

**CITY OF MARSHALL, MINNESOTA  
SUMMARY OF  
ORDINANCE NO. \_\_\_\_\_, SECOND SERIES  
FOR PUBLICATION**

**AN ORDINANCE AMENDING  
MARSHALL CITY CODE OF ORDINANCES**

The Common Council of the City of Marshall does ordain as follows:

Section 1: City Code of Ordinances, Chapter 18, Article V, Section 18-101 Installation, Chapter 86, Article IV, Sections 86-71 Classes and enumeration of districts, 86-97 R-1 One Family Residence District, 86-98 R-2 One- to Four-Family Residence District, 86-99 R-3 Low to Medium Density, Multiple-Family Residence District, 86-100 R-4 Higher Density, Multiple-Family Residence District, 86-101 R-5 Manufactured Home Park District, and 86-165 Manufactured Homes are hereby amended in their entirety.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. \_\_\_\_\_, Second Series. A copy of the entire Ordinance will be posted at the Marshall City Hall.

It is hereby directed that only the above Title and Summary of Ordinance No. \_\_\_\_\_, Second Series be published conforming to Minnesota Statutes §331A.01 with the following:

**NOTICE**

Persons interested in reviewing a complete copy of the Ordinance may do so at the office of the City Clerk/Finance Director, City Hall, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: These Ordinances shall take effect after their passage and summary publication.

Passed and adopted by the Common Council this 8<sup>th</sup> day of January, 2019.

THE COMMON COUNCIL

ATTEST:

\_\_\_\_\_  
Mayor of the City of Marshall, MN

\_\_\_\_\_  
City Clerk

Introduced on: December 18, 2018

Final Passage on: January 8, 2019

Published in the Marshall Independent: \_\_\_\_\_

Sec. 18-101. - Installation and maintenance.

- (a) *Permits required.* A permit to install a manufactured home must be obtained and applicable fees paid by the owner, installer or their agent, before installation. Applications for ~~an installation~~ a building permit shall be obtained from ~~the office of the city engineer~~. The building official shall issue the ~~installation~~ building permit after obtaining reasonable assurance of compliance with this Code and the building code. A separate building permit is required after initial manufactured home installation for any construction work, including, but not limited to, reroofing, residing, interior remodeling, deck, accessory building, and furnace or water heater replacement.
- (b) *Requirements Installation.* Manufactured homes must be installed in compliance with the state building code and other applicable regulations, including the installation of anchoring equipment and proper site preparation and grading. Installation must be completed and skirting installed within 30 calendar days from the date of move-in, unless a manufactured home is installed on permanent continuous foundation enclosing the basement or crawl space. Used manufactured homes shall be inspected by the City prior to installation to confirm proper smoke and CO alarms and egress windows, working furnace, water heater, and plumbing fixtures, integrity of the exterior envelope, and safe electrical system. All deficiencies found during this inspection shall be corrected prior to installation and occupancy.
- (c) *Skirting required.* Skirting is the vertical enclosure of space directly beneath the perimeter of the manufactured home not installed on permanent continuous foundation enclosing basement or crawl space. The skirting material must be durable and weather resistant, of vinyl, metal, other noncombustible material, or three-eighths of an inch minimum thick wood treated for ground contact. At least one 24-inch × 30-inch access panel must be provided for inspection and maintenance. A screened or louvered ventilation opening with a net area of 36 square inches each must be installed within two feet of each corner and in each 25 linear feet of skirting to prevent undercarriage deterioration. The skirting shall be maintained at all times as described above and shall be repaired or replaced if it becomes noncompliant.
- (d) *Pre-code manufactured homes.* Manufactured homes built prior to HUD CRF 3280 Standards, effective June 15, 1976, or built prior to individual states inspection and certification in accordance with ANSI Standards A119.1, effective July 1, 1972, are prohibited from being installed within the city.

**Commented [IG1]:** We do it as a building permit now

**Commented [IG2]:** To emphasize code requirement

**Commented [IG3]:** Consistent with Chapter 18, Article III, Moving Buildings

**Commented [IG4]:** Broken skirting is a big problem

(Code 1976, § 4.03(1)—(4))

Sec. 86-71. - Classes and enumeration of districts.

For the purpose of this chapter, the city is hereby divided into classes of districts which shall be designated as follows:

- (1) *Agricultural district:* A agricultural district.
- (2) *Residence districts:*
  - a. R-1 one-family residence district;
  - b. R-2 one- to four-family residence district;
  - c. R-3 low to medium density multiple-family residence district;
  - d. R-4 higher density multiple-family residence district;

(2A) Special residence districts:

- a. ~~R-5~~ **M** manufactured home park district.

- (3) *Business districts:*
  - a. B-1 limited business district;
  - b. B-2 central business district;
  - c. B-3 general business district;
  - d. B-4 shopping center business district.
- (4) *Industrial districts:*
  - a. I-1 limited industrial district;
  - b. I-2 general industrial district.

