



CITY OF MARSHALL
Planning Commission
Agenda
Wednesday, October 09, 2024 at 5:30 PM
City Hall, Council Chambers

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Consider Approval of the Minutes from the Regular Meeting Held on August 14, 2024
- [2.](#) Consider Approval of the Minutes from the Special Meeting Held on August 21, 2024

PUBLIC HEARING

- [3.](#) Conduct a Public Hearing on the Ordinance Amendment to Chapter 86, Article IV, Section 86-97 Low Density Residence District.
- [4.](#) Conduct a Public Hearing on the request of Matt Schnoor for a Conditional Use Permit for a duplex in an R-1 District
- [5.](#) Conduct a Public Hearing on the Ordinance Amendment to Chapter 86, Article II-1, Section 86-31 Prohibited uses
- [6.](#) Conduct a Public Hearing on the Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts.

OLD BUSINESS

NEW BUSINESS

ADJOURN

Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
AUGUST 14, 2024**

MEMBERS PRESENT: Pieper, Deutz, Muchlinski, Doom, Lee, Stoneberg
MEMBERS ABSENT: Agboola
OTHERS PRESENT: Jason Anderson, Ilya Gutman, Amanda Schroeder,
Christina Cruz-Jennings (via Zoom)

Call to Order.

The meeting was called to order by Chairperson Lee.

Approval of the Minutes.

Chairperson Lee asked for the approval of the minutes of the July 10, 2024, regular meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY STONEBERG, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 6:0.

Conduct a Public Hearing for a Map Amendment From R-1 One Family Residence District to R-2 One to Four Family Residence District

Gutman presented this is a request to, first, rezone this area from R-1 One-Family District to R-2 One-to-Four Family District, and then, to approve a Conditional Use Permit for a parking lot in an R-2 District. Turkey Valley Farms is looking for a way to provide more off-street parking for its workforce. This area is shown as medium density residential use on the Future Use Map in the Marshall 2040 Comprehensive Plan. Consequently, rezoning to R-2 will be in compliance with the new Comprehensive Plan. Parking lots are conditional uses in R-2. Susan Burnett, 310 South 6th Street, stated she fears this will devalue her property. Susan questioned if this was a request to build a four plex. Gutman informed there will not be any buildings, just a paved parking lot. Larry Vierstraete, 310 South 5th Street, stated he feels his house is also being devalued. Vierstraete shared he has problems on Saturdays when the trucks are being loaded. Vierstraete stated the trucks then sit there all weekend, and all you hear is the noise from the truck refrigeration units. Peggy Baugher, 506 Kendall Street, stated they have lived at this location before Turkey Valley existed and stated the company should be moved to industrial park. Peggy questioned how the rezoning will affect the taxes, how will that affect their home valuation. Gutman informed they are only rezoning the two lots on 306 and 308 South 6th Street. Burnett stated she would like to have some sort of buffer between her property and the proposed parking lot, so she isn't staring at a fence right next to her property. Doom assured changing the district from R-1 to R-2 will provide parking lot with conditions and will allow more parking space and remove all the cars parking on the street and be safer for commute. Deutz asked if they considered tearing down one of their larger buildings to provide extra parking. Terry Vogt, Turkey Valley Representative, stated they use that building for their truck repairs and it also contains office space. Vogt shared they use old Schwan's freezer to park trailers but are still needing extra space to remove the cars being parked on the street. Stoneberg asked how many parking lots this would create. Turkey Valley Representative stated this would create roughly about twenty to twenty-five parking spaces. During the hearing, as concerns unrelated to the rezoning were expressed, Doom explained that the purpose of this meeting was only to approve changing the lots from an R-1 to R-2 zoning district. STONEBERG MADE A MOTION, SECOND BY MUCHLINSKI, to close the public hearing. ALL VOTED IN FAVOR. DOOM MADE A MOTION, SECOND BY PEIPER to recommend to City Council an approval of the request to rezone the area from R-1 Single Family Residence to R-2 One to Four Family Residence. VOTING FOR: LEE, PIEPER, DOOM, DEUTZ. VOTING AGAINST: STONEBERG, MUCHLINSKI. The motion passed by a vote of 4 to 2. PEIPER MADE A MOTION, SECOND BY DOOM to recommend to City Council an approval of the request to grant a Conditional Use Permit for a parking lot in an R-2 One to Four Family Residence District with conditions as written by staff. VOTING FOR: LEE, PIEPER, DOOM, DEUTZ. VOTING AGAINST: STONEBERG, MUCHLINSKI. The motion passed by a vote of 4 to 2.

