



COTTAGE GROVE CITY COUNCIL

12800 RAVINE PARKWAY SOUTH
COTTAGE GROVE, MINNESOTA 55016

APRIL 27, 2022

**SPECIAL MEETING - 5:00 P.M.
TRAINING ROOM**

- 1 CALL TO ORDER
- 2 ROLL CALL
- 3 AGENDA ITEM
 - A City Code Recodification Workshop: Conditional Administrative Permits and City Code Title 11, Chapters 8 and 9
- 4 ADJOURNMENT



City Council Action Request

3A

Meeting Date 4/27/2022

Department Administration

Agenda Category Agenda Item

Title City Code Recodification Workshop: Conditional Administrative Permits and City Code Title 11, Chapters 8 and 9

Staff

Recommendation

Budget Implication N/A

Attachments	01 Memo from A Johnson.tif	8.23MB
	02 Conditional Administrative Permit.tif	1.58MB
	03 Title 11 Chapter 08 Final.tif	2.16MB
	04 Title 11 Chapter 09 Final.tif	12.77MB

To: Mayor Myron Bailey and Members of the Cottage Grove City Council
From: Amanda Johnson, Assistant City Attorney
Date: April 27, 2022
Subject: City Code Recodification Work Session – Title 11 – Chapter 8 & 9

INTRODUCTION

As you know, we have been working with City Staff to review and revise the City Code which will ultimately result in a recodification of the entire Code. Perhaps the area of the Code that requires the most attention is the Zoning Code. Much of the Zoning Code was written in the 1970's—there is no doubt the City has changed a lot since then. After thoughtful review, Staff has decided that a total repeal and replace of the Zoning Code is necessary.

The goal is to have a Zoning Code that is much more user friendly for citizens, developers, builders, and City Staff. The Zoning Code is also being updated to reflect the current policies, development trends, and culture of the City. Because it is so critical to get the Zoning Code correct, we are breaking it into smaller sections for Council to review and consider. In this memo, we will be examining the residential zoning districts. I have identified new sections or significant changes that are being proposed to draw your attention to them. Included with this packet are the proposed new zoning districts.¹

NEW ZONING TOOL – CONDITIONAL ADMINISTRATIVE PERMITS

As we reviewed other city's codes, we discovered that some cities utilize "Administrative Permits" for various uses. They use these permits for uses or activities that do not require the level of scrutiny and discretion needed for a Conditional Use Permit determination but still require a greater level of review than a permitted use. For example, many public utility or service structures such as transmission lines, substations, and communications equipment follow very clear performance standards and are highly regulated. Staff can easily take the application and required documentation and run it through a checklist to confirm that it complies with code. It requires no subjectivity or discretion on Staff's part to make that decision. In addition, some interim uses such as farmer's markets or greenhouses can be approved following a similar highly formulaic process.

¹ These are only drafts of the ordinances. After the Council approves of the ordinances, we will prepare final versions, which will involve the cleanup of grammar, sentence structure and typos, ensure numbering/lettering is consistent, eliminate unused numbers, renumber accordingly and then confirm that cross-references for sections and chapters are accurate.

We are calling these permits “Conditional Administrative Permits.” This new “permit” will allow a streamlined, efficient and cost-effective process for appropriate uses and activities. Importantly, the proposed approval process will still provide Staff the ability to determine that a project requires Council review. Attached please find the proposed procedures for these Conditional Administrative Permits. The procedures will be added to Chapter 2—Administration and Enforcement.

TITLE 11 – Chapter 8 **Agricultural Zoning Districts**

AG-1 – Agricultural Preservation District

Article A did not see many substantive changes. We removed any reference to specific performance standards for items such as farmer’s markets or home occupations. They can get lost easily in this Article of the Code, so instead they will be moved to Chapter 6 which is labeled “Performance Standards.”

- ***New*** Conditional Administrative Permits:
 - Communication/cellular towers
 - Public utility and service structures
 - Outdoor temporary seasonal sales

AG-2 – Agricultural District

Starting in Article B, you will notice that instead of simply referencing previous code sections for the list of uses, setbacks, etc, each district is explicitly defined and described in the code for that district. This will prevent interpretation errors or authorizing some use for a district unintentionally.

- ***New*** Conditional Administrative Permits:
 - Communication/cellular towers
 - Public utility and service structures
 - Outdoor temporary seasonal sales

TITLE 11 – Chapter 9 **Residential Zoning Districts**

R-1 – Rural Residential District

Removed performance standards for farmer’s markets and home occupations. We also removed performance standards for dog kennels; they are a conditional use and better served by an individual analysis under a conditional use permit.

- ***New*** Conditional Administrative Permits:
 - Some accessory buildings and structures
 - Communication/cellular towers
 - Public utility and service structures
 - Some essential services and structures

- Farmers' markets

R-2 – Residential Estate District

- ***New*** Conditional Administrative Permits:
 - Some accessory buildings and structures
 - Communication/cellular towers
 - Public utility and service structures
 - Some essential services and structures
 - Farmers' markets

R-2.5 & R-3 – Residential District and Single-Family Residential District

We removed “cluster developments” from the Development Standards. These were in the Code as a way to do a PUD type development before PUDs were added to the Code. The flexibility created by a cluster development can be achieved more effectively through the PUD process.

- ***New*** Conditional Administrative Permits:
 - Some accessory buildings and structures
 - Communication/cellular towers
 - Public utility and service structures
 - Some essential services and structures
 - Farmers' markets

Discussion Item: Should these districts be consolidated? They are very similar with minimal differences. Having both districts has created some confusion for Staff in the past as it is not clear why property may be designated one over the other. Both are single family residential districts. As you can see on the zoning map on the next page there are many properties zoned either R-2.5 or R-3 in the City. The light tan color on the map is R-2.5 and the yellow areas are R-3.

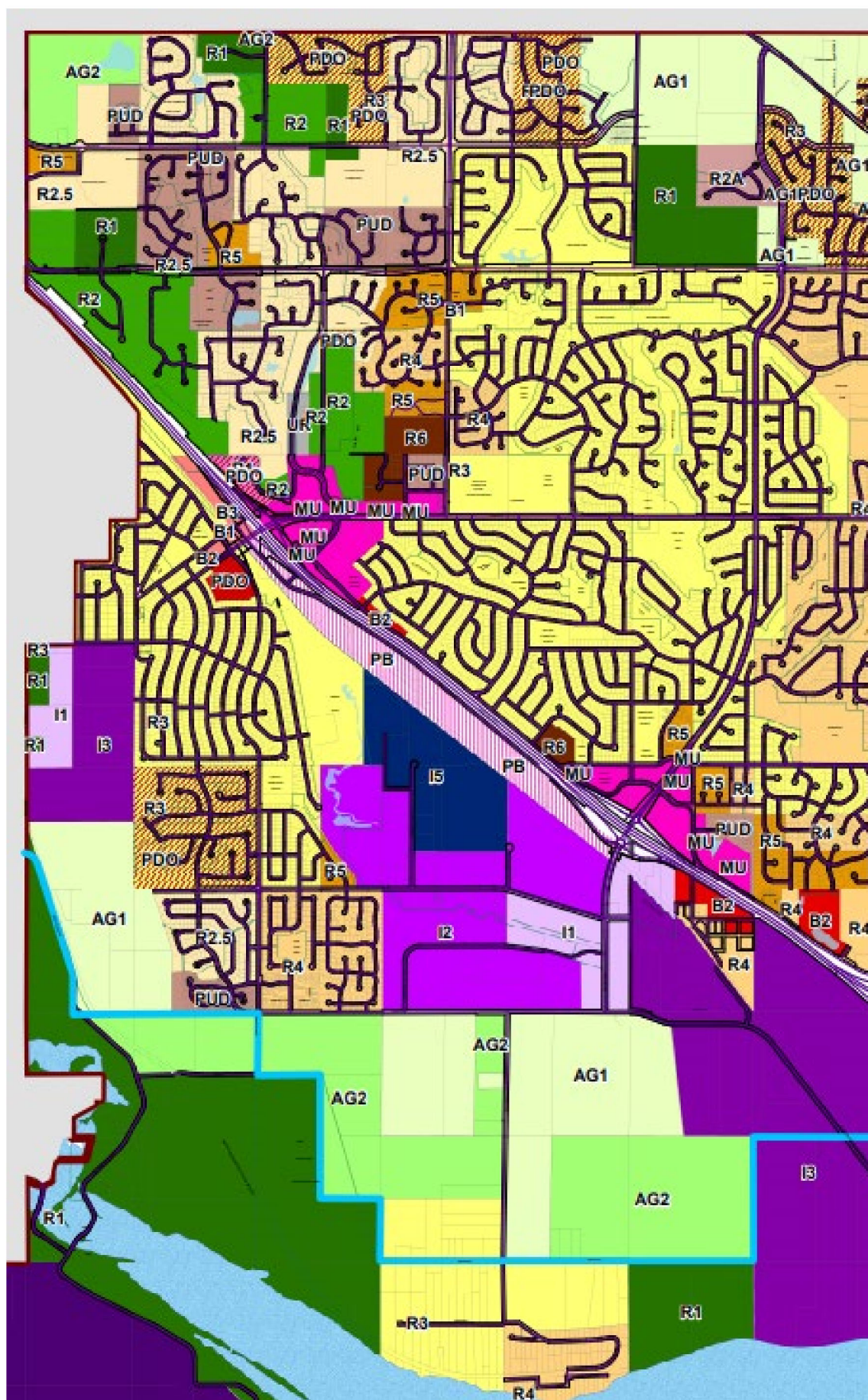
Staff is proposing to combine the districts, into a new R-3 district that would incorporate the least restrictive standards and uses from both districts. This will ensure we do not create legal non-conformities and reassure property owners that the change is for their benefit.

Zoning Code differences between R-2.5 and R-3:

	Current R-2.5	Current R-3	Proposed R-3
Uses		Allows cemeteries	Allow cemeteries
Lot area	11,000 square feet	10,000 square feet	remove
Lot width	85 feet	75 feet	65 feet
Lot length			120 feet
Front yard	30 feet	30 feet	25 feet
Rear yard	35 feet	35 feet	35 feet
Side yard	10 feet	10 feet	10 feet
Side yard, garage	10 feet	5 feet	5 feet
Maximum structure height	35 feet	35 feet	35 feet

Accessory structure	1	1	1
Accessory structure – total size	1,200	1,000	1,200

- ***New*** Reductions in lot sizes and setback requirements to better conform to what we have currently been allowing in PUDs and better reflect the modern trend of smaller lot sizes.
- ***New*** Proposed additional language to 11-3-2: “Front setbacks: Where the existing principal buildings on the adjacent properties have a greater setback than the minimum setback required in the zoning district, the front setback of the new principal structure shall not be less than the average of the existing principal buildings on the adjacent properties.” Because we are reducing the front yard setback, we want to protect existing neighborhoods where someone may build a new home or addition. In that situation, under this proposed language, they are limited to the same setback as the homes on either side of them.



R-4 – Transitional Residential District

We renamed this district “Transitional” because this is the first district to allow multi-family properties and transition away from single-family dwellings. We have removed the various ways of defining multi-family uses (townhomes, twinhomes, duplexes, apartment buildings, etc.) and instead use the term “multi-family dwellings.” The type of multi-family dwellings allowed in the district will be determined by the density requirements and development standards (for example, in R-4 where the maximum building height is 35 feet, it would not be possible to build a 4-story apartment building).

- ***New*** Conditional Administrative Permits:
 - Some accessory buildings and structures
 - Communication/cellular towers
 - Public utility and service structures
 - Some essential services and structures
 - Farmers’ markets
- ***New*** Reductions in lot sizes and setback requirements to better conform to what we have currently been allowing in PUDs and better reflect the modern trend of smaller lot sizes and building heights.

R-5 – Medium Density Residential District

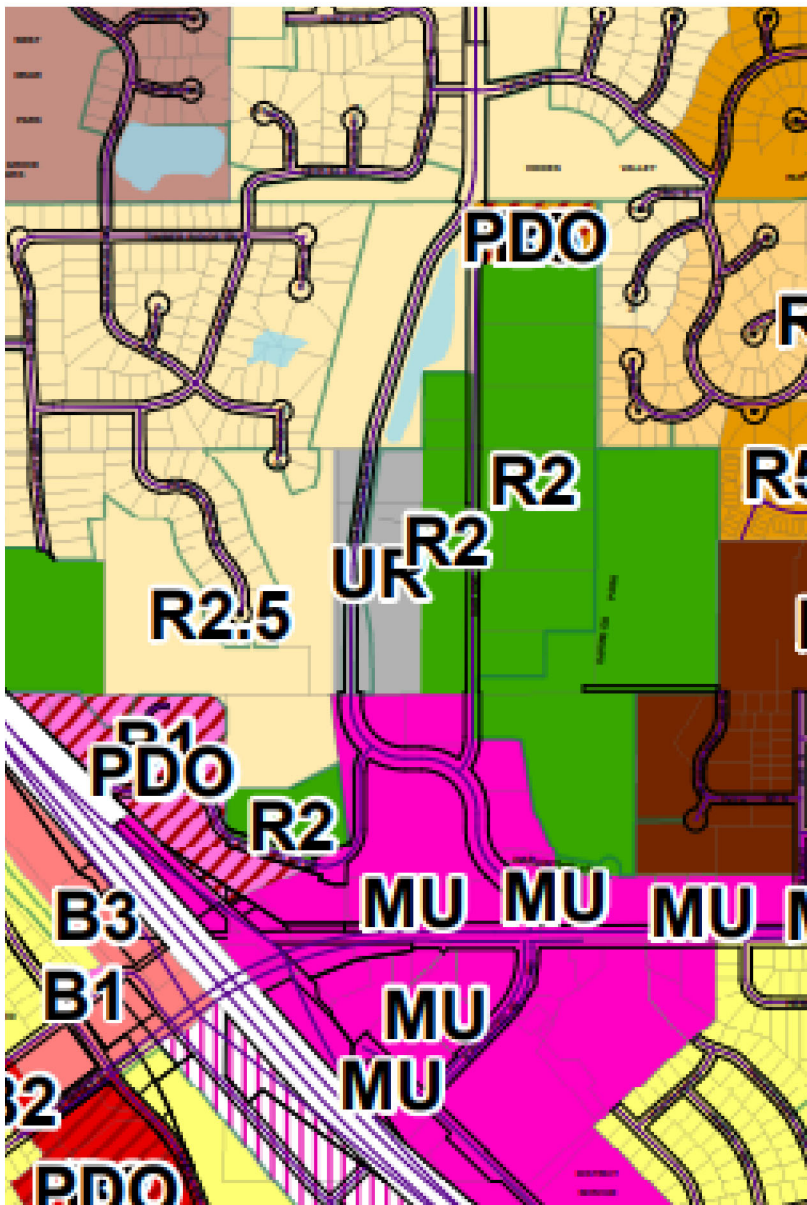
- ***New*** Conditional Administrative Permits:
 - Some accessory buildings and structures
 - Communication/cellular towers
 - Public utility and service structures
 - Some essential services and structures
 - Farmers’ markets
- ***New*** Reductions in lot sizes and setback requirements to better conform to what we have currently been allowing in PUDs and better reflect the modern trend of smaller lot sizes and building heights.