**Commented [IG1]:** Mobile home park is not a continuation of the rest of residential districts – it should be distinguished

(Code 1976, § 11.05(1))

**State Law reference**— Districts authorized, Minn. Stat. § 462.357, subd. 1.

Sec. 86-97. - R-1 one-family 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 residential areas for one-family detached dwellings.

- (b) *Permitted uses.* The following uses shall be permitted in the R-1 residence district:

Churches, provided that no building shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.

One-family ~~detached dwelling~~ manufactured homes ~~under the conditions set forth in section 86-165, occupied by persons related by blood, marriage or adoption, or by three unrelated persons.~~

**Commented [IG1]:** Manufactured homes have to stay as a separate category because they are not the same as detached dwelling listed here

Residential facility serving six or fewer individuals.

Day care facility serving 14 or fewer individuals.

One-family detached dwellings, occupied by persons related by blood, marriage, adoption, or by three unrelated persons, ~~with minimum dimensions of 24 feet and minimum footprint size of 500 square feet.~~

**Commented [IG2]:** It's now in a different section

- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-1 residence district:

Accessory uses customarily incidental to the uses permitted in this section, ~~such as private vehicle garages and storage sheds.~~

Accessory building ~~of not more than 1,000 square feet in floor area~~ complying with ~~S~~section 86-163.

**Commented [IG3]:** Area limitations are in Accessory Buildings section

Accessory equipment complying with ~~S~~section 86-164.

Fallout shelters.

Keeping of not more than two boarders and/or roomers by a resident family.

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.

~~Private s~~Solar energy collectors and systems.

~~Private Radio t~~Towers and antennas complying with ~~D~~ivision 6.

- (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 district by conditional use permit:

**Commented [IG4]:** The rest of the section will have to be looked at again later

Bed and breakfast facility meeting the conditions of section 86-51.

Fire stations, community center buildings, public libraries, museums, art galleries, post office, greenhouses (excluding commercial), and essential public utility structures.

Golf course and clubhouse, country club, public swimming pool, private swimming pool serving more than one-family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.

Keeping of three or more roomers or boarders.



Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50 except motor vehicle repair, tobacco sales, sales of alcoholic beverages, adult entertainment, adult book or video sales, motor vehicle or machinery sales, or restaurants are not permitted.

Other residential uses of the same general character as listed in subsection (b).

Parks and recreational areas.

Residential facility serving more than six individuals.

Day care facility serving more than 14 individuals.

School, public or private, kindergarten through grade 12.

Two-family dwellings under single ownership, joint ownership or tenants in common.

Two-family dwellings under split ownership under the following conditions:

- (1) The dwelling have separate utility service lines to each unit.
- (2) The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings.
- (3) Proper separation of units exist as provided by the building code.
- (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- (5) The dwelling location on the lot be compatible with the neighborhood.
- (6) Landscaping, fencing, grading, exterior lighting, and driveway conform to the surrounding neighborhood.
- (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- (8) The dwellings shall be a maximum height of two stories.
- (9) Not more than 50 percent of the lot area shall be occupied by buildings.
- (10) No unit shall be eligible under this [use] unless the division of the dwelling occurs along the lot lines.

(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 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 adopted city thoroughfares plan.
  - c. Where a lot or plot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot.
  - d. No accessory buildings shall project beyond the front yard line of any street.
- (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.
- (4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot or plot depth, or 18 percent of the lot or plot depth for a corner lot.

- (5) *Lot or plot area regulations.*
  - a. Every lot or plot upon which a one-family dwelling is erected 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 on which a one-family dwelling or a two-family dwelling is erected shall have a minimum width of not less than 70 feet at the building setback line, and a minimum depth of not less than 110 feet.
- (f) *Supplemental regulations.* Additional regulations in the R-1 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)

Sec. 86-98. - R-2 one- to four-family residence district.

**Commented [IG1]:** Only changes in conjunction with manufactured home related amendments have been made. Full review will still be required.

- (a) *Intent; scope.* This section applies to the R-2 one- to four-family district. This R-2 district is intended to create, preserve and enhance residential areas for single-family dwellings, townhouses and apartment buildings (containing no more than four dwelling units), for the purpose of achieving a mix of housing types and densities.

- (b) *Permitted uses.* The following uses shall be permitted in the R-2 residence district:

Churches, provided that no building shall be located within 25 feet of any lot line of any abutting lot in any of the classes of residence districts.

Golf courses, except clubhouses, miniature golf courses, and driving ranges operated for commercial purposes.

Manufactured homes ~~under the conditions of section 86-165.~~

Multiple-family dwellings, apartment buildings or townhouses, containing not more than four dwelling units.

Parks and recreational areas owned or operated by governmental agencies.

Residential facility serving 16 or fewer individuals, or day care facility serving 14 or fewer individuals.

Single-family detached dwellings ~~with minimum dimensions of 24 feet and minimum footprint size of 500 square feet.~~

Two-family dwellings under single ownership, joint ownership or tenants in common.

