Ordinance
- H. Accessory Dwelling Unit, provided:
  1. A maximum of one (1) accessory dwelling unit per lot is allowed within the R-2 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.
- I. Parking of a commercial motor vehicle of over thirty-two (32) foot length used by the resident occupant.
  - J. 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.

#### **SUBDIVISION 3.5 USES BY INTERIM USE PERMIT WITHIN AN R-2 DISTRICT.**

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

~~B. Accessory Dwelling Unit, provided:~~

- ~~1. A maximum of one (1) accessory dwelling unit per lot is allowed within the R-2 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 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 in width at the building line shall have two (2) side yards, each such yard having a width of not less than four (4) feet.

b. Except for shared (common) lot lines, each lot of one hundred (100) feet and over in width at the building line shall have two (2) side yards, each such yard having a width of not less than eight (8) feet.

3. ~~Accessory structures. As required under Section 17, Subd. 6 (Accessory Structures) as may be amended.~~ ~~as regulated by The City of Arlington Code~~ as regulated by this Ordinance

D. Rear Yard Regulations:

1. At a minimum, principal structures shall be set back from the rear property line a distance equivalent to twenty-five (25) percent of the lot depth. Accessory structures and detached garages shall be set back at least five (5) feet from the rear property line, except that rear loading garages or accessory structures shall be set back at least ten (10) feet from the rear property line.

E. General Yard Regulations:

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

3. Setback Exceptions:

- a. A landing place or uncovered porch or deck may extend into a required front yard a distance not exceeding six (6) feet if the landing place or porch or deck 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.

b. Reasonable Accommodation:

- i. In order, to make housing available to an individual with a disability, property owners may request a temporary exception from any required 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-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.
- 5. 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).
- 2. Minimum Lot Width:
  - a. Lots of record created on or after June 1, 2017: fifty (50) feet.
  - b. Lots of record created on or after June 1, 2017 and fronting on curvilinear streets and cul-de-sacs: street frontage of fifty (50) feet and a width of seventy-five (75) feet at the building line.
  - c. Lots of record created prior to June 1, 2017: fifty feet.
- 3. 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 re-subdivided to produce a lot not in full conformance with this Section.

#### **SUBDIVISION 5. PARKING REGULATIONS.**

- A. One (1) off-street parking space shall be provided for each dwelling unit on the premises, exclusive of required yards.
- B. Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:
  - 1. Churches - One (1) parking space for each seating space for four (4) persons, based on the design capacity of the main seating area.
  - 2. Elementary School or Junior High School - Two (2) parking spaces for each classroom.
  - 3. Senior High School - One (1) parking space for each classroom plus one (1) parking space for each ten (10) students, based on design capacity.
  - 4. Offices of Professional Persons - Two (2) parking spaces for each professional person.
  - 5. Hospitals - One (1) parking space for each three (3) beds.
  - 6. Convalescent or Nursing Home - One (1) parking space for each four (4) beds.

## **SECTION 9: R-3 MULTIPLE FAMILY RESIDENCE DISTRICT. (edits)**

### **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. as regulated by the City of Arlington Code
  - 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.~~ as regulated by the City of Arlington Code

F. Multiple dwellings, apartment buildings, townhouses.

G. ~~Establishments of a person's residence as a home occupation~~ Home Occupations as regulated by the City of Arlington Code

~~H. Boarding or lodging houses.~~

I. Hospitals, convalescent, and nursing homes.

J. 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-3~~ R-2 District, buildings or land may be used for one (1) or more of the following uses if granted a conditional use permit:

A. 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.

B. Water supply buildings, reservoirs, wells, elevated tanks, and similar essential public utility and service structures.

C. Golf course, golf clubhouse, miniature golf course, driving tee, country club, public swimming pool, private swimming pool serving more than one (1) family, provided that no principal structure shall be located within fifty (50) feet of any lot in a residential district.