R-6 – High Density Residential District

- ***New*** Conditional Administrative Permits:
 - Some accessory buildings and structures
 - Communication/cellular towers
 - Public utility and service structures
 - Some essential services and structures
 - Farmers’ markets
- ***New*** Reductions in lot sizes and setback requirements to better conform to what we have currently been allowing in PUDs and better reflect the modern trend of smaller lot sizes and building heights and to bring this district more in line with our Mixed Use district which has similar type residential uses.

UR- Urban Reserve Residential

This district has been removed. This zoning district was created in 1996 and no longer serves the purpose for which it was intended. It was meant to be a transitional zoning district while the area around it became eligible for development. It was a problematic district because under the Comp Plan any transitional property should be zoned UR, but that is not in the best interest of the transitional properties. Currently, there are only a couple properties zoned UR and as you can see on the map below, a portion of those properties is already zoned R-2 (UR is in gray). Staff is proposing to rezone the remaining UR to R-2.



R-2A through R-2F Residential Districts

We have removed these districts. They were created 16 years ago as part of the East Ravine Master Plan, however only one development was zoned using these designations. The reality is these districts are not used and are unnecessary. They have very intense and specific design guidelines that no longer conform to current architecture style and trends and would not be useable for new development.

CONCLUSION

At the work session we will focus the discussion on the removal of the unused zoning districts and the introduction of the new zoning tool – conditional administrative permits, in addition to any other section you want to discuss in detail.

Following your review of the residential zoning districts, we will move forward to the remaining commercial, industrial, and mixed-use zoning districts for your consideration.

DRAFT

CHAPTER 2 ADMINISTRATION AND ENFORCEMENT

PURPOSE

The purpose of this section is to establish regulations and procedures for the processing and consideration of uses and activities allowed by conditional administrative permit. Conditional administrative permits are intended to be an efficient and cost-effective permitting process for uses and activities that do not require the scrutiny and discretion of a conditional use permit.

CONDITIONAL ADMINISTRATIVE PERMITS.

A. Procedure.

1. Requests for conditional administrative permits, as provided within this Title, shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner.
2. The application shall be accompanied by a fee as set forth in the City Code.
3. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Title. If the Zoning Administrator, in their sole discretion, determines that the application is not appropriate for a Conditional Administrative Permit, they shall return the application and fee and notify the applicant to reapply for approval with a Conditional Use Permit, subject to the requirements of _____.
4. The Zoning Administrator shall make a determination on approval or denial of the conditional administrative permit within 60 days from the date of submission of a complete application. Pursuant to Minnesota Statutes 15.99, City Staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period.
5. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Chapter shall be attached to the permit.
6. Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within 10 days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
7. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by _____ of this Title.

B. Information Requirement. The information required for all administrative permit applications shall include:

1. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
2. A copy of the approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
3. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary.
4. Information identified in _____ of this Title, as may be applicable.

C. Performance Standards. All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed.

D. Administration and Enforcement.

1. The Zoning Administrator shall keep a record of applications and conditional administrative permits.
2. A copy of all conditional administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
3. Enforcement of the provisions of this paragraph shall be in accordance with _____ of this Title. Violation of an issued permit or of the provisions of this section shall be grounds for denial of future permit applications.

E. Certification of Taxes Paid. Prior to approving an application for a conditional administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.

F. Expiration.

1. Events or activities requiring a conditional administrative permit. A conditional administrative permit for an event or activity shall become null and void upon completion of the event or activity that required the permit, or as may otherwise be specified on the face of the conditional administrative permit issued by the City.
2. Uses requiring a conditional administrative permit. Unless otherwise specified by the Zoning Administrator, an administrative permit required for a use or structure shall become null and void pursuant to the provisions of _____ of this Title.

CHAPTER 8 AGRICULTURAL DISTRICTS

ARTICLE A. AG-1 AGRICULTURAL PRESERVATION DISTRICT

11-8A-1: PURPOSE:

This District is intended to preserve areas of high-quality soils or highly productive agricultural capability to maintain and enhance the use of the land for long-term or permanent agricultural use and preserve the rural character of outlying areas of the city and agriculturally related uses in areas of the city not served by public sewer.

11-8A-2: PERMITTED USES:

The following are permitted uses in the AG-1 District:

1. Commercial agriculture and horticulture.
2. Farm buildings and pole barns.
3. Farm drainage and irrigation systems.
4. Forestry.
5. One single-family detached dwelling per each 40 acres, on a separately owned parcel. Any parcel of land that has 37.5 acres or more, after deducting road right of way, complies with the 40 acre requirement.

A. Lot Dimension And Setback Minimums:

Lot area	1 1/2 acres
Lot width	180 feet
Front yard	100 feet
Side yard	25 feet
Rear yard	50 feet

- B. Lot Depth: Any newly created parcels must not have a lot depth more than 3 times greater than the lot width.
- C. Sewage Disposal: The lot must have an area acceptable for on-site sewerage disposal.
- D. Location Of Driveways: The lot shall be located in such a manner that no driveways may be located within 300 feet of an intersection of a minor arterial with another road or within 150 feet of an intersection of 2 collector streets.

11-8A-3: ACCESSORY USES:

Uses and structures which are customarily accessory and clearly subordinate to permitted uses and structures shall be permitted, including:

1. Accessory structures incidental to residential uses as regulated in 11-3-3 of this Title.
2. Home occupations as regulated by 11-4-____ of this Title.
3. Private swimming pools, intended for and used solely by the occupants of the property on which it is located and their guests.
4. Signs as regulated by the City.
5. Structures incidental to farm operations such as garages, barns, storage buildings, poultry barns, etc.

11-8A-4: CONDITIONAL USES:

No structure or land shall be used for the following uses except by conditional use permit:

1. Feed lots and poultry facilities.
2. Commercial horse stables, dog kennels, boarding stables and similar uses, which shall not be located within 300 feet of a dwelling other than the dwelling on the property in question.
3. Detached domesticated farm animal building on parcels between 5 and 10 acres.
4. Detached storage buildings intended only for use by property owner on parcels of less than 10 acres in size.
5. Limited commercial ventures conducted at "historic properties" as regulated by 11-9H-4 of this Title.

11-8A-5: USES BY CONDITIONAL ADMINISTRATIVE PERMIT:

Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the AG-1 District by administrative permit and may be issued by the Zoning Administrator.

1. Communication / Cellular towers as regulated by 11-4-7 of this Title.
2. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
3. Outdoor temporary seasonal sales such as farmers' markets, fireworks sales and greenhouses on nonresidential property, as regulated by 11-8A-3 of this Chapter.

ARTICLE B. AG-2 AGRICULTURAL DISTRICT

11-8B-1: PURPOSE:

This District represents those areas which are suitable for agricultural uses, but because of their proximity to public sewer and water, they may be appropriate for development in the future. These areas are not considered to be land suited to long-term agricultural use. It is the purpose of this District to preserve these lands in agricultural uses until such time as streets, sewers, water supply and other community facilities and services are provided or scheduled, so as to ensure orderly and beneficial conversion of such lands to nonagricultural use, and to prevent their premature conversion.

11-8B-2: PERMITTED USES:

The following are permitted uses in the AG-2 District:

1. Commercial agriculture and horticulture.
2. Farm buildings and pole barns.
3. Farm drainage and irrigation systems.
4. Forestry.
5. One single-family detached dwelling per each 10 acres, on a separately owned parcel.

A. Lot Dimension And Setback Minimums:

Lot area	1 1/2 acres
Lot width	180 feet
Front yard	100 feet
Side yard	25 feet
Rear yard	50 feet

- B. Lot Depth: Any newly created parcels must not have a lot depth more than 3 times greater than the lot width.
- C. Sewage Disposal: The lot must have an area acceptable on-site sewerage disposal area.
- D. Location Of Driveways: The lot shall be located in such a manner that no driveways may be located within 300 feet of an intersection of a minor arterial with another road or within 150 feet of an intersection of 2 collector streets.

11-8B-3: PERMITTED ACCESSORY USES:

Uses and structures which are customarily accessory and clearly subordinate to permitted uses and structures shall be permitted, including:

1. Accessory structures incidental to residential uses as regulated in 11-3-3 of this Title.
2. Home occupations as regulated by 11-4-___ of this Title.
3. Private swimming pools, intended for and used solely by the occupants of the property on which it is located and their guests.
4. Signs as regulated by the City.
5. Structures incidental to farm operations such as garages, barns, storage buildings, poultry barns, etc.

11-8B-4: CONDITIONAL USES:

No structure or land shall be used for the following uses except by conditional use permit:

1. Feed lots and poultry facilities.
2. Commercial horse stables, dog kennels, boarding stables and similar uses, which shall not be located within 300 feet of a dwelling other than the dwelling on the property in question.
3. Detached domesticated farm animal building on parcels between 5 and 10 acres.
4. Detached storage buildings intended only for use by property owner on parcels of less than 10 acres in size.
5. Limited commercial ventures conducted at "historic properties" as defined in 11-9H-4 of this Title.

11-8B-5: USES BY CONDITIONAL ADMINISTRATIVE PERMIT:

Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the AG-1 District by administrative permit as may be issued by the Zoning Administrator.

1. Communication / Cellular towers as regulated in 11-4-7 of this Title.
2. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
3. Outdoor temporary seasonal sales such as farmers' markets, fireworks sales and greenhouses on nonresidential property, as regulated by 11-8A-3 of this Chapter.

CHAPTER 9 RESIDENTIAL DISTRICTS

ARTICLE A. R-1 RURAL RESIDENTIAL DISTRICT

11-9A-1: PURPOSE:

The R-1 rural residential district represents those areas without public utilities that are suitable for residential development. These areas are designated as rural residential in the city's comprehensive plan. It is the intent that low densities be maintained in order to permit efficient re-subdivision of lots to urban densities at such future time that public utilities become available

11-9A-2: PERMITTED USES:

The following are permitted uses in the R-1 District:

1. One single-family detached dwelling.
2. Agriculture and agricultural related buildings.
3. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or conditional use permits pursuant to _____ of this Title.
4. Open space, public or private.
5. Public Parks, trails, scientific areas, playgrounds, and directly related buildings and structures.
6. Small wireless facilities located in the public right-of-way.
7. A state licensed residential facility serving 6 or fewer persons, a licensed daycare facility serving 12 or fewer persons, or a group family daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.

11-9A-3: PERMITTED ACCESSORY USES:

The following are permitted accessory uses in the R-1 District:

1. Accessory buildings and structures as regulated by 11-3-3 of this Title.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Section.
3. Accessory apartments, as regulated by 11-4-____ of this Title.
4. Home occupations as regulated by 11-4-____ of this Title.

5. Daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
6. Keeping of animals as regulated by _____ of this Title and City Code Title 5, Chapter 4, as applicable.
7. Signs as regulated by the City.
8. Garage/Yard/Estate Sales as regulated by _____ of City Code.
9. Places of worship and religious institutions.

11-9A-4: CONDITIONAL USES:

The following are conditional uses allowed in the R-1 District and require a conditional use permit based upon procedures set forth in and regulated by 11-2-9 of this Title. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this Title.
2. Antennas not located upon a structure or tower, as regulated by 11-4-7 of this Title.
3. Cemeteries and/or memorial gardens.
4. Licensed home-based daycare facilities serving 13 to 16 persons.
5. Educational facilities including and limited to, public and private accredited elementary, middle, junior high, and senior high schools, provided that no building shall be located within 50 feet of any lot line abutting an R district.
6. Commercial greenhouses; provided, that all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street or an adjoining lot.
7. Commercial horse stables, dog kennels, boarding stables and similar uses, which shall not be located within 300 feet of a dwelling other than the dwelling on the property in question.
8. Dog training facilities on parcels of 10 acres or more.
9. Single satellite dish greater than one meter in diameter.
10. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than 1 family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district, and accessory structures shall be a minimum of 50 feet from any lot line.

11. Home occupations as regulated by 11-4-__ of this Title.

12. Limited commercial ventures conducted at "historic properties" as regulated in _____ of this Title.

13. Tax exempt clubs and lodges.

11-9A-5: USES BY CONDITIONAL ADMINISTRATIVE PERMIT

Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-1 District by conditional administrative permit as may be issued by the Zoning Administrator.

1. Accessory buildings and structures requiring a conditional administrative permit as provided in section 11-3-3 of this Title.
2. Communication / Cellular towers as regulated by 11-4-7 of this Title.
3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
4. Essential services and structures, provided that no building shall be located within 50 feet of any lot line abutting an R district.
5. Farmers' market, as regulated by 11-8A-3 of this Title.