Two-family dwellings under split ownership under the following conditions:

- (1) The dwelling have separate utility service lines to each unit.
- (2) The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings for the life of the dwelling.
- (3) Proper separation of units exist as provided by the building code.
- (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- (5) The dwelling location on the lot be compatible with the neighborhood.
- (6) A landscaping, fencing and grading plan, exterior lighting plan, construction plan, floor plan and driveway plan conform to the surrounding neighborhood.
- (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- (8) The dwellings shall be a maximum height of two stories.
- (9) Not more than 50 percent of the lot area shall be occupied by buildings.
- (10) No unit shall be eligible under this use unless the division of the dwelling occurs along the lot lines.

- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-2 residence district:

Accessory uses customarily incident to the uses permitted in subsections (a) and (b).

Fallout shelters.

Private garage.

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.

Solar energy collectors and systems.

Storage garages where the lot is occupied by a multiple-family dwelling.

- (d) *Conditional uses.* All conditional use permits for the R-2 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general 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-2 residence district by conditional use permit:

Automobile parking lots or garages, excluding repairs.

Golf clubhouse, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.

Manufactured home park meeting all requirements of Section 86-101 and all additional conditions established by the Council in accordance with Section 86-49.

Municipal or other government administration buildings, police or fire stations, community center buildings, public libraries, museums, art galleries, post office substations, greenhouses (excluding commercial), and essential public utility structures.

Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.

Other residential uses of the same general character as listed in subsection (b).

Schools: public, parochial or private; not operated for profit; kindergarten through twelfth grade; offering a curriculum equivalent to the public school system.

Residential facility serving more than 16 individuals, or a day care facility serving more than 14 individuals.

~~State Law reference — 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.~~

- (e) *Height, yard, area and lot width and depth regulations.* Height, yard, area and lot width and depth regulations for the R-2 district are as follows:
- (1) *Height regulations.* No building hereafter erected or altered shall exceed three stories or 25 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 on each street side of a corner lot. No accessory buildings shall project into the front yard line on either street.
  - (3) *Side yard regulations.*
    - a. There shall be a side yard on each side of a building, each having a width of not less than five feet for buildings not exceeding 20 feet in height.



- b. For buildings exceeding 20 feet in height, there shall be a side yard on each side of a building having a width of five feet plus one-foot of side yard for each one-foot of building height over 20 feet.
- (4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot depth, or 18 percent of the lot depth for corner lots.
- (5) *Lot area regulations.*
  - a. Every lot upon which a multiple dwelling is erected or altered shall contain an area of not less than 11,500 square feet for a three-family dwelling, plus 1,500 square feet for each additional dwelling unit.
  - b. Every lot upon which a one-family dwelling is erected or altered shall contain an area of not less than 8,000 square feet and shall contain 9,000 square feet for a two-family dwelling.
  - c. Where a lot has less area than required in this subsection (e)(5), and was vacant and of record at the time of the passage of this chapter, that lot may be used only for single-family dwelling purposes.
- (6) *Lot coverage regulations.* Additional regulations in the R-2 residence district are set forth in article VI.

(Code 1976, § 11.08; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-2000; 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)

**State Law reference—** Conditional uses, Manufactured home park, Minn. Stat. § 462.357, subd. 1b.

Sec. 86-99. - R-3 low to medium density, multiple-family residence district.

**Commented [IG1]:** Only changes in conjunction with manufactured home related amendments have been made. Full review will still be required

- (a) *Intent; scope.* This section applies to the R-3 low to medium density, multiple-family district. This R-3 district is intended to create, preserve and enhance residential areas for multifamily use at low to medium densities (up to eight dwelling units) for families and singles. It is typically appropriate as a transition area between low density residential districts and high intensity residential or business districts.
- (b) *Permitted uses.* The following uses shall be permitted in the R-3 residence district:
- Assisted living facility.
  - Boardinghouses and lodginghouses; convalescent, nursing and rest homes.
  - Churches.
  - Congregate living facility.
  - Golf courses, except clubhouses, miniature golf courses and driving ranges operated for commercial purposes.
  - Manufactured homes ~~under the conditions of section 86-165.~~
  - Multiple-family dwellings, apartment buildings or townhouses, containing not more than eight dwelling units.
  - Parks and recreational areas owned or operated by governmental agencies.
  - Residential facility serving 16 or fewer individuals, or day care facility serving 14 or fewer individuals.
  - Single-family detached dwellings ~~with minimum dimensions of 24 feet and minimum footprint size of 500 square feet.~~
  - Two-family dwellings under single ownership, joint ownership or tenants in common.
  - Two-family dwellings under split ownership under the following conditions:
    - (1) The dwelling have separate utility service lines to each unit.
    - (2) The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings for the life of the building.
    - (3) Proper separation of units exist as provided by the building code.
    - (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
    - (5) The dwelling location on the lot be compatible with the neighborhood.
    - (6) A landscaping, fencing and grading plan, exterior lighting plan, construction plan, floor plan and driveway plan conform to the surrounding neighborhood.
    - (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
    - (8) The dwellings shall be a maximum height of two stories.
    - (9) Not more than 50 percent of the lot area shall be occupied by buildings.
    - (10) No unit shall be eligible under this use unless the division of the dwelling occurs along the lot lines.
- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-3 residence district:

Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.