~~D. Offices of businesspersons as a home occupation.~~

~~E. Boarding or rental of rooms to one (1) or more persons on the premises.~~

F. Parking of a commercial motor vehicle of over thirty-two (32) foot length used by the resident occupant.

G. 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.

#### **SUBDIVISION 4. HEIGHT, YARD and AREA REGULATIONS.**

- A. Height Regulations: Structure shall not exceed ~~two and one-half (2 1/2) stories~~ three (3) stories or thirty-five (35) feet in height, whichever is lower, except that church spires, belfries, domes which do not contain usable space, water towers, chimneys or smokestacks and cooling towers, may be erected with no height limitations except airport requirements.
- B. Front Yard Regulations:
1. There shall be a front yard having a depth of not less than twenty-five (25) feet.
  2. ~~There shall be a front yard on each street side of a corner lot.~~ 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. 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).~~
    - i. 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.
    - ii. 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. 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).~~
    - i. principal structures shall be set back from the rear property line a distance equivalent to twenty-five (25) percent of the lot depth. Accessory structures and detached garages shall be set back at least five (5) feet from the rear property line, except that rear loading garages or accessory structures shall be set back at least ten (10) feet from the rear property line.
- E. General Yard Regulations:
- ~~The general yard regulations of the R-2 District shall be those of Section 5, Subdivision 4 (E).~~
1. Cornices, canopies, and eaves may extend into a required yard at a distance not exceeding two (2) feet, six (6) inches.

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

3. Setback Exceptions:

a. A landing place or uncovered porch or deck may extend into a required front yard a distance not exceeding six (6) feet if the landing place or porch or deck 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.

b. Reasonable Accommodation:

i. In order, to make housing available to an individual with a disability, property owners may request a temporary exception from any required 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-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.

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)~~ 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 (4) 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 10: B-1 SERVICE BUSINESS DISTRICT. (edits)**

### **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:

- A. Armories, convention halls, or exhibition halls.
- B. Bowling alleys, billiards, or pool halls.
- C. Bakeries ~~employing not more than four (4) persons in the baking process.~~
- D. Bus Station.
- E. Cabinet, carpenter, upholstering, or furniture repair shops ~~employing not more than four (4) persons in the construction or repair process.~~
- F. Dry cleaning establishments, laundries, Laundromats, self-servicing ~~or employing not more than four (4) persons in the laundering, cleaning, and pressing process.~~
- ~~G. Frozen food lockers for individuals or family.~~
- H. Grocery, ~~fruit, vegetable, and meat~~ stores.
- I. Greenhouses, nurseries, and garden stores.
- J. Laboratories, medical and dental.
- K. Lumber yards.
- L. Marine and boat sales and servicing establishments.
- M. Miniature golf courses, par three golf courses or archery or golf driving ranges operated for commercial purposes.
- N. Monument sales, not including processing.
- O. Mortuaries or funeral homes.



- P. Motels, hotels, or apartment hotels.
- Q. Newspaper distribution agencies.
- 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 customarily incident to the above permitted uses, as regulated by the City of Arlington Code per Section 17. 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.~~ as regulated by the City of Arlington Code
- HH. 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, exists, 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.
3. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.

### **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, exists, 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.~~
  - ~~3. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.~~
- B. Drive-in restaurants, drive-in theaters, or similar uses that provide goods and services to patrons in automobiles, provided:
  1. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.
  2. 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.
  3. Lighting shall be directed away from any public right-of-way and any residential district.
- C. Parking lots in setback zone.
- D. Other business activities of the same general character as listed in Section 10, Subdivision 2 under permitted uses.



#### **SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.**

**A. Height Regulations:**

1. ~~The height regulations of the B-1 District shall be those of Section 9, Subdivision 4 (A).~~ Structure shall not exceed ~~two and one-half (2 1/2) stories~~ **three (3) stories or thirty-five (35) feet in height**, whichever is lower, except that church spires, belfries, domes which do not contain usable space, water towers, chimneys or smokestacks and cooling towers, may be erected with no height limitations except airport requirements.
2. ~~On any lot abutting an R-1 District, the height regulation of the R-1 District Section 7, Subdivision 4 (A) shall be observed.~~

**B. Front Yard Regulations:** There shall be a front yard having a depth of thirty (30) feet.

**C.** **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.**

**D. Side Yard Regulations:**

1. There shall be a side yard having a depth of ten (10) feet, except that:
  - a. A buffer yard shall be required for the portion of a lot having a common lot line with a lot located in any residential district, each such buffer yard shall be approved by the Planning Commission and have a width of at least fifteen (15) feet and featuring screening such as a privacy fence or vegetative cover sufficient to lessen the view of the business from the adjoining lot.

**E. Rear Yard Regulations:**

1. There shall be a rear yard having depth of not less than twenty (20) feet, except that:
  - a. A buffer yard shall be required for the portion of a lot having a common lot line with a lot located in any residential district, each such buffer yard shall be approved by the Planning Commission and have a width of at least fifteen (15) feet and featuring screening such as a privacy fence or vegetative cover sufficient to lessen the view of the business from the adjoining lot.