11-9A-6: DEVELOPMENT STANDARDS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this title:

Lot area	3 acres
Lot width	180 feet
Front yard	30 feet
Rear yard	50 feet
Side yard	25 feet
Side yard, attached garage	20 feet
Maximum structure height	30 feet
Maximum impervious lot coverage	25 percent

ARTICLE B. R-2 RESIDENTIAL ESTATE DISTRICT

11-9B-1: PURPOSE:

The R-2 residential estate district is intended to represent areas well suited to high value housing of very low densities. These areas will provide a permanent, semirural lifestyle on land for which this is considered the highest and best use. Since these areas will be planned to exist without public sewer and water systems, only areas with soils and topography suitable for on-site utilities will be considered for this district.

11-9B-2: PERMITTED USES:

The following are permitted uses in the R-2 District:

1. One single-family detached dwelling.
2. Agriculture and agricultural related buildings.
3. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or conditional use permits pursuant to _____ of this Title.
4. Open space, public or private.
5. Public Parks, trails, scientific areas, playgrounds, and directly related buildings and structures.
6. Small wireless facilities located in the public right-of-way.
7. A state licensed residential facility serving 6 or fewer persons, a licensed daycare facility serving 12 or fewer persons, or a group family daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
8. Places of worship and religious institutions.

11-9B-3: PERMITTED ACCESSORY USES:

The following are permitted accessory uses in the R-2 District:

1. Accessory buildings and structures as regulated by 11-3-3 of this Title.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Section.
3. Accessory apartments, as regulated by 11-4-____ of this Title.
4. Home occupations as regulated by 11-4-____ of this Title.
5. Daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
6. Keeping of animals as regulated by 11-3-7 of this Title and City Code Title 5, Chapter 4, as applicable.

7. Signs, as regulated by the City.

8. Garage/Yard/Estate Sales as regulated by _____ of City Code.

11-9B-4: CONDITIONAL USES:

The following are conditional uses allowed in the R-2 District and require a conditional use permit based upon procedures set forth in and regulated by 11-2-9 of this Title. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this Title.
2. Antennas not located upon an existing structure or existing tower, as regulated by 11-4-7 of this Title.
3. Licensed home-based daycare facilities serving 13 to 16 persons.
4. Educational facilities including and limited to, public and private accredited elementary, middle, junior high, and senior high schools, provided that no building shall be located within 50 feet of any lot line abutting an R district.
5. Commercial greenhouses; provided, that all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street or an adjoining lot.
6. Commercial horse stables, dog kennels, boarding stables and similar uses, which shall not be located within 300 feet of a dwelling other than the dwelling on the property in question.
7. Dog training facilities on parcels of 10 acres or more.
8. Single satellite dish greater than one meter in diameter.
9. Small cell wireless facilities as regulated in 11-4-7 of this Title.
10. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than 1 family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district, and accessory structures shall be a minimum of 50 feet from any lot line.
11. Home occupations as regulated by 11-4-__ of this Title.
12. Limited commercial ventures conducted at "historic properties" as regulated in _____ of this Title.

11-9B-5: USES BY CONDITIONAL ADMINISTRATIVE PERMIT

Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-2 District by conditional administrative permit as may be issued by the Zoning Administrator.

6. Accessory buildings and structures requiring a conditional administrative permit as provided in section 11-3-3 of this Title.
7. Communication / Cellular towers as regulated by 11-4-7 of this Title.
8. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
9. Essential services and structures, provided that no building shall be located within 50 feet of any lot line abutting an R district.

11-9B-6: DEVELOPMENT STANDARDS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this title:

Lot area	1 1/2 acres
Lot width	100 feet
Front yard	30 feet
Rear yard	50 feet
Side yard	25 feet
Side yard, garage	20 feet
Maximum structure height	30 feet

ARTICLE C. R-2.5 RESIDENTIAL DISTRICT

11-9C-1: PURPOSE:

The R-2.5 district is to provide for single family neighborhoods as well as directly related, complementary uses. A full range of public services and facilities shall be available to R-2.5 areas.

11-9C-2: PERMITTED USES:

The following uses are permitted in the R-2.5 residential district:

1. Single-family detached dwellings.
2. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or conditional use permits

pursuant to _____ of this Title, provided, that no building shall be located within 50 feet of any lot line.

3. Public and private parks, playgrounds, and open space.
4. Public utility and public park buildings and structures.
5. Small cell wireless facilities located in the public right-of-way.
6. A state licensed residential facility serving 6 or fewer persons, a licensed daycare facility serving 12 or fewer persons, or a group family daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
7. Places of worship and religious institutions.

11-9C-3: PERMITTED ACCESSORY USES:

The following uses are permitted accessory uses in the R-2.5 residential district:

1. Accessory buildings and structures as regulated by 11-3-3 of this Title.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Title.
3. Accessory apartments, as regulated by 11-4-____ of this Title.
4. Home occupations as regulated by 11-4-____ of this Title.
5. Daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
6. Keeping of animals as regulated by 11-3-7 of this Title and City Code Title 5, Chapter 4, as applicable.
7. Signs, as regulated by the City.
8. Garage/Yard/Estate Sales as regulated by _____ of City Code.
9. Buildings or trailers temporarily located for purposes of construction or sales on the premises for a period of not to exceed the time necessary for such construction.
10. Gardening and other horticultural uses where materials or products are grown but not sold on the premises, unless in accordance with state statutes.
11. Off street parking as regulated by 11-3-9 of this title.
12. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located.

11-9C-4: CONDITIONAL USES:

The following are conditional uses allowed in the R-2.5 District and require a conditional use permit based upon procedures set forth in and regulated by 11-2-9 of this Title. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this Title.
2. Antennas not located upon an existing structure or existing tower, as regulated by 11-4-7 of this Title.
3. Licensed home-based daycare facilities serving 13 to 16 persons.
4. Licensed group daycare/nursery school in a religious institution, community center, or academic institution.
5. Educational facilities including and limited to, public and private accredited elementary, middle, junior high, and senior high schools, provided that no building shall be located within 50 feet of any lot line abutting an R district.
6. Single satellite dish greater than one meter in diameter.
7. Small cell wireless facilities as regulated in 11-4-7 of this Title.
8. Essential services requiring a conditional use permit pursuant to 11-2-9 of this Title.
9. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than 1 family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district, and accessory structures shall be a minimum of 50 feet from any lot line.
10. Home occupations as regulated by 11-4-___ of this Title.
11. Limited commercial ventures conducted at "historic properties" as regulated in _____ of this Title.
12. Hospitals for human care, hospices, and nursing homes; provided, that all structures except fences shall be located 100 feet or more from the lot line.

11-9C-5: USES BY CONDITIONAL ADMINISTRATIVE PERMIT

Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-2.5 District by conditional administrative permit as may be issued by the Zoning Administrator.

1. Accessory buildings and structures requiring an administrative permit as provided in section 11-3-3 of this Title.
2. Communication / Cellular towers as regulated by 11-4-7 of this Title.
3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
4. Essential services and structures, provided that no building shall be located within 50 feet of any lot line abutting an R district.
5. Farmers' market, as regulated by 11-8A-3 of this Title.

11-9C-6: DEVELOPMENT STANDARDS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this title:

Lot area	11,000 square feet
Lot width	85 feet
Front yard	30 feet
Rear yard	35 feet
Side yard (living area of dwelling)	10 feet
Side yard (attached garage)	10 feet
Maximum principal structure height	35 feet

ARTICLE D. R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

11-9D-1: PURPOSE:

The R-3 single-family residential district is intended to preserve the character of existing single-family neighborhoods and provide for additional development of single-family detached residential neighborhoods.

11-9D-2: PERMITTED USES:

The following uses are permitted in the R-3 residential district:

1. Single-family detached dwellings.
2. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or conditional use permits pursuant to _____ of this Title, provided, that no building shall be located within 50 feet of any lot line.

3. Public and private parks, playgrounds, and open space.
4. Public utility and public park buildings and structures.
5. Small cell wireless facilities located in the public right-of-way.
6. A state licensed residential facility serving 6 or fewer persons, a licensed daycare facility serving 12 or fewer persons, or a group family daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
7. Places of worship and religious institutions.

11-9D-3: PERMITTED ACCESSORY USES:

The following uses are permitted accessory uses in the R-3 residential district:

1. Accessory buildings and structures as regulated by 11-3-3 of this Title.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Title.
3. Accessory apartments, as regulated by 11-4-____ of this Title.
4. Home occupations as regulated by 11-4-____ of this Title.
5. Daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
6. Keeping of animals as regulated by 11-3-7 of this Title and City Code Title 5, Chapter 4, as applicable.
7. Signs, as regulated by the City.
8. Garage/Yard/Estate Sales as regulated by _____ of City Code.
9. Buildings or trailers temporarily located for purposes of construction or sales on the premises for a period of not to exceed the time necessary for such construction.
10. Gardening and other horticultural uses where materials or products are grown but not sold on the premises, unless in accordance with state statutes.
11. Off street parking as regulated by 11-3-9 of this title.
12. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located.

11-9D-4: CONDITIONAL USES:

The following are conditional uses allowed in the R-3 District and require a conditional use permit based upon procedures set forth in and regulated by 11-2-9 of this Title. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this Title.
2. Antennas not located upon an existing structure or existing tower, as regulated by 11-4-7 of this Title.
3. Licensed home-based daycare facilities serving 13 to 16 persons.
4. Licensed group daycare/nursery school in a religious institution, community center, or academic institution.
5. Educational facilities including and limited to, public and private accredited elementary, middle, junior high, and senior high schools, provided that no building shall be located within 50 feet of any lot line abutting an R district.
6. Cemeteries.
7. Single satellite dish greater than one meter in diameter.
8. Small cell wireless facilities as regulated in 11-4-7 of this Title.
9. Essential services requiring a conditional use permit pursuant to 11-2-9 of this Title.
10. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than 1 family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district, and accessory structures shall be a minimum of 50 feet from any lot line.
11. Home occupations as regulated by 11-4-___ of this Title.
12. Limited commercial ventures conducted at "historic properties" as regulated in _____ of this Title.
13. Hospitals for human care, hospices, and nursing homes; provided, that all structures except fences shall be located 100 feet or more from the lot line.

11-9D-5: USES BY CONDITIONAL ADMINISTRATIVE PERMIT

Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-3 District by conditional administrative permit as may be issued by the Zoning Administrator.

1. Accessory buildings and structures requiring an administrative permit as provided in section 11-3-3 of this Title.

2. Communication / Cellular towers as regulated by 11-4-7 of this Title.
3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
4. Essential services and structures, provided that no building shall be located within 50 feet of any lot line abutting an R district.
5. Farmers' market, as regulated by 11-8A-3 of this Title.

11-9D-6: DEVELOPMENT STANDARDS:

1. Minimum Requirements: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this title:

Lot length	120 feet
Lot width	65 feet
Front yard	25 feet
Rear yard	35 feet
Side yard	10 feet
Side yard, garage	5 feet
Maximum structure height	35 feet

ARTICLE E. R-4 TRANSITIONAL RESIDENTIAL DISTRICT

11-9E-1: PURPOSE:

The purpose of the R-4 District is to provide transitional areas that will allow a mixing of two-family dwellings and/or single-family dwellings on smaller lots where property is adjacent to arterial streets and/or where property is adjacent to higher intensity development. Directly related, complementary uses are also appropriate. A full range of public services and facilities shall be available to R-4 areas.

11-9E-2: PERMITTED USES:

The following uses are permitted in the R-4 residential district:

1. Single-family detached dwellings.
2. Multi-family dwellings up to 8 attached units.
3. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or conditional use permits pursuant to _____ of this Title, provided, that no building shall be located within 50 feet of any lot line.

4. Public and private parks, playgrounds, and open space.
5. Public utility and public park buildings and structures.
6. Small cell wireless facilities located in the public right-of-way.
7. Places of worship and religious institutions.

11-9E-3: PERMITTED ACCESSORY USES:

The following uses are permitted accessory uses in the R-4 residential district:

1. Accessory buildings and structures as regulated by 11-3-3 of this Title.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Title.
3. Accessory apartments, as regulated by 11-4-____ of this Title.
4. Home occupations as regulated by 11-4-____ of this Title.
5. Daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
6. Keeping of animals as regulated by 11-3-7 of this Title and City Code Title 5, Chapter 4, as applicable.
7. Signs, as regulated by the City.
8. Garage/Yard/Estate Sales as regulated by _____ of City Code.
9. Buildings or trailers temporarily located for purposes of construction or sales on the premises for a period of not to exceed the time necessary for such construction.
10. Gardening and other horticultural uses where materials or products are grown but not sold on the premises, unless in accordance with state statutes.
11. Off street parking as regulated by 11-3-9 of this title.
12. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located.

11-9E-4: CONDITIONAL USES:

The following are conditional uses allowed in the R-4 District and require a conditional use permit based upon procedures set forth in and regulated by 11-2-9 of this Title. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Multi-family dwellings, more than 8 attached units.
2. Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this Title.
3. Antennas not located upon an existing structure or existing tower, as regulated by 11-4-7 of this Title.
4. Licensed home-based daycare facilities serving 13 to 16 persons.
5. Licensed group daycare/nursery school in a religious institution, community center, or academic institution.
6. Educational facilities including and limited to, public and private accredited elementary, middle, junior high, and senior high schools, provided that no building shall be located within 50 feet of any lot line abutting an R district.
7. Cemeteries.
8. Residential shelters.
9. Single satellite dish greater than one meter in diameter.
10. Small cell wireless facilities as regulated in 11-4-7 of this Title.
11. Essential services requiring a conditional use permit pursuant to 11-2-9 of this Title.
12. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than 1 family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district, and accessory structures shall be a minimum of 50 feet from any lot line.
13. Home occupations as regulated by 11-4-___ of this Title.
14. Limited commercial ventures conducted at "historic properties" as regulated in _____ of this Title.
15. Hospitals for human care, hospices, and nursing homes; provided, that all structures except fences shall be located 100 feet or more from the lot line.

11-9E-5: USES BY CONDITIONAL ADMINISTRATIVE PERMIT

Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-4 District by conditional administrative permit as may be issued by the Zoning Administrator.