Fallout shelters.

Private garage.

Private swimming pool when completely enclosed within a chainlink or similar fence five feet high.

Solar energy collectors and systems.

Storage garages where the lot is occupied by a multiple-family dwelling.

- (d) *Conditional uses.* All conditional use permits for the R-3 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general 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-3 residence district by conditional use permit:

Golf clubhouse, country club, public swimming pool, private swimming pool serving more than one-family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.

Heliport use when associated with a hospital use, located no less than 500 feet from an abutting property line of any residential use.

Hospitals.

Manufactured home park meeting all requirements of Section 86-101 and all additional conditions established by the Council in accordance with Section 86-49.

Medical clinics.

Multiple-family dwellings, apartment buildings or townhouses, containing more than eight dwelling units, but not more than 12 units.

Municipal or other government administration buildings, police or fire stations, community center buildings, public libraries, museums, art galleries, post office substations, greenhouses (excluding commercial), and essential public utility structures.

Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.

Other residential uses of the same general character as listed in subsection (b) of this section.

Residential facility serving more than 16 individuals, or a day care facility serving more than 14 individuals.

Schools: public, parochial, or private; not operating for profit: kindergarten through twelfth grade; offering a curriculum equivalent to the public school system.

~~State Law reference — 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.~~

- (e) *Height, yard, area and lot width and depth regulations.* Height, yard, area and lot width and depth regulations for the R-3 district are as follows:

- (1) *Height regulations.* No building hereafter erected or altered shall exceed three stories or 35 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 adopted city thoroughfares plan.
- c. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard of either street.

(3) *Side yard regulations.*

- a. There shall be a side yard on each side of a building, each having a width of not less than ten feet for buildings not exceeding 20 feet in height.
- b. For buildings exceeding 20 feet in height, there shall be a side yard on each side of a building having a width of ten feet, plus one foot of side yard for each one foot of building height over 20 feet.

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

(5) *Lot area regulations.*

- a. Every lot upon which a multiple dwelling is erected or altered shall contain an area of not less than 11,500 square feet for a three-family dwelling plus 1,500 square feet for each additional dwelling unit.
- b. Every lot upon which a one-family dwelling or a two-family dwelling is erected or altered shall contain an area of not less than 8,000 square feet.
- c. Where a lot has less area than required in this subsection (e)(5), and was vacant and of record at the time of the passage of this chapter, that lot may be used only for single-family dwelling purposes.

(6) *Lot coverage regulations.* Not more than 50 percent of a lot shall be occupied by building.

(f) *General regulations.* Additional regulations in the R-3 residence district are set forth in article VI of this chapter.

(Code 1976, § 11.09; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-2000; Ord. No. 512 2nd series, § 1, 3-1-2004; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 712 2nd series, § 1, 9-13-2016)

**State Law reference— Conditional uses, Manufactured home park, Minn. Stat. § 462.357, subd. 1b.**



Sec. 86-100. - **R-4 higher density, multiple-family residence district.**

**Commented [IG1]:** Only changes in conjunction with manufactured home related amendments have been made. Full review will still be required

- (a) *Intent; scope.* This section applies to the R-4 high density, multiple-family district. This R-4 district is intended to create, preserve and enhance residential areas for multifamily use at high densities (over eight dwelling units per structure) for families and singles. It is typically appropriate in areas of good accessibility to thoroughfares, open space, public transportation, public community centers, libraries, education institutions, and commercial centers.

- (b) *Permitted uses.* The following uses shall be permitted in the R-4 residence district:

Assisted living facility.

Boardinghouses and lodgishouses; convalescent, nursing and rest homes.

Congregate living facility.

Churches.

Golf courses, except clubhouses, miniature golf courses and driving ranges operated for commercial purposes.

Manufactured homes ~~under the conditions of section 86-165.~~

Multiple-family dwellings, apartment buildings or townhouses containing more than eight dwelling units.

Parks and recreational areas owned or operated by governmental agencies.

Residential facility serving 16 or fewer individuals, or day care facility serving any number of individuals.

Single-family detached dwellings ~~with minimum dimensions of 24 feet and minimum footprint size of 500 square feet.~~

Two-family dwellings under single ownership, joint ownership or tenants in common.

Two-family dwellings under split ownership under the following conditions:

- (1) The dwelling have separate utility service lines to each unit.
- (2) The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings for the life of the building.
- (3) Proper separation of units exist as provided by the city building code.
- (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- (5) The dwelling location on the lot be compatible with the neighborhood.
- (6) Landscaping, fencing, grading, exterior lighting, construction and driveway conform to the surrounding neighborhood.
- (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- (8) The dwellings shall be a maximum height of two stories. Not more than 50 percent of the lot area shall be occupied by buildings.
- (9) No unit shall be eligible under this use unless the division of the dwelling occurs along the lot lines.