**F. 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 Planning Commission with City Council approval on a case-by-case basis.



## **SECTION 11: 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:

- A. Animal or pet shops.
- B. Antique, gifts, or jewelry stores.
- C. Apartments mixed with compatible commercial uses in the same building provided:
  - 1. A separate ingress/egress in the rear of the building is provided for the residential units. Alternately, a separate ingress/egress from the public sidewalk in front of the building may be considered through a conditional use permit.
  - 2. Apartments may be located on the ground floor; street level provided a space is reserved for commercial uses. Said space must be at the front of the building and maintain a minimum depth of twenty-five (25) feet and a minimum width equal to the width of the structure.
- D. ~~Apparel, dry goods, or~~ Department stores.
- E. Appliance, sewing machine sales and service, hardware, paint, and wallpaper stores; bicycle sales and repair.
- F. Art and school supply, book, and stationery stores.
- G. Art, photographic, music and dance studios.
- H. ~~Bakeries employing not more than four (4) persons in the baking process.~~
- I. Banks, savings and loan associations, loan, and finance companies.
- J. Barber and beauty shops.
- K. ~~Business, commercial, or trade schools.~~
- L. Camera, or photographic supply stores, hobby, toy, or record stores, sporting goods stores; musical instrument stores.

- M. Clinic, ~~for people only.~~
- N. Radio or television broadcasting or transmitting stations or studios; radio and television repair, when operated as an accessory to a retail sales establishment.
- O. Drugs, ~~variety, and five and ten cent~~ stores.
- P. Dry cleaning and laundry collection stations.
- Q. Professional and other business offices; employment agencies.
- R. Furniture store, carpet, and rug stores.
- S. Grocery, fruit, vegetable, floral or meat stores; candy, ice cream, soft drink, or confectionary stores, excluding drive-in type service.
- T. Leather goods, and luggage; shoe stores and shoe repair service.
- U. Liquor stores and taverns.
- V. Medical supply stores.
- W. Newsstands.
- X. ~~Laboratories.~~
- Y. ~~Physical culture and~~ Health clubs, gyms.
- Z. Pipe and tobacco shops.
- AA. Post offices.
- BB. Restaurants, tearooms, delicatessens, cafes, excluding drive-in type service.
- CC. Single Family Residential Uses existing at the time of Ordinance adoption (effective date March 22, 2012).
- DD. Tailor shops.
- EE. ~~Telephone booths (outside).~~
- FF. Theaters.

**GG. Electrical service shops**

**HH. Accessory uses as follows, customarily incident to the above permitted uses per Section 17 this Ordinance .**

- ~~1. Any accessory use, except signs, customarily incident to the above permitted uses.~~
- ~~2. Signs: per Section 18 of this Ordinance.~~

**II. Signs: per Section 18 per this Ordinance**

**JJ. New or used passenger automobile sales or storage lots, automobile service stations or repair shops provided:**

- 1. Vehicle parking areas shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exits, 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.**
- 3. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.**

**SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.**

Buildings or land may be used for the following, if granted a conditional use permit:

- A. Any business activity of the same general character as those listed in Section 11, Subdivision 2, in the permit use section**
- B. Any of the uses listed in Section 10, Subdivision 2, except that such uses must conform to the rules set out in Section 11, Subdivisions 4 and 5. Any use permit in a B-1 Service District, that is not already permitted under the B-2 Central Business District and must conform to the General Regulations set forth in the B-2 Central Business District.**
- C. Custom or limited manufacturing, assembly, or treatment of merchandise comprised of cloth, natural or synthetic fiber, leather, ornamental metal, paper, plants, plastic, stone, wax, wood, and wool provided the following standards are met:**
  - 1. Manufacturing operations are limited to the first floor (street level) and below the first floor. Manufacturing operations shall not occur in an upper story. Manufacturing uses shall be compatible with residential uses when in a mixed-use structure.**

2. To the extent possible deliveries shall be to the rear of the principal structure in an attempt to keep public streets free from interference by said delivery traffic.