Conduct a Public Hearing for a Conditional Use Permit for a Multiple Family Dwelling in a B-3 Zoning District

Gutman shared this is a request to have three apartment buildings in a B-3 General Business District. Apartment buildings are conditional use in B-3 district. The lot is located at the corner of Clarice Avenue and Susan Drive, North of Walmart. Steve Kuepers, Kuepers Construction Representative – Brainerd, Minnesota, stated there will be three slab on grade buildings. Additionally, all buildings will be three-story, 36-unit buildings equipped with elevators. Kueper shared that each building has a community room, exercise room, library, and a common laundry on the second floor. Kueper also shared there will be detached garage parking, one stall for every two units. There will be an outside playground and dog park in the lower southeast corner. Kueper shared this will be market rate and they are not asking for TIF. Kueper stated there is not a lot of housing on this side of town which made it a perfect fit. STONEBERG MADE A MOTION, SECOND BY DEUTZ, to close the public hearing. ALL VOTED IN FAVOR. MUCHLINSKI MADE A MOTION SECOND BY DOOM to recommend to City Council an approval of the request to grant a Conditional Use Permit for three apartment buildings in a B-3 general business district with the following condition: The buildings and site are constructed per attached drawing. ALL VOTED IN FAVOR. MOTION PASSED 6:0.

-UNAPPROVED-

Conduct a Public Hearing for a Conditional Use Permit for a Lumberyard in a B-3 Zoning District

Gutman presented this is a request to permit a lumberyard in a B-3 general business district. Lumberyards are conditional use in B-3 districts. This existing lumberyard was built before the area was annexed into the city limits. When it was annexed, it was grandfathered in and became a legal non-conforming use, as the ordinance requires. However, this provision does not allow expansion of the use, and the owner wants to build more buildings. Granting a CUP will allow for further development and will remove potential limitations. Menards is considered a lumberyard and was granted a CUP for such use. Generally, new construction in a B-3 district would require multiple site improvements, such as paved parking and landscaping; however, this is not a new construction, which makes this situation different. STONEBERG MADE A MOTION, SECOND BY MUCHLINSKI to close the public hearing. ALL VOTED IN FAVOR. PEIPER MADE A MOTION, SECOND BY DOOM to recommend to City Council an approval of the request to grant a Conditional Use Permit for a lumberyard in a B-3 general business district. ALL VOTED IN FAVOR. MOTION PASSED 6:0.

Other Business

Since there was no other business, STONEBERG MADE A MOTION SECOND BY PEIPER, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 6:0 Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Karla Ellis, Recording Secretary

**MINUTES OF THE
SPECIAL MEETING OF THE
MARSHALL PLANNING COMMISSION
AUGUST 21, 2024**

MEMBERS PRESENT: Pieper, Deutz, Muchlinski, Doom, Lee, Stoneberg, Agboola (via Zoom)
MEMBERS ABSENT: None
OTHERS PRESENT: Jason Anderson, Ilya Gutman, Amanda Schroeder,
Steve Kuepers-Kuepers, Inc. (via Zoom)

Call to Order

The meeting was called to order by Chairperson Lee at 5:30 pm.

Conduct a Public Hearing on the Preliminary Plat of Stone Meadow

This is the request of Paul & Joanne Stoneberg for the preliminary plat of Stone Meadow. The existing land is identified as Outlot B of J-C Boyer Addition. The property owner desires to plat this property into three separate parcels for the purpose of constructing three apartment buildings, 36 units in each building.

Anderson presented the item. Muchlinski inquired why three lots instead of just one lot. Kuepers indicated for financing reasons and to keep each lot separate for banking and title purposes.