1. Accessory buildings and structures requiring an administrative permit as provided in section 11-3-3 of this Title.

2. Communication / Cellular towers as regulated by 11-4-7 of this Title.
3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
4. Essential services and structures, provided that no building shall be located within 50 feet of any lot line abutting an R district.

13. Farmers' market, as regulated by 11-8A-3 of this Title.

11-9E-6: DEVELOPMENT STANDARDS:

1. Single-Family Detached Dwellings: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Lot width	55 feet
Front yard	25 feet
Rear yard	30 feet
Side yard	7.5 feet
Side yard, garage	5 feet
Maximum structure height	35 feet

2. Attached Dwellings: Exceptions to rigid lot width requirements shall be granted for attached units subject to approval of a site plan pursuant to 11-2-4 of this Title in compliance with the development standards of this District. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Setbacks between buildings	15 feet between dwelling structures, 10 feet for residential garages
Setbacks from other districts	25 feet abutting R-1, R-2, R-2.5, and R-3 districts
Parking	2 paved off-street parking spaces per dwelling unit
Maximum site coverage	40% total impervious

ARTICLE F. R-5 MEDIUM DENSITY RESIDENTIAL DISTRICT

11-9F-1: PURPOSE:

The purpose of the R-5 District is to promote the development of higher density, primarily attached housing and directed related, complementary uses. Densities will help the City meet its multiple family density goals. A full range of public services and facilities shall be available to R-5 areas.

11-9F-2: PERMITTED USES:

The following uses are permitted in the R-5 residential district:

1. Single-family detached dwellings.
2. Multi-family dwellings.
3. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or conditional use permits pursuant to _____ of this Title, provided, that no building shall be located within 50 feet of any lot line.
4. Public and private parks, playgrounds, and open space.
5. Public utility and public park buildings and structures.
6. Small cell wireless facilities located in the public right-of-way.
7. Places of worship and religious institutions.

11-9F-3: PERMITTED ACCESSORY USES:

The following uses are permitted accessory uses in the R-5 residential district:

1. Accessory buildings and structures as regulated by 11-3-3 of this Title.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Title.
3. Accessory apartments, as regulated by 11-4-____ of this Title.
4. Home occupations as regulated by 11-4-____ of this Title.
5. Daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
6. Keeping of animals as regulated by 11-3-7 of this Title and City Code Title 5, Chapter 4, as applicable.
7. Signs, as regulated by the City.
8. Garage/Yard/Estate Sales as regulated by _____ of City Code.
9. Buildings or trailers temporarily located for purposes of construction or sales on the premises for a period of not to exceed the time necessary for such construction.
10. Gardening and other horticultural uses where materials or products are grown but not sold on the premises, unless in accordance with state statutes.
11. Off street parking as regulated by 11-3-9 of this title.

12. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located.

11-9F-4: CONDITIONAL USES:

The following are conditional uses allowed in the R-5 District and require a conditional use permit based upon procedures set forth in and regulated by 11-2-9 of this Title. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this Title.
2. Antennas not located upon an existing structure or existing tower, as regulated by 11-4-7 of this Title.
3. Licensed home-based daycare facilities serving 13 to 16 persons.
4. Licensed group daycare/nursery school in a religious institution, community center, or academic institution.
5. Educational facilities including and limited to, public and private accredited elementary, middle, junior high, and senior high schools, provided that no building shall be located within 50 feet of any lot line abutting an R district.
6. Cemeteries.
7. Residential shelters.
8. Single satellite dish greater than one meter in diameter.
9. Small cell wireless facilities as regulated in 11-4-7 of this Title.
10. Essential services requiring a conditional use permit pursuant to 11-2-9 of this Title.
11. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than 1 family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district, and accessory structures shall be a minimum of 50 feet from any lot line.
12. Home occupations as regulated by 11-4-___ of this Title.
13. Limited commercial ventures conducted at "historic properties" as regulated in _____ of this Title.
14. Hospitals for human care, hospices, and nursing homes; provided, that all structures except fences shall be located 100 feet or more from the lot line.

11-9F-5: USES BY CONDITIONAL ADMINISTRATIVE PERMIT

Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-5 District by conditional administrative permit as may be issued by the Zoning Administrator.

5. Accessory buildings and structures requiring an administrative permit as provided in section 11-3-3 of this Title.
6. Communication / Cellular towers as regulated by 11-4-7 of this Title.
7. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
8. Essential services and structures, provided that no building shall be located within 50 feet of any lot line abutting an R district.
9. Farmers' market, as regulated by 11-8A-3 of this Title.

11-9F-6: DEVELOPMENT STANDARDS:

1. Single-Family Detached Dwellings: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Lot width	50 feet
Front yard	25 feet
Rear yard	30 feet
Side yard	7.5 feet
Side yard, garage	5 feet
Maximum structure height	35 feet

2. Attached Dwellings: Exceptions to rigid lot area, width and depth requirements shall be granted for attached units subject to approval of a site plan pursuant to 11-2-4 of this Title in compliance with the development standards of this District. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Setbacks between buildings	10 feet
Setbacks from other districts	50 feet abutting R-1, R-2, R-2.5, R-3, and R-4 districts
Parking	2 paved off-street parking spaces per dwelling unit
Maximum site coverage	40% total impervious

ARTICLE G. R-6 HIGH DENSITY RESIDENTIAL DISTRICT

11-9G-1: PURPOSE:

The purpose of the R-6 District is to provide for high-density, apartment-style, rental and condominium housing and directly related complementary uses. A full range of public services and facilities shall be available to R-6 areas.

11-9G-2: PERMITTED USES:

The following uses are permitted in the R-6 residential district:

1. Multi-family dwellings.
2. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or conditional use permits pursuant to _____ of this Title, provided, that no building shall be located within 50 feet of any lot line.
3. Public and private parks, playgrounds, and open space.
4. Public utility and public park buildings and structures.
5. Small cell wireless facilities located in the public right-of-way.
6. Places of worship and religious institutions.

11-9G-3: PERMITTED ACCESSORY USES:

The following uses are permitted accessory uses in the R-6 residential district:

1. Accessory buildings and structures as regulated by 11-3-3 of this Title.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Title.
3. Accessory apartments, as regulated by 11-4-____ of this Title.
4. Home occupations as regulated by 11-4-____ of this Title.
5. Daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.
6. Keeping of animals as regulated by 11-3-7 of this Title and City Code Title 5, Chapter 4, as applicable.
7. Signs, as regulated by the City.
8. Garage/Yard/Estate Sales as regulated by _____ of City Code.
9. Buildings or trailers temporarily located for purposes of construction or sales on the premises for a period of not to exceed the time necessary for such construction.

10. Gardening and other horticultural uses where materials or products are grown but not sold on the premises, unless in accordance with state statutes.
11. Off street parking as regulated by 11-3-9 of this title.
12. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located.

11-9G-4: CONDITIONAL USES:

The following are conditional uses allowed in the R-6 District and require a conditional use permit based upon procedures set forth in and regulated by 11-2-9 of this Title. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this Title.
2. Antennas not located upon an existing structure or existing tower, as regulated by 11-4-7 of this Title.
3. Licensed home-based daycare facilities serving 13 to 16 persons.
4. Licensed group daycare/nursery school in a religious institution, community center, or academic institution.
5. Educational facilities including and limited to, public and private accredited elementary, middle, junior high, and senior high schools, provided that no building shall be located within 50 feet of any lot line abutting an R district.
6. Cemeteries.
7. Residential shelters.
8. Single satellite dish greater than one meter in diameter.
9. Small cell wireless facilities as regulated in 11-4-7 of this Title.
10. Essential services requiring a conditional use permit pursuant to 11-2-9 of this Title.
11. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than 1 family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district, and accessory structures shall be a minimum of 50 feet from any lot line.
12. Home occupations as regulated by 11-4-___ of this Title.

13. Limited commercial ventures conducted at "historic properties" as regulated in _____ of this Title.

14. Hospitals for human care, hospices, and nursing homes; provided, that all structures except fences shall be located 100 feet or more from the lot line.

11-9G-5: USES BY CONDITIONAL ADMINISTRATIVE PERMIT

Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-5 District by conditional administrative permit as may be issued by the Zoning Administrator.

1. Accessory buildings and structures requiring an administrative permit as provided in section 11-3-3 of this Title.
2. Communication / Cellular towers as regulated by 11-4-7 of this Title.
3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
4. Essential services and structures, provided that no building shall be located within 50 feet of any lot line abutting an R district.
5. Farmers' market, as regulated by 11-8A-3 of this Title.

11-9G-6: DEVELOPMENT STANDARDS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title, however exceptions to rigid lot area, width and depth requirements shall be granted for attached units subject to approval of a site plan pursuant to 11-2-4 of this Title in compliance with the development standards of this District.

Front yard	15 feet
Rear yard	15 feet
Side yard	15 feet
Maximum structure height	55 feet
Setbacks between buildings	15 feet
Setbacks from other districts	30 feet abutting R-1, R-2, R-2.5, R-3, R-4, and R-5 districts
Parking	2 paved off-street parking spaces per dwelling unit
Maximum site coverage	50% total impervious

MINUTES

COTTAGE GROVE CITY COUNCIL

COUNCIL CHAMBER
12800 RAVINE PARKWAY SOUTH

April 27, 2022

SPECIAL MEETING - 5:00 P.M. **TRAINING ROOM**

1. CALL TO ORDER

Mayor Bailey noted that because Council Member Olsen was remote, we needed to do Roll Call.

2. ROLL CALL

City Clerk Joe Fischbach called the roll: Council Member Khambata-Here; Council Member Dennis-Here; Council Member Thiede-Here; Council Member Olsen-Here; Mayor Bailey-Here.

3. AGENDA ITEM

- A. City Code Recodification Workshop: Conditional Administrative Permits and City Code Title 11, Chapters 8 and 9

City Attorney Korine Land stated this is Part II; the Zoning Ordinance was handled by Assistant City Attorney Amanda Johnson, as lead, with City staff. They've been meeting for approximately six months and being very intentional when reviewing the Zoning Code. This Code needed to be analyzed carefully to make sure it's where the City wants to go in the future. These two Titles will take longer to get through than the first nine Titles because it's that detail oriented and that important. Zoning, planning, and land use is how you see the vision of your community. Attorney Johnson will present what's been completed thus far and will explain the next steps.

Attorney Johnson stated since January she's been working with and meeting once or twice a week with the Planning staff, going over the Code. After we started digging into this, it was decided that an entire repeal and replace needed to be done. Unlike some Codes at your last workshop, which were redlined, everything is now brand new.

They began by selecting a new model for the Zoning Code; Plymouth's model was chosen, not for what they do or do not allow in their Zoning Code but how they structurally set it up, it's very user friendly. We were looking for a Code that anybody could use, including staff, residents, applicants, to quickly find their answers; the

answers would be very clear and there wouldn't be a lot of ambiguity. After that, they walked through every Section of the Cottage Grove Code and basically made the new one that you received in your packet. Tonight, we'll be presenting the final draft; the goal is to get your input as you obviously look at this from a different perspective than staff or an attorney. After we receive your input, we'll make it final.

In the current Code, we didn't use the same organizational system; we have Title, Chapter, Article in some parts of the Zoning Code, but that will go away, and will end up being Title, Chapter, Section.

Tonight, we're going to discuss the new layout of the Code, walk you through what was done there, and discuss a brand-new Zoning tool that we're bringing to Council for consideration, a Conditional Administrative Permit. That will connect to Conditional Administrative Uses, which will be a new use we'll talk about tonight. We're talking about residential and agricultural Zoning Districts tonight, so we're focusing on the uses, and what we're allowing in these Zoning Districts. We're looking at consolidating some Districts and frankly getting rid of a few.

Zoning Code Format

We used Plymouth's as a model, and it's very thorough; it allowed us to cross check for new uses we needed to add or new words we needed to use. Each District right now has clearly defined uses; previously, the Code would say, "See back to R-3 for the uses". The problem was over time you could forget what was in the previous District, if you're just referring back to it; this way, it's very clean: What is R-4, here is all the information for R-4, etc. At times, the Code will look like we're saying the same thing over and over again, and that's intentional. Five years from now, if someone's making a change, they can see very clearly what they need to change in each Zoning District.

We removed everything that's a performance standard from our Zoning Districts, and those will now live only in Chapter 6.

We also pulled out a lot of uses that weren't uses: Decorative landscape features really wasn't an accessory use or an accessory building; it was a weird term because it would also define fences, City pools, etc. We removed things that didn't have a definition in the definition section or wasn't how we refer to things anymore, wasn't a use, or things that are regulated by a different mechanism, including: Model homes, which are regulated in our Development Agreement, and cluster developments in our residential Zoning Code, as those are now covered by PUDs. We also removed redundant or outdated language.

Conditional Administrative Uses

In the Residential Zoning District, we have three different use categories: Permitted Uses (single-family homes); Accessory Uses (accessory buildings); Conditional Uses, something that we have to attach conditions to and will come before Council for approval.

We're proposing a new category, Conditional Administrative Uses; other cities utilize this use designation and the related tool. This is for uses that aren't a permitted use, per se, but they don't rise to the level of a Conditional Use. This is something that will require some level of oversight but not discretion. If it requires discretion, that's a Council decision, a policy decision Council needs to make. If it's something where there's a list of performance standards, I'm checking the boxes and making sure they

meet these performance standards, and it's very clear that can be a conditional administrative use. The difference between a permitted use and this conditional administrative use is a permitted use won't have a performance standard, we're not even going to know that they're doing it because they don't necessarily need to come to the City for anything. With a conditional administrative use, we know they're doing it; they need to get permission from us, and we need to attach really site-specific conditions because it's unique in some fashion. A conditional administrative use isn't unique, but it needs to have some performance standards around it, and somebody needs to ensure that the resident understands there are these performance standards and that they're doing them.