**D. Business, commercial, or trade schools.**

**E. ~~New or used passenger automobile sales or storage lots, automobile service stations or repair shops provided:~~**

- ~~1. Vehicle parking areas shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exits, 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.~~
- ~~3. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.~~

**F. ~~All business vehicles shall be accommodated by off-street parking.~~**

**G. ~~Office or retail sales areas shall be maintained at the front (street-facing) side of the building.~~**

**H. ~~Manufacturing operations are limited to the first floor (street level) and below the first floor. Manufacturing operations shall not occur in an upper story. Manufacturing uses shall be compatible with residential uses when in a mixed-use structure.~~**

**I. ~~To the extent possible deliveries shall be to the rear of the principal structure in an attempt to keep public streets free from interference by said delivery traffic.~~**

**SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.**

**A. Height Regulations: The height regulations of the B-2 District shall be those of Section 9, Subdivision 4 (1) ~~three (3) stories or thirty-five (35) feet in height~~**

**B. Yard Regulations and Lot Coverage Regulations: None required ~~except to provide off-street parking and loading if required.~~**

**C. Off-street parking and loading do not have any yard and lot coverage regulations; however, the area being used for off-street parking and loading must be screened by an acceptable design and shall be constructed along the property line. The screening must be approved by the Zoning Administrator.**

**SUBDIVISION 5. GENERAL REGULATIONS.**

**A. Lighting shall be directed away from public right-of-way and residential districts.**

**B. 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.

C. All business vehicles shall be accommodated by off-street parking

D. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.

#### **SUBDIVISION 6. DESIGN STANDARDS.**

- A. Intent and Purpose. It is the intent of the City to promote and encourage high standards of creative, traditionally based, architectural design in the Central Business District. Activities within the Central Business District shall comply with the following design standards and guidelines. The restoration, remodeling and/or expansion of existing buildings shall, to the maximum extent possible, bring exterior facades back to the appearance they had when they were originally constructed, or maintain a similar architectural style to the original construction, or comply to the extent possible with these design standards and guidelines.
- B. Major maintenance of all buildings within the Central Business District shall be permanently kept up so that:
1. The visual appearance does not deteriorate to a point where the building becomes visually blighted;
  2. The structure becomes uninhabitable;
  3. The building becomes structurally deficient; or,
  4. The structure becomes hazardous to occupants.
- C. Site and Design Elements. New principal structures and additions to existing principal structures exceeding 50% structure size shall be designed in a manner that is sensitive to, compatible with, and reminiscent of historic building patterns in the central business district in Arlington. Said new principal structures and qualifying additions to existing principal structures shall meet this standard:
1. By placing the structure at the front lot line (i.e., on a property line shared with a public street).
  2. By purposely treating building exteriors facing public streets in a manner in which the street level story is visually distinct from any upper story of the building. This distinction can be achieved in a number of ways including, but not limited to an intermediate cornice line, awning, or portico; a change in building materials or detailing; or a change in window shape or treatment.



3. By incorporating storefront windows as the primary design element on the street level and featuring windows as a prominent design element in upper stories of the building.
4. By employing flat or pitched (gabled, hipped) roofs or a combination thereof. Where flat roofs are employed ornamental parapets or cornices are strongly recommended. Roofing material shall be the same or similar to those employed on roofs on adjacent principal structures. Metal roofing comprised of non-commercial grade metal, pre-manufactured resin, plastic, fiber, vinyl

## **SECTION 12: 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, odors, 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:

- A. ~~All uses permitted in the B-1 Service Business District.~~
- B. Cartage and express facilities, and railroad rights-of-way.
- C. Storage and warehousing facilities; wholesale business and office establishments.
- D. Bottling establishments.
- E. Building materials sales and storage establishments.
- F. Radio and television towers and stations; electric light or power generating stations.
- G. Engraving, printing, publishing, cartographic, and bookbinding establishments.
- H. ~~Dry cleaning, dyeing and laundering establishments.~~
- I. Electrical and electronic manufacturing establishments; electrical service shops.
- J. ~~Medical, dental, and optical~~ Laboratories.
- K. Public utility structures and governmental buildings.
- L. Jewelry, camera, and photographic manufacturing establishments.
- M. Laboratories
- N. Lumber yards.
- O. Marine and boat sales and servicing establishments.
- P. Garages for storage, repair, and servicing of motor vehicles and farm implements

Q. Contractor's offices, shops, yards and storage facilities for plumbing, heating, glazing, painting, paperhanging, roofing, ventilating, air conditioning, lumber, masonry, electrical and refrigeration industries.