There being no further input nor inquiries, STONEBERG MADE A MOTION, SECOND BY DEUTZ, to close the public hearing. ALL VOTED IN FAVOR. MOTION PASSED 7:0.

MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ to recommend approval of the preliminary plat of Stone Meadow to the City Council per staff recommendation. ALL VOTED IN FAVOR. MOTION PASSED 7:0.

Other Business

None.

Adjourn

DOOM MADE A MOTION, SECOND BY PIEPER, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 7:0. Chairperson Lee declared the meeting adjourned at 5:32 pm.

Respectfully submitted,
Lona Rae Konold, Administrative Assistant



**CITY OF MARSHALL
AGENDA ITEM REPORT
PC 10/09/24**

Presenter:	Ilya Gutman
Meeting Date:	Wednesday, October 9, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Conduct a Public Hearing on the Ordinance Amendment to Chapter 86, Article IV, Section 86-97 Low Density Residence District.
Background Information:	<p>The ordinance provides for minimum lot size in this district, but also requires enlarged lot for duplexes. However, since duplexes are permitted by a conditional use only, specific lot size limitation for duplexes seems redundant because it will be a part of considerations for granting a conditional use permit. Therefore, staff recommends removing this regulation.</p> <p>At its September 24, 2024, meeting, Legislation and Ordinance committee also reviewed this change and recommended approval.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	<ol style="list-style-type: none"> 1. Motion to close public hearing. 2. Staff recommends the recommendation to the City Council approving the revisions amending Sec. 86-97 Low Density Residence District by removing additional lot size requirements for duplexes.

Section 86-97 R-1 Low Density Residence District

- (a) *Intent; scope.* This section applies to the R-1 one-family residence district. This R-1 district is intended to preserve and enhance low density (less than 6 units per acre) residential areas.
- (b) *Permitted uses.* The following uses shall be permitted in the R-1 low density residence district:
- (1) Residential facility serving six or fewer individuals.
 - (2) Day care facility serving 14 or fewer individuals.
 - (3) One-family detached dwellings.
- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-1 low density residence district:
- (1) Accessory uses customarily incidental to the uses permitted in this section, such as private vehicle garages.
 - (2) Accessory building complying with section 86-163, including, but not limited to, private garages, storage sheds, fallout shelters, and gazebos.
 - (3) Accessory equipment complying with section 86-164, including, but not limited to, solar energy collectors and systems, playgrounds, and sports courts.
 - (4) Bed and breakfast facility, provided property is registered with the City as a rental.
 - (5) Offices of persons and home occupations meeting the specific conditions of Section 86-50, provided an interim use permit is obtained when required.
Keeping boarders and/or roomers by a resident family, provided the property is registered with the City as a rental.
 - (6) Private swimming pool and hot tub when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.
 - (7) Private amateur radio towers and antennas complying with division 6.
 - (8) Private gardens complying with Section 86-247 (a) (5).

(d) *Conditional uses.* All conditional use permits for the R-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the supplemental regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-1 low density district by conditional use permit:

- (1) Fire stations, community center buildings, public libraries and essential public utility structures serving the surrounding area.
- (2) One-family manufactured homes.
- (3) Other residential uses of the same general character as listed in subsection (b).
- (4) Parks and recreational areas, public or private.
- (5) Religious institutions as defined under Minnesota State Statutes.
- (6) School, public or private, kindergarten through grade 12.
- (7) Two-family dwellings under single ownership, joint ownership or tenants in common.
- (8) Two-family dwellings under split ownership under the following conditions:
 - a. The dwellings have separate utility service lines to each unit.
 - b. The owners execute and record a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings.
 - c. Proper separation of units, occurring along the lot line, exists as provided by the building code.
 - d. Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
 - e. The dwelling location on the lot be compatible with the neighborhood.
 - f. Landscaping, fencing, grading, exterior lighting, and driveway conform to the surrounding neighborhood.
 - g. Any accessory building is compatible with the dwellings and the surrounding neighborhood.
 - h. The dwellings shall be a maximum height of two stories.
 - i. Not more than 50 percent of the lot area shall be occupied by buildings.