The intent of this category was to take things that we're currently doing as a Conditional Use Permit (CUP) and putting them in here. It streamlines the process for the applicant: They don't have to attend a meeting; they don't have to pay extra fees and take extra time. It streamlines it for staff because they're able to just focus on the question and not all the extra work that goes along with the CUP.

Critical Points

- These uses are limited to things that do not require discretion and are routine, like small transmission lines, antennas, radio receivers, or they have a very clear performance standard in the Code, such as a Farmers Market. We already have performance standards for them, so it's easy to just ask if they meet this, is their tent here, is it this size, is it these things; check, check, check, here's your permit. These are applications that if they'd previously been before Council, they wouldn't have been discussion items; everybody knows it's going to happen, there are no real questions, nobody's trying to attach conditions to it. It's just a way to regulate the situation.

- We're calling these Conditional Administrative Permits, CAPs. Importantly, this includes some language that allows the staff to process this as a CUP instead of a CAP. If a Farmers Market application comes into the Zoning staff, and if they feel for any reason that there's something where they don't feel comfortable checking yes or no on the list, that's when it becomes a CUP and comes before Council.

- In your packet was a list of the Conditional Administrative Uses, and also a draft from Chapter 2 that built up a little bit of the administration and enforcement around the CAPs. Additional building will need to happen, particularly in performance standards, to clarify when it's a CAP or when it's a CUP.

Tonight, what we're really looking for is a Council discussion to decide if this is something we would like to add to the Code as an additional use and if it's something that you want to explore further. We would then continue to build out all of the other pieces as we get to those sections of the Zoning Code that need to be built around this. These Conditional Administrative Uses show up in every single District, but it's the exact same use in each District because those are already conditional uses in those Districts; it's the communication cell towers, essential services, public utility buildings, and some accessory structures. In some Districts, Farmers Markets are allowed, so those also fell into this bucket.

Mayor Bailey asked if Council had any questions:

Council Member Khambata asked what's the intended result of untethering some of this responsibility from Council. His concerns are people reading too far into discretion; he asked if there was a time savings with making a checklist for every single situation. Plymouth does it, but their population is twice as large; are they seeing a lot more applications that are bogging down their Council agendas? Are we putting a bandage on a problem we don't yet have? He just feels like this is an opportunity for somebody to be upset because they were told no, and then they'll be asking for a variance request anyway.

Attorney Johnson replied that's not quite how it works. If the answer from staff was no, they would be able to appeal that, and that would go before the Council just like a CUP or anything else would; Council would then have the opportunity to overrule staff or agree with staff. It doesn't become a variance, it would still stay in the same lane; it would just be elevated to the next level, which is Council.

She stated regarding the motivation behind it, as we were going through the different uses, we were talking about things that maybe should be permitted. Some of these really don't rise to the level of all of the work that staff has to complete to get it prepared for Council. As a staff member, I already have the background knowledge and do this every day, so I can quickly run through a checklist, but currently I have to create a memo, get it on the schedule, and potentially have hearings; all of those pieces are really time consuming. The idea is in Cottage Grove, where we have a smaller staff, it's even more important than in Plymouth where they have a large staff and could maybe parcel out that work. This allows your staff to spend more of their time on the projects that really matter to the City, the large development projects, those that require real Council discretion.

Clerk Fischbach stated on AG-1, the new CAP, it says towers on there, but he thought that should say antennas; so, if you're going to replace an antenna or do something like that, that's okay for staff review. If there's a building permit and there's a replacement unit, and Attorney Land signs off on the leasing if it's on a water tower, staff could review that and approve that instead of having that go through a Council process. Another example is public utility and service structures, Xcel structures: Often those go through as long as they have screening, they're on the right-of-way, they're located in an appropriate spot, so we can sign off.

Administrator Levitt stated regarding the Youth Service Bureau on Hadley, no one showed up for the public hearing, but there was an extensive staff report that was done. We have five or six cell towers on each of our water towers, and nobody's actually showing up to those public hearings, but we're still writing a full staff report, which adds additional time. Regarding the outdoor sales, those are fireworks sales and greenhouses; right now, we have ICUPs with Walmart, Hy-Vee, and Cub Foods for their outdoor sales of fireworks or Christmas trees where they're allowed to set up. She asked Attorney Johnson if she was correct that it was only these three, nothing else, that is administratively allowed. Attorney Johnson confirmed that, and it's only those three with explicit performance standards that they have to meet. If they don't meet those performance standards, it automatically goes to the Planning Commission and City Council; there's still an application and everything else required.

Council Member Dennis stated when he read through the materials, he noticed that this designation was posted as the first item for every single Section of all of the different zoning areas. He's struggling to understand how it would only apply to two-or-three things when it runs the range of A to Z, application of different uses that we have. As a Council, he thinks it's fair to say that we're in the business of selling happiness to the community. It's easy for us to get up and talk, but some people might have difficulty or be intimidated by this process. In the past, we had certain members of the staff who would say no to many things. What he doesn't want to see is that much power go into the hands of two-or-three individuals and things get locked down and that's it. We've had certain pieces of process in place that have allowed us to do different things for checks and balances, so this is a concern for him. He just doesn't feel good about it, and he doesn't support going down that particular path.

Administrator Levitt stated she felt there might be a misunderstanding; she asked Attorney Land to help elaborate because we're only talking about these three things, nothing else.

Attorney Land stated this is a very tight list, and essential services in most communities are permitted uses. She always questioned why Cottage Grove had them as conditional uses when everywhere else they're just permitted. She understands that Council wants to have a little control over it, but in order for it to be administratively approved, there has to be a tight list of performance standards; staff has no discretion, and if they try to exercise discretion of whether or not those things apply, they lose their immunity. City-elected officials and City staff have immunity for when they make decisions within their job; if they have a list of things that they have to adhere to, like these performance standards in an administrative type of process, if they walk outside that line, they lose their immunity. If the City is sued and staff are personally sued, it is them alone, without the League; the League will back away, staff will not be represented, and they will lose their immunity. So, it's really important that we keep this list short and tight. The risk is really small, especially for these kinds of things where we can identify and have a track record of the things that we need to see; staff just has to apply those things, and then they can approve it. If there's any question at all, if someone says they just can't comply with something, then staff has to say it's out of my hands and you have to go before the Council.

Council Member Khambata asked where this would leave us in terms of enforcement. He reviewed the current CUP process, including review by the Planning Commission and Council, with multiple layers to filter and identify a problem. If we forego that process, from an enforcement standpoint, what are the conditions and how will they be enforced?

Attorney Land stated it will be identical. The only thing we're taking out of it is the process; once an application is submitted, it can stop at staff and be approved, but staff still has the duty to make sure they do all the things they were supposed to do, and it still gets recorded against the property. So, if any future owner of that property violates it, we can still enforce it. The back end never changes, and the front end doesn't change, they still have to submit the application and it still has to conform to our

requirements. It's just the middle part that changes in how it gets approved. We can jump over the Planning Commission and Council, and staff can stamp it approved.

She stated there are essential services, like the natural gas place that wanted to expand their site; again, we have strict regulations around what that has to look like or what it can look like, how many buildings they can have, necessary screening, and setbacks. All of that is very clearly defined. If they want to deviate from it, they're looking at a variance from Council, so they're never going to get that approved through staff.

Mayor Bailey asked with that particular situation, if we were using this new program, would it have to come before the Council and the Planning Commission. Attorney Land stated it probably could have gone through administratively, or at least started there, unless they needed something special.

She stated the third category includes things like Farmers Markets, the temporary uses that set up in a parking lot. We've done enough of them over the years to really know how they need to work; we know about the traffic flow, the parking spots can't be taken up, and there has to be adequate security, etc. So, we have good rules that we can put around that one limited category.

Administrator Levitt asked if communities could charge for the administrative time; Attorney Land replied absolutely, as it still takes staff time. Attorney Johnson added it's cheaper and quicker for the applicant, and it's cheaper for the City.

Council Member Khambata noted per State Statute, a determination has to be made within 60 days; Attorney Johnson stated it would still have to be, but it would probably be decided even faster.

Council Member Thiede stated that he's probably okay with it; if something goes south a little bit, we can always tighten it up.

Council Member Khambata asked about the process for unintended consequences if Council thought that things were sliding through that should have had more scrutiny; how do we go back and put the genie back in the bottle?

Attorney Land stated that there's nothing that Council can do about any that were approved, but again, they're still CUPs; they were just approved administratively. At the end of the day, those uses were still approved with a CUP, and that's recorded against the property in perpetuity. The only thing Council would have to do is repeal, and we just wouldn't use that process anymore; it would just revert back to a regular conditional use and the uses would have to be put back in the conditional use category.

Mayor Bailey stated the three uses were mentioned, but when it was being discussed, a comment was made about fences. If somebody wants to put up a shed in their back yard, would that fit in this mold? He was told no; it would not even be close. It's just those three things.

Council Member Khambata stated for every land use designation, it's the same set of circumstances, and that's why it's redundant. Attorney Land stated it's redundant so, as Attorney Johnson said, you don't have to scroll back to the beginning to find out which uses are Conditional Administrative Uses. The ordinances used to build on each other

and say see R-1, and then you'd have to go back to R-1 and see what it said. Now, it just repeats it in every Section.

Mayor Bailey stated the reason it's being done that way with these three is because it could be in any one of the different zones; Attorney Land confirmed that.

Council Member Khambata stated the thing he doesn't like about the way it's written under R-6 is it says *some* accessory buildings and structures and *some* essential services. To him, it sounds like it's giving discretion to whoever is doing the review. He asked if that could be tightened up and given a more-specific list of what types of accessory buildings and structures.

Attorney Johnson stated that's a great point; these are the uses, and it tells you to go back to the different Section of the Code, which is the performance standards. So, there are times where something like essential services or a structure might be so minimal that it's permitted. There might be times where it's somewhere in the middle so it's this Conditional Administrative Permit; there might be times, depending on what they're doing, when it's a big structure and it has to go through Council because it's complicated. So, the performance standard section is where you have to look and see what bucket is used, depending upon what specific type of essential-services structure they're creating.

Council Member Khambata stated he understands wanting to streamline everything, but the old class of designations was it's either something that falls within the Zoning Ordinance, as far as minimum, so you don't need a permit for a shed if it's under a certain size, etc. So, it either is or it isn't. If it isn't, then it's a CUP or a variance request. For him, this is making more things permissible; if we're just going to be able to green light additional items, why don't we just slide them over into the category of what's allowable and not make it conditional.

Attorney Johnson replied that they'd talked about that; the biggest reason is if you have performance standards that you need to attach to an item, you should not have it be a permitted item because you have no way to enforce them, other than using Code Enforcement. More importantly, your residents may or may not know that there are any performance standards attached to this item; if it's in this bucket that forces them to at least come here, talk to somebody to get the permit, they'll know they have to comply with the conditions and will know what those are.

Council Member Khambata stated his major concern is making sure that we're still tracking enforcement, if we're streamlining this, to make sure that those steps are still taken. He can envision developers that would take full advantage of a system in which there's a streamlined process, so they don't have to appear before the Planning Commission and City Council to have the City enforce the conditions. If we make it too easy for them, then things are going to slide right through, and he doesn't want to make it harder for the City to enforce those things.

Administrator Levitt asked if Council wants to see the ICUP items with the garden centers and the fireworks; those are usually ICUPs for three-or-five years.

Mayor Bailey replied he personally does not want to see those. If you're telling him that staff could administratively do antennas on the water towers, he can't remember ever holding one of those items for further discussion. Council Member Khambata said that's

right, but they have to go through a rigorous process to get to that point; to make them do that, we ensure that they know what the performance standards are, and he feels like we're taking them out of that process. Mayor Bailey stated if he's hearing this correctly, what's going to happen is staff will have a checklist that they will use, and it will only be specific to these three categories.

Administrator Levitt stated engineering is actually doing most of the work; we usually send it out to structural engineers for how to attach this to our system on the towers.

Council Member Khambata asked if this would have a positive effect on labor hours for staff, and if they thought they'd be expanding this list in the future. Were there any other items that maybe were on the short list that didn't make it on here?

Attorney Johnson replied that they didn't have a short list; these were the only three. If Council wanted to revisit it in a couple years and review and choose others that they've never pulled off of Consent for discussion, staff could add to it, but these were the only ones we felt qualified. Other cities have much longer lists, but it seems those go into a discretionary mode, which we didn't like.

Mayor Bailey asked if there was a situation where there's a Farmers Market; suddenly, we start getting complaints, what would happen then?

Attorney Land stated if it's Code Enforcement, we'd take care of it that way; if it's a matter of them severely violating the CUP and the conditions, that's where it's brought back before Council to revoke it. Any CUP would have to be done that way. The IUPs that Council approves have to be done that way, so this would be no different than that. Some cities have shorter terms on those just so that they can revisit them more often; if there were problems in the previous year, they can revisit it the next year and attach different conditions to it or make them change it. That would not be approved administratively.

Clerk Fischbach stated as we get to the performance standards, that's when we're going to start to put more time limits on there. Farmers Markets maybe would be called Temporary Seasonal Sales, they're only allowed until a certain date, and then it will expire; so, it's set in stone. Fireworks cannot be sold indefinitely; it has to be stopped on this date every year, so it's set in stone in the Code. If anyone asks, they'll be told to look at Code Section XYZ, and then that's when you have to stop; if you want to go longer than that, you've got to go through the process. Mayor Bailey asked if those would be the conditional uses, and that was confirmed.

Council Member Olsen stated his primary concern was about enforcement, and Council Member Khambata had spoken about that a little bit. What would the enforcement action be if somebody violated the CAP? He thought he heard Attorney Land state it was essentially the same process as if they violated a CUP, it would just come before the Council for revocation. He thought the list was pretty limited to very simple things. He definitely would not want to build that list out to the point where it becomes more discretionary. As a Council Member, he personally likes seeing that information in front of him so that he can ask questions and at least be aware of what's going on; he also recognizes that there's a balance between all of the different things that staff has to do

and how much time, energy, and effort it takes. If you can take something off a person's plate regarding having to put a staff report together for Planning Commission and Council, that's a benefit. As long as it's tightly monitored, he thought we'd be okay; again, he wouldn't want to see the list get really long.