- (c) *Permitted accessory uses.* Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.
- (d) *Conditional uses.* All conditional use permits for the R-4 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general 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-4 residence district by a conditional use permit:

Business and professional office buildings.

College, university, post high school education or training institution, or seminary; public or private; with the nearest building line to property line distance of 150 feet to any single family dwelling property.

Heliport use when associated with a hospital use, located no less than 500 feet from a property line of any residential use.

Hospitals.

Manufactured home park meeting all requirements of Section 86-101 and all additional conditions established by the Council in accordance with Section 86-49

Medical clinics.

Municipal or other government administration buildings, police or fire stations, community center buildings, public libraries, museums, art galleries, post office substations, greenhouses (excluding commercial), and essential public utility structures.

Neighborhood convenience stores.

Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.

Other residential uses of the same general character as listed in subsection (b).

Residential facility serving more than 16 individuals.

Schools: public, parochial, or private; not operated for profit; kindergarten through twelfth grade; offering a curriculum equivalent to the public school system.

~~State Law reference — 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.~~

- (e) *Height, yard, area and lot width and depth regulations.* Height, yard, area and lot width and depth regulations for the R-4 district are as follows:
- (1) *Height regulations.* No building hereafter erected or altered shall exceed three stories or 35 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 adopted city thoroughfares plan.

- c. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard of either street.
- d. No front yard shall be required in the downtown business district.

(3) *Side yard regulations.*

- a. There shall be a side yard on each side of a building, each having a width of not less than ten feet for buildings not exceeding 20 feet in height.
- b. For buildings exceeding 20 feet in height, there shall be a side yard on each side of a building having a width of ten feet, plus one foot of side yard for each one foot of building height over 20 feet.
- c. No side yard shall be required in the downtown district.

(4) *Rear yard regulations.*

- a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth.
- b. No rear yard shall be required in the downtown district.

(5) *Lot area regulations.*

- a. Every lot upon which a multiple dwelling is erected or altered shall contain an area of not less than 11,500 square feet for a three-family dwelling, plus 1,500 square feet for each additional dwelling unit.
- b. Every lot upon which a one-family dwelling or a two-family dwelling is erected or altered shall contain an area of not less than 8,000 square feet.
- c. Where a lot has less area than required in this subsection (e)(5), and was vacant and of record at the time of the passage of this chapter, that lot may be used only for single-family dwelling purposes.

(6) *Lot coverage regulations.* Not more than 40 percent of a lot shall be occupied by building. No lot coverage restrictions apply in the downtown district.

- (f) *General regulations.* Additional regulations in the R-4 residence district are set forth in article VI of this chapter.

(Code 1976, § 11.10; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-2000; Ord. No. 512 2nd series, § 1, 3-1-2004; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 712 2nd series, § 1, 9-13-2016)

**State Law reference—** Conditional uses, Manufactured home park, Minn. Stat. § 462.357, subd. 1b.

Sec. 86-101. - R-5M manufactured home park district.

(a) *Intent; scope.* This section applies to the R-5M manufactured home park district. This R-5M district is intended to create, preserve and enhance areas for ~~the location of manufactured homes and~~ the development of manufactured home parks.

Commented [IG1]: Redundant

(b) *Permitted uses.* The following uses shall be permitted in the R-5M district:

Manufactured home parks of ten or more sites.

Parks and recreational areas ~~owned or operated by governmental agencies.~~

Commented [IG2]: We should encourage park owners to have green areas

Residential facility serving six or fewer individuals, or a day care facility serving ~~14~~ ten or fewer individuals.

Commented [IG3]: Statutory

Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures and facilities ~~serving the manufactured home park.~~

Commented [IG4]: It's all mostly private land

(c) *Permitted accessory uses.* The following accessory uses shall be permitted in the R-5M district:

Accessory uses customarily incident to the uses permitted in subsections (a) and (b).

Fallout and/or storm shelters.

~~Keeping of not more than two boarders and/or roomers by a resident family; provided, however, that the council may grant a special permit to keep more than two boarders and/or roomers for one year at a time upon proof of compliance by the applicant for such special permit with the provisions of this chapter prescribing the required number of off-street parking spaces. Facilities required or customarily provided in manufactured home park such as office, laundry, and public toilets.~~

Commented [IG5]: Manufactured homes don't have basements, so they are not equipped in most cases to allow for roomers

Commented [IG6]: If we require them, they should be permitted

Private garage.

Private swimming pool or 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.

Solar energy collectors and systems.

Storage ~~sheds~~ garages.

(d) *Conditional uses.* All conditional use permits for the R-5M district may only be issued if the proposed use meets the specific requirements of this section and also meets the general 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-5M district by conditional use permit:

Day care facility for more than 14 individuals, when located within a permanent structure, ~~and used by park occupants only.~~

Commented [IG7]: We have a shortage of day cares throughout

~~Offices of persons and~~ Home occupations ~~in existing structures~~ when they meet the specific conditions of section 86-50.