R. Accessory uses ~~as follows:~~, customarily incident to the above permitted uses per Section 17.

~~1. All uses, except signs, customarily incident to the above permitted uses.~~

~~2. Signs: per Section 18 of this Ordinance.~~

S. Signs: per Section 18

### **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:

A. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods, or products similar to those listed in ~~Section 12, Subdivision 2~~ under permit use and which comply with the performance standards of this district.

B. Junk Yards

~~C. 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.**

A. Height Regulations: No structure shall exceed ~~two and one-half (2 1/2) stories or thirty-five (35) feet in height,~~ three (3) 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.

B. Front Yard Regulations:

1. 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.
2. 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.

C. Side Yard Regulations:

1. 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:

- a. 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.

D. Rear Yard Regulations:

1. There shall be a rear yard having a depth of not less than thirty (30) feet, except:

- a. 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.

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

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

- G. 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.**

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

1. 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.
2. In order to ensure 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.

B. Odors: No odors shall be detectable beyond the limits of the property.

- C. 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.

- D. 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.**

- A. 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 13: 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:

- A. Cartage and express facilities, and railroad rights-of-way.
- B. Storage and warehousing facilities; wholesale business and office establishments.
- C. Bottling establishments.
- D. Building materials sales and storage establishments.
- E. Radio and television towers and stations; electric light or power generating stations.
- F. Engraving, printing, publishing, cartographic, and bookbinding establishments.
- G. Dry cleaning, dyeing and laundering establishments.
- H. Electrical and electronic manufacturing establishments; electrical service shops.
- I. ~~Medical, dental, and optical~~ Laboratories.
- J. Public utility structures and governmental buildings.
- K. Jewelry, camera, and photographic manufacturing establishments.
- L. Blacksmith Shops.
- M. Creameries.
- N. Contractor's offices, shops, yards and storage facilities for plumbing, heating, glazing, painting, paperhanging, roofing, ventilating, air conditioning, lumber, masonry, electrical and refrigeration industries.
- O. Freight and transportation terminals, including airports.
- P. Fuel and ice sales and storage facilities.

- Q. Garages for storage, repair, and servicing of motor vehicles and farm implements.
- R. Gasoline and oil bulk stations and distributing plants.
- S. Highway maintenance shops and yards.
- T. Monument works.
- U. Public service structures, including power substations, gas regulator stations, sewage disposal plants, telephone exchanges, police or fire stations, elevated tanks, and waterworks.
- V. Manufacturing, processing, storage, servicing, and testing establishments.
- W. Accessory uses as follows: customarily incident to the above permitted uses per Section 17 per this Ordinance.
- X. Signs: per Section 18 per this Ordinance.
  - 1. ~~Accessory uses, except signs, customarily incidental to the above permitted uses.~~
  - 2. ~~Signs: per Section 18 of this Ordinance.~~

### **SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.**

Within an I-2 District, buildings or land may be used for one (1) or more of the following uses if granted a conditional use permit:

- A. Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to those listed in Section 9, Subdivision 2 the permit use section and which comply with the performance standards of this district.
- B. Extraction, processing, or storage of sand and gravel, stone, or other raw materials.
- C. Retail and service establishments consistent with the operation of a general industrial district.
- D. Junk yards as regulated in Section 17, Subdivision 5
- E. Sanitary landfills.

### **SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.**

- A. Height Regulations: No structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. three (3) stories or thirty-five (35) feet in height.
- B. Yard Regulations:



1. No building shall be located within twenty-five (25) feet of any residential district.
2. Except for railroad loading areas, no parking or loading space shall be located within twenty-five (25) feet of any residential district.
3. Any open storage of materials or open loading areas shall be located or screened so as not to be visible from any residential district.

#### **SUBDIVISION 5. PERFORMANCE STANDARDS.**

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

1. The City hereby adopts by reference all State of Minnesota standards in regard to pollution control, to include noise standards, dust, fumes or gases sources, and sewer and water discharge standards instituted to protect the health and welfare of the general public.
2. In order to ensure 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.

**B. 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.

**C. 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. This standard shall not apply to vibration created during the process of construction.

## **SECTION 18: SIGNS.**

### **SUBDIVISION 1. FINDINGS.**

The City Council hereby finds:

- A. Exterior signs have a substantial impact on the character and quality of the environment.
- B. Signs provide an important medium through which individuals may convey a variety of messages.
- C. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.
- D. The City has previously regulated signs in an effort to provide adequate means of expression and to promote the economic viability of the business community while protecting the City and citizens from a proliferation of signs of a type, size, location, and character that would adversely impact the public health, safety, and welfare.