(e) *Height and yard regulations.* Height, yard, area and lot width and depth regulations for the R-1 district are as follows:

(1) *Height regulations.* No building hereafter erected or altered shall exceed 3 stories or 30 feet in height.

(2) *Front yard regulations.*

a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.

b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the city zoning map.

(3) *Side yard regulations.* There shall be a side yard on each side of a building, each having a width of not less than five feet, except for non-residential uses, the width shall be no less than 20 feet if abutting another one-family residence district lot.

(4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent.

(5) *Lot or plot area regulations.*

a. Every lot or plot shall contain an area of not less than 8,000 square feet.

~~b. Every lot or plot upon which a two-family dwelling is erected or altered shall contain an area of not less than 10,000 square feet.~~

(6) *Lot width and depth regulations.* Every lot or plot depth regulations. Every lot or plot shall have a minimum width of not less than 70 feet of the lot or plot depth, or 18 percent of the lot or plot depth for a two-street corner lot at the the building setback line, and a minimum depth of not less than 110 feet.

(f) *Supplemental regulations.* Additional regulations in the R-1 low density residence district are set forth in article VI.

(Code 1976, § 11.07; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-00; Ord. No. 529 2nd series, § 1, 7-5-2005; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)

HISTORY

Amended by Ord. [24-007](#) on 5/14/2024

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Ilya Gutman
Meeting Date:	Wednesday, October 9, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Conduct a public hearing on the request of Matt Schnoor for a Conditional Use Permit for a duplex in an R-1 District
Background Information:	<p>This is a request to have a single ownership duplex in an R-1 One Family Residence District.</p> <p>This building was built in 1975 as a single-family residence. In 1986 the owner (different from the current one) applied for a Conditional Use permit for a duplex. However, the request was denied because the lot size was not meeting Ordinance requirements, the windows were not adequate for egress, and the lower unit's only access/exit was through the garage. Despite denial, it seems that the past owners kept using the building as a duplex.</p> <p>In order to bring this building into compliance for rental registration, an approval of the Conditional use permit is necessary. All windows were replaced in 2004 and 2013, and the Ordinance is currently being amended to reduce lots' minimum size for duplexes. Construction to separate the lower unit's exit from the garage has been discussed with the current owner and is included as a condition for approval.</p> <p>The Conditional Use Permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49.</p> <p>Please see attached Finding of Facts for more detailed information.</p>
Fiscal Impact:	None Known
Alternative/Variations:	None recommended but additional reasonable conditions as proposed by the Planning Commission may be added.
Recommendations:	<ol style="list-style-type: none"> 1. Motion to close public hearing. 2. Staff recommends a motion to recommend to City Council an approval of the request to grant a Conditional Use Permit for a single ownership duplex in an R-1 One Family Residence District with the following condition: Lower level exit is separated from the garage as required by the Building code and a building permit is obtained for this work.

Marshall Planning Commission
Report to City Council – Request for Conditional Use Permit
906 Cheryl Avenue, City of Marshall, Lyon County, Minnesota

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for Conditional Use Permits dated August 6, 2024, for a two-family dwelling under single ownership related to property located at 906 Cheryl Avenue,

WHEREAS, the applicant for the Conditional Use Permits was the property owner Matt Schnoor,

WHEREAS, a written request for a Conditional Use Permit is subject to the Minnesota 60-day rule as codified in Minnesota Statutes §15.99. The 60-day rule requires an approval or denial of a Conditional Use Permit within 60 days of the time Conditional Use Permit request is submitted. If no action occurs on the request for Conditional Use Permit within 60 days, it is deemed approved pursuant to Minnesota Statute;

WHEREAS, City staff representatives from the Community Planning Department reviewed the application for the Conditional Use Permit;

WHEREAS, Conditional Use Permits are granted only for those uses specifically listed as conditional uses for a particular zoning district;

WHEREAS, this property is zoned R-1 Low density residence district as defined in Ordinance Sec. 86-97 and two-family dwellings under single ownership is a conditional use in an R-1 Low density residence district;