Clerk Fischbach told the Mayor and Council that if staff issued a CAP, we could put it in the Friday Update, to keep Council advised of what permits were issued.

Mayor Bailey stated if those are really the only three, he personally didn't see an issue. He asked Council Member Dennis if he was okay with the three, as long as it was a short list; Council Member Dennis replied yes, if we keep it at that. Council Member Khambata stated if staff's checklist would be more specific, the purview is narrow, and those are more well defined, he agrees with them. Attorney Johnson stated absolutely, they'll have definitions in another Section. Council Member Khambata stated he'd like some sort of administrative update because if it's not going to be on the Council agenda, we would not know about it.

Title 11, Chapter 8

Agricultural Zoning Districts

Attorney Johnson stated there weren't many changes to the Agricultural District. We relocated all of the seven performance standards to Chapter 6, and we added the CAP, which will be this new conditional administrative use and related permits.

Title 11, Chapter 9

Residential Zoning Districts

R-1 and R-2: Are the same thing as Agricultural, nothing much changed except we moved the performance standards and added the CAP.

R-2.5 & R-3 Combination: On the Zoning Map, these two Districts are mostly in the northwest corner of the City. Attorney Johnson stated the question that we're asking of Council is if there's a desire to combine these two Districts into one District, so everything would become the new R-3. We would take the standards from both Districts, using the least-restrictive standard from each District, to create this new District. The thing that needs to be discussed is we would need to rezone all of the properties that are currently zoned R-2.5 to R-3, which takes time and energy. The setbacks are shown for the Current R-3 and the Proposed R-3. The Proposed R-3 would allow cemeteries, and we're suggesting that we remove a minimum lot area. Importantly, the new R-3 District would not create any new legal nonconformities: If you're legal in R-2.5, you're totally legal in the new R-3; if you're legal in the R-3, you're also legal in the new R-3.

She noted as we were looking at the setbacks, we felt the lot width was maybe a little too wide, same with our front-yard setback; so, these are the proposed changes to the R-2.5 and R-3. Things to think about for this discussion are: 1) Incorporate the least-restrictive standards, we're not creating any legal nonconformities; 2) Setbacks: The reason we decreased the lot width is because that's matching what we're doing in the PUDs in those Districts. We have a caveat to that, which is we're recommending that we add language that says for the front setback specifically, if I'm building in an existing neighborhood and both of my neighbors are 35 feet off of the front setback, I also have to be 35 feet. I don't get to be 10 feet in front of them because that ruins the drive; as you go down the neighborhood, you want the houses to have the same front

setback. This will require neighborhood meetings and public hearings to explain the changes, to reassure property owners that this isn't a negative to their property. Positive changes: It will clean up our Zoning Map, reduces redundancy because there really is very little that's different between these two Districts, and it helps to prevent confusion in the Code. Why are homes classified as R-2.5 versus R-3, as we're not even using a decimal system with our numbering. We're looking for guidance from Council on this.

Council Member Thiede stated that he didn't know that he really had that much problem with this, although with the trend in the market, it seems like the lots keep getting narrower. He wonders when we stop making them narrower, when we say that it's more medium for single-family residential. That might be a completely different discussion. He thought it was probably okay, but he asked if we were actually looking to make changes to the Code; in Hidden Valley, they're all single-family homes, but there are four different zones.

Mayor Bailey stated that's where he was going, too, that's a great question, but he asked staff if we're going to get rid of R-4; Attorney Johnson stated no. Mayor Bailey asked what's R-4 versus R-3?

Attorney Johnson stated we initially had those same questions. R-2 is Residential Estate, which is slightly larger homes; R-2.5 is Residential, Single Family; and R-3 is Single Family. We asked what's the difference? So, when we put them side by side, with the lot area, there was only a 1,000 square-foot difference. It's still single family, so we're not sure why those were created. She stated we would keep R-4, that's not going anywhere.

Mayor Bailey asked then what's the difference? She replied that R-4 allows multifamily. Up until R-4, it's single-family dwellings only; R-4 is the first time that multifamily dwellings show up on the scene, so that's the significant difference between R-3 and R-4.

Mayor Bailey asked if somebody had an R-4 house that burned down, could they come in for a permit to build a duplex?

Administrator Levitt replied they'd still have to meet the setbacks, and the lot is pretty small, so she didn't see how that could happen. The R-4 off of Indian has permitted multifamily units there, but you couldn't go to one of the other lots if it burned, as it probably wouldn't even fit a duplex. He just thinks that people will never be comfortable with it, and so our messaging needs to be empathetic to their concerns.

Attorney Land stated it's currently listed in R-4 as a conditional use, which is why that exists off of Indian, so Council could deny it. As Administrator Levitt said, it's not going to meet setbacks and the full requirements.

Council Member Thiede stated it seems that every neighborhood in town lately is asking for variances; we're changing every one of them, in almost every situation we're saying yes when they want variances. That makes him ask why should we make more Zoning Districts? Why don't we make less and simplify some things; if they want to make some adjustments, then we make that decision as to whether or not those will be allowed.

Administrator Levitt stated she thought that went back to the philosophy of the East Ravine. When the East Ravine was launched, there was more of a desire to dictate

how the lots were going to be, and R-2.5 came out of the East Ravine; those were the 85-foot lots. As she understood, Council at that time wanted larger lots because they'd gone to Stillwater and toured some developments and didn't like how tight they were in the setbacks. At that time, the market could drive an 85-foot lot. We hit a recession, we came out of the recession, and no developer will build on an 85-foot lot; even if we guide it this way, the parcel will just sit.

Council Member Thiede stated they do in Woodbury; Administrator Levitt stated not really, they're actually pretty narrow in Woodbury. Council Member Khambata stated that they don't get the units per acre that they need to make the development viable. Council Member Thiede noted the more development they pack in, the more money they make.

Administrator Levitt stated it's a Council shift; in the early 2000s, the thought was to add more restrictions and be more specific. At that time, Cottage Grove wasn't getting what we wanted in the market. There were only two national companies in town that were building. Now, we could go a little broader and allow more flexibility, and we're attracting the product type in the market that we want. So, we're not having to drive our desires for housing via our Code; we've kind of arrived. She thought that was the difference. We didn't want any more Orrin Thompson houses; we wanted a higher price point and something different. You structured the Code differently to try to get something, and we've kind of got it now. Do you want to be as specific, or can we be broader so you're not having to issue variances and variations and new PUDs for everyone?

Council Member Thiede stated maybe his statement about us allowing variances on just about every development is inaccurate; it might be interesting to learn whether that's true. If we're going to do that anyway, why make all the different categories?

Council Member Khambata stated he thinks one potential problem is a 65-foot by 125-foot lot is 7,800 square feet; our minimum requirement up there is 10,000 square feet. If people draw lines with 120-foot lot depths, want to maximize the number of units to maximize the profit, you're going to get a developer that is automatically going to come in and ask for 7,800 square-foot lots. He doesn't know if that's going to create more problems for us, but that's the first thing that was glaring to him; that's a small lot, so if 10,000 square-feet is the minimum, and you say it can be 65-feet wide, but then it's got to be 150-or-160 feet deep, we're going to make some weird-shaped lots. He didn't know if that's helping a developer maximize their units per acre, in terms of a full development. He thought maybe just leave the lot-width minimum, and then let them draw the rest of the lines themselves; he felt adding a lot-depth minimum was going to complicate things. Council Member Thiede stated we should leave the lot size in there. Council Member Khambata stated leave the lot-width minimum, leave the square-footage minimum, and let's figure out how to get 10,000 square-feet. If you get a weird-shaped lot, it wouldn't line up. Just leave the lot-depth requirement alone, but you can leave it at 65-foot minimum lot width.

Mayor Bailey asked if we had a minimum depth there right now; he was told we do not. Administrator Levitt stated the challenge is we run into many cul-de-sacs; so, many lots have an awkward pie shape, and some are sitting on corners. Often, we can't hit

10,000 square-feet, it might be 8,700; so, when we give a PUD, we're giving a PUD for the lot area. We can't hit it because the shape makes it difficult if we're trying to get around a pond or a ravine. It's sometimes hard to get every single lot at 10,000.

Council Member Khambata stated he thought you could leave a minimum depth of 120 feet and a minimum width, but then that calculates out to be a minimum lot area of 7,800. So, you'd either want to bring the minimum lot area down to match the minimum requirements for width and depth so that they're in conjunction; otherwise, by telling people their lots can be 120-feet deep by 65-feet wide, but telling them it needs to be 10,000 square-feet, that math doesn't add up.

Planner Schmitz Director Costello stated we're taking out the total square-footage part of that, so they won't contradict each other.

Council Member Khambata asked if the third column was the new set of combined; **Planner Schmitz Director Costello** stated that's correct. Council Member Khambata stated it has 120 feet, but he was told it won't have a lot-area requirement anywhere, so that won't be addressed.

Clerk Fischbach stated it's because no one's meeting that; if you put a minimum on there for the lot depth, that wouldn't go for the back yard. Graymont Village just got approved at Planning Commission, and they're proposing 110-foot lots; what's happening is they're asking for a reduced setback because they're so small. So, we want to say no, you need to have a minimum of 120 feet, so that will allow the 30-to-35-foot rear-yard setback comfortably. In a conversation with Lennar today, they're actually deepening those lots to make more back yards; that's what we're trying to figure out here. Because with the lot area, no one's meeting that, and most are all coming in at about 7,500 to 8,000.

Council Member Khambata stated to make the minimum lot area go away makes more sense, but then by default, we're setting the minimum at about 7,800 square-feet if we keep those two metrics. On a 65-foot lot, with side yard setbacks, you're at a 50-foot-wide house, and you're backing up 35 feet into the street. At 120 feet, they're going to have like a 40-foot x 60-foot back yard. The narrower the house gets the deeper it gets; so, you're taking up more of that lot. He felt having a minimum for that lot depth is good in lieu of the area.

Administrator Levitt told Council we could pick five-or-six subdivisions and give an analysis of the square footages and the sizes to show which lots hypothetically might or might not be permitted. You could see the difference in more of a real plat analysis to be able to see how it would be affected.

Mayor Bailey asked if we consolidate some of these if we'd see fewer PUDs; Administrator Levitt replied that's the hope.

Planner Mroska noted at the same time we also kind of like the PUD tools, because we get something in return. So, we don't want to limit all the tools or all the flexibility; we want to make sure we hold some of them. Planning Commissioner Brittain said we want to hold some PUDs so we can get something in return for allowing that flexibility. Maybe we need a park or a trail corridor, at least we can have that negotiation tool in our back pocket.

Mayor Bailey stated the only reason he brought it up was because there are different pushes up at the Capitol right now; we're seeing messages going back and forth for

getting rid of and not allowing cities to use PUDs. The question is if that eventually passes, because it keeps coming up, then how do we have those controls if the PUD no longer exists. If the PUD is no longer an option for the City to use, then how do we get what we want out of the development without saying PUD?

Attorney Land stated her understanding of what they're trying to do is not allow cities to just say when an application is received that it's going to be a PUD; you meet all the requirements, but we're still going to make you do a PUD. Our PUDs are used when they can't meet everything, and it would be five-or-ten variances that would have to come before Council. So, then we tell them you don't meet all of our requirements; otherwise, you'd be doing a regular planning application. Because you don't meet them all, maybe a PUD is a good tool, and if we give you this flexibility, we can get a better project out of it for you and for us. She doesn't know that the legislation is going to kill all PUDs; she thinks some cities overuse them, and that's what they're trying to get at. The way we use it is discretionary for specific situations where they can't meet our requirements.

Mayor Bailey stated that Senator Biggam just sent him the current bill, and the one that the Senate passed today does get rid of a PUD.

Council Member Olsen stated the Senate bill takes away the City's ability to use PUD and takes away the City's ability to set design standards for the materials used, which is obviously a pretty extreme way to take away local controls from cities. He certainly doesn't support that and doesn't think anybody else on the Council does either. With respect to this potential combination, he heard Administrator Levitt say earlier that they could do some work on a few different developments and give us some insight into sort of what the end product looked like versus maybe how it started or how it fits within the current R-3 and R-2.5 zoning, and he thought that would be smart. We could have a better sense of what we actually got versus what we'd tried to guide. At this stage of the game, there's angst in the community about developing too fast and various parcels of land that are turning into developments where the homes are so close together. We just talked about chickens and ducks and back yard accessory structures for those uses, etc. With any kind of change, he thinks we need to be very judicious about making that change. His perspective is he'd rather see more information before making any decision.

The Mayor and Council Members all agreed with Council Member Olsen.

Council Member Thiede stated in Hidden Valley, there's a part of it that's R-5, medium density, and as Council Member Khambata said, if something burned down, somebody could come in and buy a couple of homes and put in a quad or a duplex. He asked if that's something that should be changed. The back sides of cul-de-sacs are in the R-5 for **Auburn Woods**, which is kind of silly. The older part is R-4, so you're telling me that could be duplexes or something; probably the only one that's correct is the newer, lower section that's in the R-2.5. He's just saying it doesn't seem like it makes sense when you've got a neighborhood in there, and maybe it was that way before the neighborhood went in, and it was just never changed; he didn't know.

Clerk Fischbach stated maybe that was guided by the Land Use Plan at that time, medium density, and that's how they made the zoning work. Planner Schmitz and I

were just discussing that; it was guided medium density in that corner, and they wanted to see something, so they averaged it. To your point, it's a bigger picture; it's not just R-2.5. There are other areas that have been rezoned or guided to it. Maybe it's a bigger piece of apple to bite off.

Administrator Levitt asked if it would help Council if we created a table of some of the pros and cons and some other things that you'd see; she mentioned accessory structures and sizes of accessory structures that are different than all of these.

Council Member Thiede stated that's his question; like Mayor Bailey said, Hidden Valley is showing as low-density residential, yet the zoning doesn't agree with that, and it could be different.