### **SUBDIVISION 2. PURPOSE AND INTENT.**

The purpose and intent of this Section is to:

- A. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare.
- B. Maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
- C. Provide an effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
- D. Provide for fair and consistent enforcement of sign regulations under the zoning authority of the City.
- E. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign, to regulate any building design or display not defined as a sign, or any sign which cannot be viewed from outside of a building.

### **SUBDIVISION 3. EFFECT.**

The effect of this Section is to:

- A. Allow a wide variety of sign types in commercial zones and a more limited variety of signs in other zones subject to the standards herein.
- B. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this Section.

- C. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having lesser impact on the environment and the public health, safety, and welfare.
- D. Provide for enforcement of this Section through the enforcement provisions contained in the Zoning Ordinance.
- E. A sign may be erected, displayed, or maintained in the City if it is in conformance with the provisions of these regulations.

#### **SUBDIVISION 4. DEFINITIONS.**

Commercial Speech: Speech advertising a business, profession, commodity, service, or entertainment.

Multiple Tenant Site: A site which has more than one (1) tenant and each tenant has a separate ground level exterior public entrance.

Non-Commercial Speech: Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

Sign: Any letter, word, symbol, poster, picture, statuary, reading matter, or representation in the nature of advertisement, announcement, message, or visual communication whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes.

Sign, Abandoned: A sign shall be defined as abandoned when one (1) of the following occurs:

- A. A sign and/or supporting structure remains without a message or whose display surface remains blank for a period of one (1) or more years.
- B. A sign pertains to a time, event, or purpose which no longer applies.
- C. A sign remains after demolition of a principal structure and a building permit has not been issued for construction of a replacement principal structure.

Sign, Awning: A building sign or graphic printed on or in some fashion attached directly to the material of an awning which projects over a window, walk, or the like. Any part of an awning which also extends over a door shall be considered an awning.

Sign, Business: A sign attached to or supported by any structure used or intended for supporting or sheltering any use or occupancy.

Sign, Canopy: A sign that is part of or attached to a canopy or structural protective cover over a door or entrance.

Sign, Face: The surface of the sign upon, against, or through which the message of the sign is exhibited.

**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, Freestanding:** A sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

**Sign, Ground:** A freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

**Sign, Height:** The vertical distance measured from the base of the sign at average grade to the top of the highest attached component of the sign.

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

**Sign, Monument:** A freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

**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, Non-Conforming:** A sign and its support structure lawfully erected prior to the effective date of this Ordinance which fails to conform to the requirements of this Ordinance.

**Sign, Off-Premise:** A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. Easements shall be considered to be outside such platted parcels of land and any sign located or proposed to be located in an easement shall be considered an off-premise sign.

**Sign, On-Premise:** A sign which identifies or advertises an establishment, person, activity, goods, products, or services located on the premises where the sign is installed.

**Sign, Portable:** A sign purposefully designed to be transported, including by trailer or on its own wheels.

**Sign, Projecting:** Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

**Sign, Pylon (pole sign):** A freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by a pole(s) or beam(s) and with the area below the sign face open.

**Sign, Roof:** A sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

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

**Sign, Structure:** Any structure including the supports, uprights, bracing, and framework which supports or is capable of supporting any sign.

**Sign, Stringer:** A line of string, rope, cording, or an equivalent to which is attached a number of pennants.

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 {1} side of a double-face or V-type structure shall be used in computing total surface area).

Sign, Suspended: A building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Sign, Wall: A building sign attached parallel to but within two (2) feet of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign face.

Sign, Window: A building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes/glass and is visible from the exterior of the window.

Total Site Signage: The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

#### **SUBDIVISION 5. PERMIT/FEE REQUIRED.**

- A. No sign shall be erected, altered, reconstructed, maintained, or moved in the City without first securing a permit from the City. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing and shall contain the following information:
  - 1. Name(s) and address(es) of the owners of the display structure and property.
  - 2. The address at which sign(s) is/are to be erected.
  - 3. The legal description of the subject property.
  - 4. The type of sign.
  - 5. The cost of the sign.
  - 6. The proposed sign dimensions and placement on the subject property.
  - 7. If the proposed sign is located within a public road right-of-way or an easement, the applicant must obtain written permission from the appropriate jurisdiction. A copy of said written permission, if provided by a jurisdiction other than the City of Arlington, may be required.
- B. The permit application shall be accompanied by the required fee as specified by the fee schedule.