WHEREAS, a public hearing was scheduled for October 9 , 2024, to consider the request for a Conditional Use Permit and notice of that hearing was published and was mailed pursuant to provisions of Ordinance Sec. 86-47 and further in compliance with Minnesota Statutes;

WHEREAS, the public hearing was held as scheduled and the Planning Commission considered the following standard criteria for Conditional Use Permit review as outlined in Ordinance Sec. 86-49:

- (1) Whether the proposed use is compatible with the existing neighborhood environment and use.
- (2) The adequacy of the access to roads and rights-of-way.
- (3) The additional traffic generated by facility.
- (4) The landscaping, fencing and/or screening plan.
- (5) The outside storage provisions.
- (6) The accessory buildings provisions.
- (7) The facility size.
- (8) The area of site.
- (9) The off-street parking facilities.
- (10) The density of the population and structures.
- (11) The duration of proposed interim use.
- (12) The natural features of the area.
- (13) The availability of existing utility and public service facility.
- (14) The future maintenance provisions.
- (15) Whether the proposed use will be injurious to the property or improvements in the area adjacent to such proposed use and the community as a whole.

WHEREAS, Staff offered the following information to the Planning Commission with a recommendation for the Planning Commission to recommend approval to the Council:

- (1) The lot in question is adjacent to the R-4 multiple family district in the back and an adjacent building is a duplex.
- (2) The property is located at the corner of Kathryn Avenue and Chery Avenue providing adequate access.
- (3) Since this use is existing, no additional traffic will be generated.
- (4) The standard R-1 landscaping requirements are applicable.
- (5) The standard R-1 outside storage provisions are applicable, which generally prohibit any outside storage.
- (6) The standard R-1 accessory buildings provisions are applicable, which limits the number of accessory buildings to two.
- (7) The building is about the same size as adjacent houses and is not excessive and compatible with other houses in the area.
- (8) The lot area is 8,400 SF which will meet the Ordinance requirements after the proposed change is adopted.
- (9) The house has an attached garage and a driveway wide enough for three cars, so it meets the Ordinance requirement of two spaces per dwelling unit.
- (10) The density of the area will stay within limits for low density residential area as defined in the City Comprehensive Plan (less than 6 units per acre).
- (11) Not applicable to Conditional Use Permits.
- (12) The lot is unremarkable and similar to adjacent lots.
- (13) Existing utility and public service facility are adequate for this use (each unit already has separate utilities).
- (14) Since this is a single ownership, the owner is required to take care of the building in the same manner as a single-family building.
- (15) The building and its use as a two family dwelling has been in place for decades, so approval of a CUP will not have negative effects on the neighborhood.

WHEREAS, the Planning Commission has evaluated all applicable considerations and finds and determines that granting a requested Conditional Use Permit will not be injurious to the adjacent properties and that all standards for hearing are satisfied.

NOW THEREFORE, it is recommended by the Planning Commission to the Marshall City Council that the Conditional Use Permit for a duplex in an R-1 Low Density residence District be approved as recommended by staff with a condition that lower level exit is separated from the garage as required by the Building code and a building permit is obtained for this work . The motion offered by _____ and seconded by _____ , and declared carried on the following vote:

Ayes:

Nays:

Abstained:

Passed:

Marshall Planning Commission

By: Cathy Lee

Its: Chair



**CITY OF MARSHALL
AGENDA ITEM REPORT
PC 10/09/24**

Presenter:	Ilya Gutman
Meeting Date:	Wednesday, October 9, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Conduct a public hearing on the Ordinance Amendment to Chapter 86, Article II-1, Section 86-31 Prohibited uses
Background Information:	<p>With the current trend to develop wind towers and all controversy surrounding those developments, it seems reasonable to limit this development at least within the city limits. Proposed restriction will still allow decorative or single use wind towers, but not commercial developments.</p> <p>At its September 24, 2024, meeting, Legislation and Ordinance committee also reviewed this change and recommended approval.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	<ol style="list-style-type: none"> 1. Motion to close public hearing. 2. Staff recommends the recommendation to the City Council approving the revisions amending Sec. 86-31 Prohibited uses by limiting wind tower construction.