Commented [IG8]: This term is redundant and will be corrected later in the main home occupation section

(e) *Manufactured home park regulations.* Manufactured home park regulations for the R-5M district are as follows:

(1) *Yard and separation regulations.*

- a. No manufactured home site, off-street parking space or ~~any~~ building shall be located within 20 feet of the ~~non-frontage~~ boundary of any manufactured home park. ~~Such required boundary perimeter yard shall be fully landscaped and shall include minimum 6-foot-high~~



~~screening with live vegetation or a maintenance-free opaque fence and at least one tree per 30 feet of the boundary length. Manufactured home park frontage boundary yards facing public streets shall be not less than 25 feet except 35 feet is required for boundary yards facing thoroughfares.~~

**Commented [IG9]:** Will add privacy to both park residents and surrounding areas.

- b. No manufactured home, ~~including any attached and unattached structures~~, shall be installed less than 15 feet from the front ~~site lot~~ line abutting a private street and 25 feet from the front ~~site lot~~ line abutting a public street.

**Commented [IG10]:** To align terminology with definitions and descriptions

- c. No manufactured home, ~~including any attached structures~~, shall be installed less than 15 feet from rear to rear, nor 20 feet from side to side or side to rear ~~of another manufactured home~~.

- d. ~~No detached accessory structure shall be installed less than 5 feet from manufactured home or other accessory structure.~~

**Commented [IG11]:** Standard accessory structures distances

(2) *Site coverage and area regulations.*

- a. Each manufactured home site shall have a minimum area of 5,000 square feet ~~with a minimum frontage of 50 feet~~.

**Commented [IG12]:** Minimum frontage is necessary to fully define the sites

- b. The occupied area of a manufactured home site shall not exceed 50 percent of the total area of the site. This restriction shall apply to ~~total~~ coverage by the home, parking space and any attached or detached structures.

- c. ~~No more than one manufactured home shall be installed within an individual site.~~

**Commented [IG13]:** Just in case someone thinks of that...

(3) *Parking ~~and landscaping~~ regulations.*

- a. ~~In addition to parking space required on the individual manufactured home sites, the park shall provide one parking space (250 square feet per space), for every four developed sites, for off-street parking. Such parking spaces shall be conveniently located to the sites they are to serve.~~

- ~~a.b.~~ No on-street parking shall be permitted.

- b.e. There shall be ~~at least 440 square feet of~~ concrete or bituminous paved parking space on each site ~~with minimum dimensions of 18 feet by 18 feet~~. Such space shall be more than five feet from a manufactured home.

**Commented [IG14]:** Minimum size to accommodate two vehicles

- c. ~~In addition to parking space required on the individual manufactured home sites, the park shall provide one parking space (200 square feet per space), for every four developed sites, for off-street parking. Such parking spaces shall be conveniently located to the sites they are to serve.~~

**Commented [IG15]:** More logical location than the first item. Necessary since street parking is prohibited (who enforces?). Ratio is the same as for apartments.

- d. The front yard shall be landscaped except for the driveway and parking which shall not exceed one-half of the ~~front yard area~~. ~~At least one tree shall be provided per each manufactured home site.~~

**Commented [IG16]:** Consistent with standard landscaping requirements.

- e. ~~Except for one unit stored in accordance with Section 74-131 of this Ordinance, a~~ All boats, boat trailers, snowmobiles, hauling trailers and all other equipment not stored within the ~~manufactured home or~~ utility structures shall be stored in a separate area provided by the park, and not on the sites occupied by manufactured homes nor upon the streets within the manufactured home park. ~~Such storage area shall be clearly identified and screened from the rest of the park.~~

**Commented [IG17]:** Other residential districts allow up to three units so it's only fair that here they can store one rather than none

(4) *Site regulations.*

- a. It shall not be permitted to construct, erect, ~~or attach, or cause to be constructed, erected, or attached~~ any enclosed room, wing, ~~garage~~, annex, entrance or other similar structure to any manufactured home or site unless the same is so designed and constructed of compatible material retaining the basic design of the original manufactured home; ~~provided further that the total of such additional structure or structures shall not exceed 25 percent of the square footage of the manufactured home or 50 percent of the lot area.~~

**Commented [IG18]:** Redundant

**Commented [IG19]:** Redundant

- b. A concrete or bituminous paved walkway at least three feet wide shall be provided between the street walk and the manufactured home entrance.
- c. Each manufactured home site shall be identified by street address number, which should be minimum 4-inch high, of contrasting color, and conspicuously posted.
- d. Each site shall have a concrete or bituminous paved patio of at least 100 square feet of area. All manufactured homes shall be installed and maintained in accordance with Section 18-101 and 38-93 of this Ordinance. All manufactured homes shall be maintained in good repair, including sanitary and structural conditions.