- C. The City shall approve or deny the permit within the time period under Minnesota Statute 15.99. If the requirements of this Section and other applicable standards contained within the Zoning Ordinance are met the permit shall be approved.

#### **SUBDIVISION 6. EXCEPTIONS.**

- A. The following signs shall not require a permit. Although exempt from permitting requirements, this Subdivision shall not relieve the owner of the sign from the responsibility of its erection and maintenance, and compliance with the provisions of this Ordinance or any other law or ordinance regulating the same:
  - 1. The changing of the display surface on a painted or printed sign, except a sign painted directly on a building.
  - 2. Signs ~~eighteen (18) square feet~~ five (5) square feet or less in size.
  - 3. Public safety and traffic management signs erected by governmental units.

#### **SUBDIVISION 7. GENERAL PROVISIONS.**

- A. A sign shall not be greater than two hundred fifty (250) square feet in area.
- B. A sign shall project no more than two (2) feet over a sidewalk or public right-of-way.
- C. Any sign located in the City which becomes out of order, rotten, or unsafe shall be removed or otherwise properly secured by the owners of the sign or the owner(s) of the property on which the sign is located.
- D. Electrical signs must be installed in accordance with the current electrical code.
- E. The following are unauthorized signs:
  - 1. Any sign, signal, marking, or device which is similar to or imitates an official traffic control device, railroad sign or signal, and/or emergency vehicle signal.
  - 2. Signs painted, attached, or in any way affixed to trees, public utility poles, bridges, towers, or similar structures.
  - 3. Signs obstructing any window, door, fire escape, stairway, or opening intended to provide light, air, or access to any building.
- F. Setbacks:
  - 1. Signs shall be setback a minimum of five (5) feet from a property line, except within the central business district.

2. Signs shall not be placed in highway, street, or utility easements until the applicant obtains written permission from the appropriate jurisdiction. A copy of said written permission, if provided by a jurisdiction other than the City of Arlington, may be required. Signs proposed to be placed within municipal easements shall require issuance of an interim use permit.
3. Signs shall not obstruct a clear sight triangle at each corner of any intersection of two (2) public streets and/or the intersection of a public street and a railway. Said clear sight triangle shall be defined as beginning at the intersection of the projected curb lines of two (2) intersecting streets or a street and a railway, then proceeding twentyfive (25) feet along one curb line, then proceeding diagonally to a point of twenty-five (25) feet from the point of beginning on the other curb line and then proceeding to the point of beginning. In the event the City Engineer finds the required sight triangle inadequate, additional clear areas shall be required.

G. Calculation of Sign Area:

1. The area within the sign frame shall be used to calculate the square footage.
2. Square footage of signs mounted directly on a wall, window, or other structural surface without a sign frame shall be determined by drawing a box around the outermost periphery of letters or graphics. The square footage shall be that of the box surrounding the said letters or graphics.
3. Each surface used to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage.

- H. External illumination for signs shall be constructed and maintained so that the source of light (i.e. bulb or illumination tube) is not visible from the public right-of-way or residential property.
- I. Notwithstanding any other provision of this Section, all signs of any size containing noncommercial speech as defined in Subdivision 4 of this Section, may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

**SUBDIVISION 8. PERMITTED SIGNS BY ZONING DISTRICT.**

- A. R1/R2 Agriculture/Residence District; R-1 Single and Two Family Residential District; R2 Multiple Family Residential District:

1. The following types of signs are not permitted:
  - a. Awning signs.
  - b. Balloon signs.
  - c. Canopy signs.



- d. Rotating signs.
- e. Projecting signs.
- f. Pylon (or pole) signs.

2. Maximum Sign Area:

- a. Lots containing principal uses which are residential in nature.
  - i. Lots ten thousand (10,000) square feet or less: eight (8) square feet per surface with total area of all signs not to exceed sixteen (16) square feet.
  - ii. Lots greater than ten thousand (10,000) square feet but less than one (1) acre: ten (10) square feet per surface with total area of all signs not to exceed twenty (20) square feet.
  - iii. Lots greater than one (1) acre but less than ten (10) acres: twelve (12) square feet per surface with total area of all signs not to exceed twenty-four (24) square feet.
  - iv. Lots greater than ten (10) acres: sixteen (16) square feet per surface with total area of all signs not to exceed thirty-two (32) square feet.
- b. Lots containing principal uses which are non-residential in nature.
  - i. Lots less than twenty thousand (20,000) square feet: thirty-two (32) square feet per surface with total area of all signs not to exceed sixty-four (64) square feet.
  - ii. Lots of twenty thousand (20,000) square feet or greater: sixty-four (64) square feet per surface with total area of all signs not to exceed one hundred twenty-eight (128) square feet.