Mayor Bailey stated that's where he was not understanding the R-4 designation. He looks at this one and everything is single family and appears to be low-density residential; when he looks at the old map, parts, like his neighborhood, are regular residential, R-3, but down the block it's R-4. That's why he didn't understand, looking at one versus the other. He just wants to know which one is current; he was told this Land Use Map is the one in our Comprehensive Plan.

Attorney Land stated we're getting a little bit confused on what we're trying to do. We're talking about the Zoning Districts and whether or not the R-2.5 and R-3 can be merged or not; we had a good discussion on that, we maybe have more analysis to do, so let staff go back and work on that. The zoning map and whether or not it's appropriate is a totally different question for a different day. We agree it's a mess. It doesn't match what we just did in the Comprehensive Plan and it has to. She keeps harping on them about that. It does need to be reconciled, but that's not going to happen today or with this revision. We'll come back with a separate zoning map amendment that matches the Comprehensive Plan, probably next year. So, hold that thought.

Council Member Olsen told Attorney Land that we had a discussion at one time about the way in which we reconcile our Comprehensive Plan with our zoning; he believed she'd advised us that there are several communities that revise their zoning concurrently when they change their Comprehensive Plan to ensure that we don't have to do zoning changes after the fact. As part of that conversation that Attorney Land stated we were going to have, he asked if we could please include that as a piece of that dialogue.

Mayor Bailey stated he completely agreed with that. He understands that this is zoning, and this is land use, but he's looking at the two and is confused. So, our residents will be thinking the same thing.

Attorney Land stated that the Comprehensive Plan map, the Land Use Guide, takes priority. So, that's why the zoning map worries her all the time because it doesn't match what we just did in our Comprehensive Plan, which is your vision; that's what you envision things to be. More reconciliation to be done on a different day at a much-later time.

Council Member Khambata stated regarding legislation to give up local control, he thought the two main arguments for that were that local zoning restricts building affordable housing units, and it drives up the cost of construction. That's what he's

been hearing about this issue. Minneapolis and St. Paul took away single-family zoning, which essentially means you can go buy any house in St. Paul, tear it down, and build a three-plex without asking. He sees that as an unintended consequence, but he also thinks that's kind of the driving force behind wanting to give up some of the local control because advocates for that legislation see that as a stumbling block. If we're consolidating this, should we not be making sure that we're not thinking about something like that. When St. Paul and Minneapolis did it, developers specifically went and started buying up affordable single-family homes to build three units and sold them as condos. It exacerbated the affordable housing problem, and he'd like to avoid creating that same type of circumstance here.

Mayor Bailey stated he agreed with that, but if that were to happen, where they take away the local control, he would probably expand some of this stuff. The reason we've been doing what we're doing is because the developers are saying they need to make more money on their lots, so they're cramming more houses on a piece of property. So, his opinion is if we will lose our opportunity to create developments within the City, then what we're going to do is we're going to say you have to have 80-foot lots or 90-foot lots; it's no longer going to be the 65 feet. What they're saying is we're getting pushed out to create affordable housing, and we can't afford affordable housing. So, what they're doing is they're crunching the lots, creating more lots, which we see all over now, and they're still going away with whatever they're making. They're not creating affordable housing, but it's not going to change; from what he's heard, he'll guarantee if what they decided were to pass, all cities will go back to their zoning, and will increase the size of their lots. They'll just say fine, we're going to go back, and you'll no longer be able to cram in 55-foot lots anymore; it's just not going to happen. We've been waiting to have our meeting with the Builders Association to make sure that we're all kind of on the same side. Be careful what you wish for because in the end, this is what's going to happen. Cities are going to push right back and say fine, if we lose control, we're going to rezone everything and make the lots bigger.

Council Member Olsen stated they've been saying that forever; for as long as he's been on the Council, every developer says the same thing. Anybody who comes to town and says they're interested in building affordable housing has their hand out; that's always been the case, whether it's a recession or time of awesome growth. The bottom line is they want to put as many properties on a piece of land as they can, and they come and ask for concessions to make that happen. It's our job to determine whether those concessions are reasonable or not. He told Council Member Khambata that he's not going to see any kind of magical formula that's going to create more affordable housing if you take away local control on PUDs and those sorts of things; that's just pie-in-the-sky thinking, and it's not the way it works. They all want something, whether it's TIF or subsidies or whatever; we've seen it 100 times.

Mayor Bailey stated he appreciates what they're saying they're trying to do, from the affordable side, but he has yet to see it. They will still build a \$450,000 or \$500,000 home on a lot, and they're not interested in the affordable housing.

Council Member Khambata stated they're going for their margin, and that's it exactly.

Attorney Johnson clarified that in the R-3, R-2.5, you could not put a duplex; they are not an allowed use. So, it doesn't matter if they take away the local zoning controls, that has nothing to do with the uses that are allowed in your District. R-2.5 and R-3 is single family, end of list. Mayor Bailey stated he appreciated her saying that, but the reason he originally brought it up was because he was looking at the Zoning Map versus the Land Use.

Clerk Fischbach stated he and Planner Schmitz had discussed that also. What we could do there, as we look at the Code-enforced actions, is put a minimum square footage for duplexes to make it difficult to fit it on those lots.

Mayor Bailey asked Attorney Land if the land use shows single family, but the zoning shows something different, you said land use trumps this; she confirmed that. So, we would have legal standing to hold this to the Comprehensive Plan. Attorney Land stated we should immediately rezone that area to make it match, but, yes, we could argue, and the Comprehensive Plan wins.

Council Member Khambata asked if it's R-4 now, and somebody wants to put a duplex on it, even though land use says it's R-3, do they get to build it because it's currently zoned R-4? Attorney Land replied, yes, they could. If we denied it, they would argue they could do it because the zoning says they can. If we denied it because the Comprehensive Plan doesn't allow it, it's going to come down to a judge who says well, you should have reconciled these two things. She thinks the Comprehensive Plan would win because that's what most of the cases say, that your Comprehensive Plan is your guiding document, but they would have an argument. So, we have to clean it up.

Attorney Johnson stated as far as preferences with R-2.5 and R-3, we will come back to Council with additional research.

R-4 - Transitional Residential

Attorney Johnson stated the next three Chapters are where we're getting into multifamily housing. We're calling R-4 Transitional Housing because it's transitioning from traditional single-family to multifamily; Director Costello clarified it's not to be confused with transitional zoning.

Attorney Johnson stated in R-4, R-5, and R-6, the biggest thing that we did was we changed out setback; she didn't know if Council wanted more information on these or if they wanted to talk through these. Generally, we dropped these down from what they currently are to smaller lot sizes, reflecting what we have been allowing in our PUDs; that way we have a playbook for everybody to abide by those rules. Director Costello stated the only differences are the lot area, lot width, front yard, rear yard; everything else remains the same.

Mayor Bailey asked if we're creating one District; Director Costello stated R-4 has always been one District, and we're not looking to combine it with any other Districts. Through the PUDs we've done to date, we found: Lot widths: Currently at 60 feet, we're proposing 55, because that's what we've approved in previous developments. Front yard setback: Currently 30 feet, we're proposing 25. Rear-yard setback: Currently 35 feet, we're proposing 30. Side yards, side yard garage, maximum structure height, and setback between buildings all remains the same.

Attorney Johnson stated in the current Code, R-4 has always served as transitional housing between single family and then allowing the multifamily; so, we thought the name is not really low-density single family, that's never what the District really represented and is kind of a misnomer.

Mayor Bailey stated in essence it would really be technically a new zoning because you could mix some single family in with multifamily; Attorney Johnson stated that's currently already allowed and has been this way since 1971.

Council Member Khambata stated the legacy of R-4 construction in Cottage Grove is developers have underbuilt in that zoning; they built single family and lower density than they could have.

Council Member Thiede asked if there were any R-4 zoned areas that actually have duplexes.

Council Member Khambata stated there are some multifamily on 75th, near the school, that's zoned R-4; otherwise, everything around the school is single family.

Attorney Johnson stated the townhomes off of East Point Douglas Road, towards the Shoppes at Cottage View, are zoned R-4. Administrator Levitt stated the townhomes at Hadley and 100th are zoned R-4. Attorney Johnson stated the name never truly represented what the District was because it has both uses. So, we're kind of melding to be respectful of the existing single family and the setbacks and the standards.

Council Member Khambata asked what they would put for a minimum dwelling-unit size if we were to amend it. Clerk Fischbach asked if he was asking about a duplex; he replied for any type of multifamily because if it's a large lot, with a minimum dwelling-unit size, they could maybe get a three plex or a fourplex on there. Clerk Fischbach stated that we would have to explore the lot sizes with GIS; he'd say on average, with the communities he was looking at, they ranged from 4,000 to 6,000. Council Member Khambata asked per dwelling unit, and he was told yes; Council Member Khambata replied that's big. Clerk Fischbach stated that's the intent, they're trying to restrict them. To Director Costello's point, with the R-4s you're going to see them as a buffer. Right now, we're proposing it as part of the new developments to the south of NorthPoint, it's a buffer use. Same thing on Jamaica and Military Court, where there's the roundabout. There are more-intense uses around that higher traffic corridor and less away from it.

Council Member Khambata asked if you set a minimum lot size, off of Hadley and 100th, all those Hamlet Avenue address townhomes, those are all 1,000 to 1,500 square feet; if we set a minimum dwelling-unit size, how does a developer go back in and develop a townhome complex if they're now required to be 2,000 to 4,000 square-feet each. Now, you're restricting what would otherwise be a market-attainable development.

Clerk Fischbach stated on the square footage, he was referring to R-3, not the R-4. We're going to have to do some due diligence in the R-4 and try to figure out what that number is and what we really want to see as the plan in that District.

Council Member Khambata stated if we're going to put a restriction like that on R-4, it needs to be relative to in-fill construction. If you have a PUD, like the townhome developments were, then we're addressing all those things. If the ability to do PUD goes away, then we need to restructure that.

Mayor Bailey asked if they want to do a little more digging on this one; Clerk Fischbach replied that he thought so, especially when it comes to the duplex and more of the multifamily. We have to figure out a unit size that would fit that, but also not create a lot of variances or non-conformities to the existing product in the community.

Council Member Thiede stated it might be easier just to change the zoning.

Clerk Fischbach stated just like the R-2.5, there's an opportunity down the road that the R-4 becomes R-3, the big picture.

Mayor Bailey stated that's what he was alluding to when you talked about the zoning. Having R-2.5 versus R-3 to him is not smart; it makes sense to have one. He's just trying to understand what R-4 was compared to R-3.

Director Costello stated to be honest, when you look at two big swaths in the middle of the community, this requires public notice to the residents and a public hearing; that's a huge undertaking to change R-4 to R-3. So, we thought that was a huge hill to climb, and we weren't sure that was somewhere we wanted to go.

Mayor Bailey stated there would be a lot of notices, and people would be asking why we're doing this; the answer would be yes, you have a single-family house here, but somebody could come back later and build a duplex next to you. Our goal is to make sure that our zoning matches the land use, and that's the only reason we're doing it. Somebody could say that they want that option, but that's why he previously asked the question about the R-4; he just wasn't sure that it was necessary.

Director Costello stated that it's doable, but it's a big undertaking to hold the neighborhood meetings and workshops.

Council Member Khambata stated that sounds like a lot of work. His concern is we should be lining up all of the old zoning to the new land use in the Comprehensive Plan; looking at where there's R-2.5, these are some pretty small areas that are still undeveloped and a lot of this has already been built out. Is it really worth making everything that's R-4 to R-3? Would it be less time to take it on a case-by-case basis?

Attorney Land stated if you're going to do a citywide-initiated rezoning, you don't have to provide mailed notice to each property owner. So, she would suggest that's how we do it. Let's get the ordinance enacted first, and then go back and just do a new zoning map citywide and clean it all up.

Mayor Bailey stated once we get to our decision on what to do here, to make it easier for staff to manage this and for Council to make decisions, he thought if there's a way to do what Attorney Land said, that would work. He also thinks that the general public would actually appreciate that because they aren't aware that something could actually happen in their neighborhood that they didn't want. Mayor Bailey asked if they would come back to us for us to decide if there should be an R-4.

Director Costello stated they'd look at the multifamily, what the minimum square-footage potential size is.

Attorney Johnson stated we might be taking some of R-4 and making it R-3, but then leaving some of R-4 as R-4, because there are some townhomes there; so, R-4 will live, it just isn't nearly as much.

Mayor Bailey stated we just want to clean up what it looks like today on the map.

Council Member Khambata stated he felt that R-4 definitely serves a purpose, but

R-4 in terms of a legacy development is problematic. He thought what it was intended for and zoned for initially is not how it ended up getting used in many cases. Lining up the existing use with the most applicable zoning makes the most sense. For future guidance, leave R-4 for where we want townhomes.

Council Member Thiede asked if we had anything that really isn't R-4 that couldn't be in R-5 right now.

Director Costello replied she was going to suggest if it's okay with Council that we map out and look at where our townhome uses are, what Zoning Districts they fall into; if there are any in R-4, if those should become R-5 or R-3. We can maybe map it out and come back to you with that so you'll know exactly, development wise, whether it's single family or if there's some multifamily mixed in there or not, if that would help.

Administrator Levitt asked if they're hearing that Council wants simpler and cleaner, and that was affirmed. Council Member Thiede stated you get to a certain point where there are so many different Districts, maybe it makes sense to have variety, but otherwise to him it's just overcomplicating things.

R-5 - Medium Density Residential District

Attorney Johnson stated R-5 will probably have the same question as we were sort of shrinking down the lot sizes based on what's currently in the District, what we've been approving. It's the same as R-4, but asked if there was a lot of single family in R-5; she was told there's one part behind Menards that has single family. She said if we're talking about citywide rezoning, R-5 lives but it doesn't live with all the properties that are in it right now.

R-6 - High Density Residential District

Regarding R-6, we'd be doing the same thing, as we shrunk those down to reflect what we're currently doing with the building standard. If we're going to be doing a more holistic approach to zoning, this would still live, but it maybe wouldn't have all the current properties. Attorney Johnson asked if that's the direction of Council.