**Commented [IG20]:** There must be some standard if we are listing this as a requirement

**Commented [IG21]:** Too much to require?

**Commented [IG22]:** Cross reference to installation and maintenance section

(5) *Park standards.*

- a. Each manufactured home park shall have an office which is distinctly marked. Provisions shall be made for an adult caretaker to be on duty at the park during regularly scheduled business hours at all times. The manufactured home park office shall maintain a registry showing the names and addresses of each resident and the make, type and license of each manufactured home and recreational vehicles and automobile belonging to occupants of the manufactured home sites along with dates of arrival and departure for each unit.
- b. No person, except manufactured home park owner, shall own more than ten percent of the number of manufactured homes that may be placed within the manufactured home park.
- c. It shall be the responsibility of the manufactured home park owners to see that good housekeeping and living conditions are maintained in the manufactured home park at all times, that the park operates in compliance with all applicable codes, rules, and regulations, and that all residents are aware of such requirements.
- d. Up to 10 percent of sites may be used for temporary recreational vehicle parking and occupancy for no longer than 30 days. Approval may be granted by the zoning administrator for transient occupancy. Up to 10 percent of manufactured homes owned by manufactured home park owner may be used for transient occupancy. The remainder of the sites shall be leased to owner occupied manufactured homes for a period of not less than 30 days occupancy.
- e. The owner of a manufactured home park shall remove snow from and maintain all street and sidewalk areas within the park in good conditions, including timely snow removal and surface repairs.
- f. The owner of a manufactured home park shall permit access at any reasonable hour to any and all premises or buildings in the park by the zoning administrator and enforcement officials at any time in performance of their duties.
- g. The sale of homes within a park shall be restricted to not more than 30 percent of the total number of homes that may be placed in the park, and their display shall be compatible with that of normally occupied units, and the use of advertising signs shall be permitted on the saleable homes and nowhere else.
- h. Each manufactured home park shall have one or more central community buildings providing the following facilities:
  - 1. Laundry facilities (if transient occupancy within the park).
  - 2. Showers (if transient occupancy within the park).
  - 13. Public toilets and lavatories.
  - 24. Storm shelter.
- i. Each manufactured home park shall have at least two access points to a public right-of way street which are is deemed adequate to serve the anticipated traffic generated by the park.

**Commented [IG23]:** At all times is not reasonable

**Commented [IG24]:** Item d. now allows RV's in the park making it more flexible

**Commented [IG25]:** Why should they keep track of automobiles?

**Commented [IG26]:** To complete the unit history

**Commented [IG27]:** Paul owns half of them

**Commented [IG28]:** Residents also have responsibilities

**Commented [IG29]:** This is only for temporary use

**Commented [IG30]:** With 10% limit on transient occupancy, approval is not needed

**Commented [IG31]:** Every manufactured home is supposed to have a shower and a washer

**Commented [IG32]:** In case one is blocked



j. ~~Provisions shall be made in plans for every manufactured home park to provide for a street fronting on e~~Each manufactured home site shall be fronting a street. Such streets may be either public or private as agreed upon between the manufactured home park developer and the city. Private streets shall have a minimum surface width of 28 feet, and a minimum right-of-way width of 40 feet. ~~Public street widths shall be as determined by the city engineer. All streets and~~ shall be of hard surface including curb according to standards specified by the city engineer. All dead-end streets shall be marked and shall be limited in length to 250 feet or terminate at cul-de-sac. Public street construction shall be as determined by the city engineer. Each street shall have sidewalks of at least four three feet in width for the entire length ~~on which manufactured home sites are fronted; such sidewalks shall meet accessibility requirements.~~

**Commented [IG33]:** Too wordy

**Commented [IG34]:** Too much to ask – don't exist now

**Commented [IG35]:** Common in other cities; allows for better traffic

**Commented [IG36]:** For accessibility

k. All utilities shall be underground.

l. Each manufactured home park shall provide public water and sewer facilities in accordance with standards determined by the city. Water facilities, sewage facilities and street lighting shall be installed and maintained by the owner of the manufactured home park.

m. At least five ten percent of the gross land area within each park shall be allocated designed for development for recreational purposes. Such spaces shall be developed and maintained by the owner of the park and shall contain, at a minimum, a children's playground and an open shelter.

**Commented [IG37]:** Ten is too much

**Commented [IG38]:** Without this specific requirement, provision is undefined

n. Fire hydrants shall be installed in accordance with the Fire Code and their design and placement shall be approved by the city fire chief.

o. ~~Water facilities, sewage facilities and street lighting shall be installed and maintained by the owner of the manufactured home park site. Mobile home parks grounds shall be kept free of litter, rubbish and other flammable materials. The storage, collection and disposal of refuse in the mobile home park shall not create a health hazard, rodent harborage, insect breeding ground, fire hazard or odor. The handling of solid waste must also conform to applicable City Code regulations~~

**Commented [IG39]:** So we do not need to refer to Housing Code

p. Adequate street lighting with intensity of at least 0.6 foot-candle on the ground shall be provided in all areas of the manufactured home park.