Section 86-31 Prohibited Uses

- a) *Intent and purpose.* It is recognized there are some uses which, because of their very nature, have serious objectionable characteristics and are not compatible with the comprehensive plan, adjacent uses, or appropriate for location within the city. Special regulation of some uses is necessary to ensure that these adverse effects will not contribute to blight or downgrading of the value of surrounding properties, and to protect the health, welfare and safety of the public in general.
- b) *Prohibited uses.*
- 1) Wind towers exceeding maximum permitted building height or 50 feet, whichever is less~~Reserved~~.
 - 2) Open or subsurface mining ~~and processing~~ of earth, minerals, sand, gravel, stone or other raw materials.
 - 3) Incinerators for refuse disposal or refuse derived fuel generators for energy conversion systems.
 - 4) Explosives or fireworks manufacturing.
 - 5) Sanitary landfill operations for disposal of refuse.
 - 6) Free standing commercial furnaces.

**CITY OF MARSHALL
AGENDA ITEM REPORT
PC 10/09/24**

Presenter:	Ilya Gutman
Meeting Date:	Wednesday, October 9, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Conduct a Public Hearing on the Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts.
Background Information:	<p>The current ordinance prohibits fuel tanks over 50 gallons in residential areas. This provision was intended to limit a possibility of using propane to heat the entire house, thus minimizing potential fire danger and unsightly appearance. On the other hand, smaller tanks were permitted to allow for enough fuel for a fireplace or garage heater in otherwise electrically heated houses. It was recently brought up that even a 100-gallon tank will not be enough to provide heat for the entire dwelling, making it reasonable to increase the maximum tank size to 100 gallons. Provision for screening it with a fence will stay.</p> <p>At its September 24, 2024, meeting, Legislation and Ordinance committee also reviewed this change and recommended approval.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	<ol style="list-style-type: none"> 1. Motion to close public hearing. 2. Staff recommends the recommendation to the City Council approving the revisions amending Sec. 86-165 Structures in Residential Districts to allow tanks up to 100 gallons.

Section 86-165 Structures In Residential Districts

For all permitted non-accessory structures in the R-1, R-2, R-3 and R-4 Districts, the following shall apply:

- (a) Such structures shall comply with all applicable zoning regulations for the zone in which they are located and with all applicable state statutes and codes.
- (b) A building permit and any other required permits shall be obtained for such structures.
- (c) No such structures shall have a footprint of less than 800 square feet, not including an attached garage, unless such garage has habitable space above.
- (d) No such structures shall have a dimension of less than 24 feet at its narrowest point, as measured from faces of exterior walls, in any direction, except entries, porches, and similar attachments.
- (e) Any such structure shall be placed on permanent building code compliant foundation that is continuous around the entire perimeter of the building except for decks, porches, or similar attached structures or rooms constituting less than 25 percent of the building footprint area.
- (f) Any such structure shall have exterior wall finish materials extend down to foundation or within 12 inches above grade, whichever is less. Wainscoting, if used, shall be minimum of 36 inches high.
- (g) Any such structure shall have a sloped roof with at least 3/12 pitch over at least half of the building; a flat roof is permitted over entire buildings larger than 1,200 square feet in footprint or taller than two stories.
- (h) No such structure shall use materials with exposed fasteners as an exterior finish, except sloped roofs.
- (i) In R-1 one family residence district, direct and independent connection to city utilities shall be required for each such structure and no exterior above-ground fuel tanks shall be allowed, except one tank, 10050 gallons or less, properly located and screened, may be permitted.
- U) In R-1 one-family residence district, not more than one such structure may be built on a single lot.
- (k) Nothing in this article shall prevent the regulation of uses of property by means of restrictive covenants.

(Code 1976, § 11.19(5); Ord. No. 732 2nd Series, § 1, 1-8-2019)

State law reference(s)-Manufactured home park to be conditional use in any district allowing buildings used or intended to be used by two or more families, Minn. Stat. § 462.357, subd. 1b.

HISTORY

Amended by Ord. [22-011](#) on 11/7/2022