B. B-1 Service Business District:

- 1. The following types of signs are not permitted:
  - a. Rotating signs.
  - b. Projecting signs.
- 2. Maximum sign area:
  - a. The total area of all signs shall not exceed two (2) square feet per lineal foot of lot frontage, ten (10) percent of the building's front façade, or seventy-five (75) square feet,

whichever is greater. For corner lots, the "lot 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.

- b. The number of off-premises signs shall be limited to one (1) per one hundred (100) feet of lot frontage. Such off-premises signs may contain up to two (2) signs per facing; however, each sign face shall not exceed fifty-five (55) feet in total length. No off-premises sign may be erected within one hundred (100) feet of an adjoining residential district.
- 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.

C. B-2 Central Business District:

- 1. The following types of signs are not permitted:
  - a. Flashing or rotating signs.
  - b. Off-premises signs.
- 2. The total area of all signs shall not exceed two (2) square feet per lineal foot of lot frontage, ten (10) percent of the building's front façade, or seventy-five (75) square feet, whichever is greater. For corner lots, the "lot 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.
- 3. No sign shall project higher than six (6) feet above the height of the building, or thirtytwo (32) feet above average grade at the building line, whichever is greater.

D. I-1 Light Industrial District and I-2 Heavy Industrial District:

- 1. The following types of signs are not permitted:
  - a. Rotating signs.
  - b. Projecting signs.
- 2. 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.
- 3. 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 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.

4. Sign lighting shall not be directed toward a public right-of-way or any residential district.

~~E. I-2 Heavy Industrial District:~~

- ~~1. The following types of signs are not permitted:~~

~~a. Rotating signs.~~

~~b. Projecting signs.~~

- ~~2. Signs as regulated in Subdivision 8 (D) (2) (Light Industrial District) of this Section.~~

F. P/I Public Institutional District:

1. The following types of signs are not permitted:

a. Projecting signs.

2. Sign lighting shall not be directed toward a public right-of-way or any residential district.

3. Sign materials, sign structure, and the nature/character of the sign materials/structure shall be consistent with those employed within the public or institutional use and/or structure occupying the subject property.

4. Sign types shall be harmonious with the existing use and/or structure occupying the subject property.

**SUBDIVISION 9. NON-CONFORMING SIGNS.**

- A. Signs pertaining to, or advertising products sold on the premises of a non-conforming building or use may be continued only when the non-conforming use is permitted to continue, and such signs shall not be expanded in number, area, height, or illumination. New signs shall not exceed the maximum allowed under the City's sign ordinance and may be erected only after all other signs existing at the time of the adoption of this Ordinance have been removed. The accumulated square footage of new signs installed shall not exceed the square footage of signs previously on site, or the amount allowed in the City's sign ordinance, whichever is less. New signs may not be illuminated unless the previous sign was illuminated but flashing intermittent or moving illumination shall not be permitted.

- B. The standards of Section 20 of the Zoning Ordinance (Non-Conformance) shall apply to signs.

**SUBDIVISION 10. VIOLATION/PENALTY.**

Violation of this Section shall be subject to violation and penalty as prescribed in Section 27 of the Zoning Ordinance (Violations and Penalty).

**SUBDIVISION 11. SEVERABILITY.**

If any subdivision, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section.

**SUBDIVISION 12. SUBSTITUTION.**

The owner of any sign which is otherwise allowed by this sign ordinance may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting.

## SECTION 26: 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:

- A. 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~~ **three hundred and fifty (350) feet** of the boundaries of the proposed change.
- B. **Before any amendment is adopted, the City Planning Commission shall hold at least one (1) public hearing. Under Minnesota statute 462.357 sub 3, a notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least (10) ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least (10) ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.**
- C. 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 Administrator 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.
- D. 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 27: 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. The part or parts declared invalid will be amended accordingly by the Planning Commission or City Council.

## **SECTION 28 ~~SECTION 20~~: 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~~ the Zoning Code or Chapter 32 of the Arlington City Code 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~~ the Zoning Code or Chapter 32 of the Arlington City Code.

### **SUBDIVISION 2. ENFORCEMENT.**

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.