**Commented [IG40]:** Some standard specification

(f) *Required plans.* All manufactured home parks developed after January 1, 1998, shall be constructed in conformance with the standards of this subsection:

(1) Construction of manufactured home parks will not be permitted for development until the developer provides site and construction plans including the following:

- a. Location and size of the manufactured home park.
- b. Location and size of each site, office building, storm shelter, storage areas, recreation areas, laundry facilities, roadways and parking sites.
- c. Detailed landscaping boundary screening plans and specifications.
- d. Location and width of sidewalks.
- e. Plans for sanitary sewer disposal, surface drainage, including grading, water systems, electrical services and fuel systems.
- f. Location and detailed plans for all streets and proposed driveways within the park.
- g. Complete construction plans for all proposed structures, exclusive of manufactured homes.
- h. Such other information as determined necessary by the city engineer to ensure conformance with the requirements of this section.

(2) Manufactured home parks shall be developed in accordance with the subdivision chapter.

- (3) The developer shall provide copies of the above required plans and shall submit a detailed description of construction plans, stage development, if any, and a description of maintenance procedures and ground supervision, and methods proposed for disposal of garbage and refuse.
  - (4) Each manufactured home park shall be of sufficient size to contain at least ten fully developed sites and required accessory areas and buildings.
  - (5) The city shall require performance bonds in amounts adequate to ensure that development proposed in the plan submitted is actually completed.
  - (6) The developer of a manufactured home park shall provide evidence that the plans have been approved by the state department of health and that the developer will comply with all recommendations, suggestions and regulations specified by that department.
- (g) *General regulations.* Additional regulations in the R-~~5~~M residence district are set forth in article VI.

(Code 1976, § 11.11; Ord. No. 387 2nd series, § 1, 1-20-1998; Ord. No. 699 2nd series, § 1, 9-9-2015)

**Cross reference**— Manufactured homes, § 18-101 et seq.; manufactured homes and manufactured home parks and placement of travel trailers and travel vehicles, § 38-93.



Sec. 86-165. - ~~Manufactured homes~~ **Structures in Residential Districts**

~~Manufactured homes are allowed in R-1 through R-4 districts under the following conditions. For all permitted non-accessory structures in the R-1, R-2, R-3 and R-4 Districts, the following shall apply:~~

- (1) Such ~~homes~~ **structures** shall comply with all **applicable** zoning regulations for the zone in which they are located ~~and with all applicable State statutes and codes.~~
- (2) A building permit and any other required permits shall be obtained for such ~~manufactured homes~~ **structures**.
- (3) No such ~~homes~~ **structures** shall have ~~ground floor space~~ **a footprint** of less than 800 square feet ~~not including an attached garage, unless such garage has habitable space above.~~
- (4) No such ~~homes~~ **structures** shall have a **dimension width** 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.~~
- (5) ~~Any s~~Such ~~homes~~ **structure** shall be placed on permanent **Building Code compliant** foundations ~~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 which comply with the building code and which are solid for the complete circumference of the home.~~
- (6) Any such ~~manufactured home~~ **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 exterior siding extending from within six inches of the grade or within six inches of the concrete, which siding shall be of a conventional exterior dwelling type material.~~
- (7) Any such ~~manufactured home~~ **structure** shall have a **sloped pitched** roof ~~with of~~ 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 2 stories and shall be covered with shingles or tile and have eaves of not less than six inches.~~
- (8) ~~No~~ All such ~~manufactured homes~~ **structure** shall **use materials with exposed fasteners as an exterior finish** ~~be built in compliance with any state statutes regulating manufactured homes.~~
- (9) ~~In R-1 one family residence district, direct and independent~~ Connection to city utilities shall be required ~~for each such structure~~ and no exterior fuel tanks shall be allowed, ~~except one tank, 50 gallons or less, properly located and screened, may be permitted.~~
- (10) ~~The longest dimension of the structure shall be placed within the narrowest dimension of the lot. In R-1 one family residence district, not more than one such structure may be built on a single lot.~~
- ~~(11) Any metal siding shall have horizontal edges and overlap in sections no wider than 12 inches. Sheet metal siding is not permitted.~~
- (12) **Restrictive covenants.** Nothing in this article shall prevent the regulation of uses of property by means of restrictive covenants ~~which are valid except for this article.~~

**Commented [IG1]:** This section is now applicable to all structures in all residential districts (R-M is not a regular residential district)

**Commented [IG2]:** This now increases the minimum house (any house) size from previous 500 SF

**Commented [IG3]:** Will prevent a tiny house with an attached garage

**Commented [IG4]:** A portion of the house may be supported by posts and beams

**Commented [IG5]:** To maintain more traditional residential look with pitched roofs; larger houses and apartment buildings may have flat roofs

**Commented [IG6]:** No metal or wood sheets

**Commented [IG7]:** No common utilities for houses located on different lots in R-1

**Commented [IG8]:** Only one house per lot in R-1

(Code 1976, § 11.19(5))

**State Law reference**— ~~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.~~