Mayor Bailey stated that's what he would like to see, and others concurred. Mayor Bailey asked Attorney Land from a zoning or land use perspective, he noticed on our land use in the area across from Cedarhurst, the land use guides that as high density, commercial, and medium density; but on the zoning map, it's AG-1. If we decided to do this encompassing thing to make the land use and the zoning the same, would you do that then, too. Attorney Land replied historically what the City has done is waited for an application to come in and then rezone it. That's okay, but in an ideal world, you're envisioning where you want these to be; it's not going to be farmland. What do you want it to be? Do you want it commercial? Do you want it multifamily residential, or do you want it single family residential? You get to make that policy. So, if you've decided in your Land Use Map that it's going to be orange, medium density, then you should rezone it now. Put a stake in the ground and do it.

Administrator Levitt stated about 3.5 years ago, we sent out a notice to rezone Langdon and the Shoppes at Cottage View. Every neighbor and property owner came at us with pitchforks because they're all guided as mixed use. Every one of them was livid with us because they all said I'm not selling, I'm not doing this, and I don't want this next to me. We couldn't explain to them that we don't have any proposal in front of us to show them, so they were very angry.

Attorney Land stated that they can be angry, but you get to make policy; anger is not a legal defense.

Mayor Bailey stated sometimes it's timing of when this happens; in some of these cases, there are some landowners out by Cedarhurst who now have expressed an interest to sell. His opinion is if we do the zoning in advance, then the people who get upset in the future won't be mad when we look at what we did on Hardwood or the Mississippi Dunes Golf Course because it was already preset that we're moving that way. He knows both staff and Council like to have control, but he thinks that's when people get upset; somebody will eventually come to us and say how dare you take this AG-1 and make it this? I always thought I was going to live next to a farm, which is basically what they said at the Planning Commission the other night.

Council Member Thiede stated he personally felt that one of these should definitely be a forward-looking picture and the other one the existing. Attorney Land stated it can't be, that's not what the law allows. The law says very clearly that you're supposed to be rezoning to match your Comprehensive Plan within nine months. Most of these can't catch up that quickly, but you should try to make a goal of getting it resolved as quickly as you can.

Administrator Levitt stated Director Costello mentioned the actual taxable value; all of these people will be taxed on the zoning of their property. So, they're not going to be paying AG prices; they will pay a high density. Attorney Land stated that's speculation because the assessor looks at zoning, but they also look at what's there. They know there are no improvements on the property yet; eventually, it will see higher taxes, and we can't control that. We cannot control what the assessor does.

UR - Urban Reserve Residential

Attorney Johnson stated we'll talk about another Zoning District that we'd like to eliminate, the Urban Reserve Residential District. It's very tiny, it's in the northwestern quadrant of the City. Director Costello stated it was the Harkness Small Area Study, so there are only a couple properties left.

Attorney Johnson stated this was created in 1996, and we're recommending it be rezoned because it doesn't serve the purpose for which it was created. It was a Transitional Zoning District at that point in time, and it was waiting for development to arrive. It's problematic for us because this is another one where under the Comprehensive Plan any transitional property is supposed to be zoned as a UR District, which would mean that Grey Cloud should be zoned as UR. We don't really want anything zoned as UR; it doesn't have a lot of valuable uses in it or anything like that to further City goals. Right now, it only affects three property owners, and half of their property, as shown on the map, is already R-2. So, it's taking the left half of their property and matching it to the right half of their property. We're asking for Council discussion to consider that.

Mayor Bailey stated that is an easy decision, it should be done, and Council Members agreed.

R2A - R2F Residential Districts

Attorney Johnson asked Council if we can remove these Districts, as they were created about 16 years ago. They're Districts that include incredibly specific and intense design guidelines. They're not currently being used, and only one development used them in

2010. After they were created 16 years ago, staff added some of the development standards to the performance standards section of the Code where it belongs, in Chapter 6. One development would need to be rezoned, but that's the only property that's impacted.

Administrator Levitt stated these Districts were created because of the East Ravine; this is when we actually said how much stone square footage, what kind of four-sided architecture, what kind of trim we wanted around the windows. Before the recession, we were trying to dictate the exact house, to try to get the price point up. So, that's why all of these subsections were created with these intense guidelines. We have continued to repeal them as we've gone along.

Mayor Bailey stated he personally felt that we should just remove them; the fact that we haven't used them in 12 years sends a message.

Attorney Johnson stated the problem is also that they're outdated; how things are built today is very different than how things were built 16 years ago in terms of what's popular and trending for the exterior. We'll remove those Districts.

Attorney Johnson stated that completes what she wanted to highlight and discuss tonight on the changes that were made. At the next meeting, we'll talk about the remaining Zoning Districts, including Commercial, Industrial, Conservation, etc.

She asked if there were any items in the Zoning Districts that you reviewed and wanted to discuss that were not addressed tonight.

Mayor Bailey asked what the PDO areas were on the Zoning Map. Attorney Johnson replied that PDO was a Planned Development Overlay, which is the same as a PUD.

Administrator Levitt explained former Mayor Sandy Shiely didn't like the term PUD, so they were called PDO.

Director Costello stated a couple years ago that was changed back to PUD because that's the standard term that developers use; PDO is no longer used in our Code. Attorney Johnson stated all references to PDO will be gone.

Administrator Levitt asked Mayor Bailey when planning case files come before you, for residential or commercial subdivisions, is there anything in those that you'd like to see changed or if we should be aware of anything that you've heard about them.

Mayor Bailey stated with the residential developments, he hears that the houses are so close to each other.

Council Member Thiede stated if things are trending back to that, the question is do we want that and to what extent. Right now, there's a high demand for lots; so, we need to determine if we don't want that, it might slow things down a little bit, but that might not be so bad.

Mayor Bailey stated that we've had those conversations with the developers about what we like and don't like. For him, the only thing is where we now have some of these housing developments, that will butt up against industrial or commercial uses, is determining what the buffer is going to look like. Is the buffer a wall or is the buffer trees and a wall? He stated if he was living in a home and his back yard was going to open up into a warehouse that's going to have truck noises, he didn't know how much good a

wall would do; perception wise, it does something, which is why they put sound walls along highways. The sound still goes up and over, but there might be something more that we need to do to have a good break.

Council Member Thiede stated that came up at a Planning Commission meeting with a new development that's going in; people were saying a fence should be installed because kids are going to be coming onto the property. His thought was he didn't know if we had any problems with that in some of those other properties, but the kids are still going to find a way to get over there anyway; they'll just climb over things.

Council Member Khambata stated regarding the small lot size, detached homes, they're pretty much sold out. People complain about the small lot sizes, but if you're in St. Paul or Minneapolis every subdivision has 40-foot-wide lots, contiguous to the other developments. The initial idea with urban sprawl and getting out into the suburbs was to have more space. We traditionally had big ranch-style homes on big, wide lots or you could be in a townhome or a condo. People don't like having their neighbors above them or right next to them, so these detached homes are an affordable alternative. It probably didn't fix the mindset of what people envision when they think about living in the suburbs, but for the people who want to be in a single-family home at a reasonable price, it seems to be filling a niche.

Mayor Bailey stated he's not against them, but it was asked what we hear in the community, and we're hearing that. We're also hearing a little bit about the sound or some of the barriers. He thinks in the future, like what we're doing with NorthPoint, where they're putting in a wall on the back side, where the residential is going to be, that makes total sense.

Administrator Levitt stated we need to look at some of the buffer standards with our commercial and mixed uses and look at some of the areas adjacent to the residential just to make sure that those buffer dimensions are maybe a little more substantive.

Council Member Khambata asked if we could use more green space as a buffer, and he was told absolutely.

Mayor Bailey stated he thinks that we've actually done a pretty good job of buffering on the residential areas; the challenge that he's heard is just the businesses or the Business Park.

Council Member Khambata stated he thought just having a bigger setback to the adjacent property is probably the best thing because then your line of sight goes down and your taller building farther away doesn't look as big. Just making sure that we're maintaining more stringent setback requirements for adjacent property.

Clerk Fischbach stated that Hemingway parcel at 97th is one of the last ones adjacent to an existing neighborhood, so that's one possibility. We're still working with the applicant on mitigation on that one.

Council Member Thiede stated like in the Planning Commission meeting, the Zywiec land comes to a point; at the same time, we're doing another development right next to it. It would be nice to try to see if those two groups could work together to see what would work best in that whole area. If we trade a little bit of land or something, it would be complicated, but it sure seems logical to him to optimize something like that.

Administrator Levitt told Council Member Thiede that we've spent about nine months and Planner Mroska has lost a lot of hair with that; we have tried for it being a park at one time, and we've tried to make those two developers work together. It's very complicated because the other property is not under their control.

Planner Mroska noted the two developers are still not talking; Mayor Bailey asked why that is, and Planner Mroska stated he didn't know. He said their engineering firms aren't usually talking, they're not sharing information, so it comes down to staff to relay plans to the other developer. It's unique.

Council Member Thiede stated he thought we should blaze a trail and find a way to bring it together. The skies would open, and the sun would shine.

Mayor Bailey asked Council if they had any other thoughts or comments or concerns on the zoning:

Council Member Dennis stated he thought the biggest challenge is coming from people who live near these various projects, when their way of life changes from what they're used to seems to be the biggest point of contention. He doesn't know what the answers are to that; if you try to put a property or a project or a product together in any of these that would be more in sync with the rest of the areas down here, that might soothe that down a little bit. We've had a lot of upset people from things happening down in that transitional area, and every additional project that comes along there just seems to add another log to the fire. We've now pretty much got it built out and we're done, so it's got to come to an end here at some point.

Mayor Bailey asked if the Graymont Village and the other one, if that's pretty much it. Director Costello stated yes, it would just be any other farm-held properties that were willing to sell.

Council Member Khambata stated he had the same feeling; we just seem to be stoking some anti-development sentiment among those owners. They don't seem to like the fact that there was always a possibility that development could happen there. With the D.R. Horton development off of 90th Street, he spoke to a resident who lives behind that farm field, who stated, "I always knew they were going to be build here, but I didn't think it was going to be this soon." I asked him when he bought his house, and he bought his house in 1999; it's been 23 years, and it's still too soon. He also said that the farmer had said he was going to farm that land until he died.

Council Member Thiede stated one of the residents stated when he bought his house, he was told it would probably be two-or-three years and he'd probably see houses back there; they've been there for 30 years, so they actually had a lot of time.

Council Member Khambata stated he just thinks that people will never be comfortable with it, and so our messaging needs to be empathetic to their concerns, but this is reality.

Council Member Olsen stated Administrator Levitt asked for feedback on what we're hearing in the community: 1) What we hear a lot is it's moving really quickly, so people are struggling to understand the pace with which the community is developing. 2) People tend to be a little more comfortable with the development, provided the infrastructure keeps up; by that they generally mean traffic. 3) He's heard several

concerns from people over the last few months about the City putting all their time, energy, and effort into these new developments. What about where I live? My road is crumbling and needs to be fixed; my neighbor has garbage in their lot and Code Enforcement's not doing anything about it. There might be an undercurrent of haves versus have nots; we're so excited about the new developments that we're not paying attention to the rest of the community to the degree that we should. 4) With property values skyrocketing, there's concern about what that's going to look like in terms of taxes, so what does that mean? We need to get as much information out there as possible, not just about what's happening in Cottage Grove, but what's happening across Washington County. We need to give people some context. Director Roland sent me some good information yesterday about the five-year lookback for the entire County in terms of property value increase/decrease; there were several communities that have seen increases much greater than ours, including Forest Lake and Lake Elmo. People need to understand that it's not just in Cottage Grove, it's more global in nature.

He stated if there was something that he could put his finger on, it would be helping people understand the pace of the development, the variety in the types of developments, and the fact that we're taking their feedback into consideration as it relates to infrastructure and traffic management. His neighbors right now are very concerned about Hardwood Avenue traffic with the apartments coming in; they're also concerned about the intersection by the Muddy Cow, which is already a tough intersection. So, we need to address those things. We're addressing East Point Douglas Road, but many people don't know that we're addressing it; we need to make that much more well known in the community. That speaks to the fact that we're not just building houses because we want to build houses and we're excited to get tax revenue from those houses. We all know houses don't pay for themselves, it's the commercial revenue that we need, but that we're doing it thoughtfully; that's probably the hardest message to get out.

Mayor Bailey concurred and agreed, so maybe in our next Facebook Live event, we can give some context on some of the road projects. At the Volunteer Banquet, the things that got the most excitement were the intersection of East Point Douglas Road, people actually clapped, and Pizza Ranch. He thought to Council Member Olsen's point, we just have to get the word out. Whether or not we like it, we all get nervous about change; in that way, Cottage Grove is no different than any other community. If something's changing in their neighborhood or how they go to work, our challenge is to guide them along and let them know it's going to be okay. Our City is not changing, the small-town feel that everybody likes to talk about is still going to be here. He stated when he puts updates on Facebook, most people are excited about them, though there will always be those who are negative. The majority of the people in our community like the direction that we're going, so we have to talk about the big picture. From a zoning perspective, yes, there are things that we can do to get that cleaned up, but he feels Council and staff are going in the right direction.

Council Member Olsen stated he agrees; they need to know that we're looking ahead, five-to-ten years down the road. We're acting today with a vision of the future in mind. It's really important to people that they feel that they're getting the value that

they've come to expect and the level of service that they've come to expect from our community regardless of how quickly we're growing. We can't allow anybody to be left behind or have this impression that they're not getting the attention they need because attention is being put on new developments. Staff is keenly aware of that, which is why at our Strategic Planning meeting this year they brought a pretty aggressive staffing plan to try to ensure that we're still able to deliver that high quality level of service. It's the Council's responsibility to ensure that that level of service does not drop at all, regardless of how many new residential or commercial developments are taking place. The people who vote for us expect us to do our job, and especially right now, that's a really critical piece of the percentage of the public.

Mayor Bailey stated he was given something that's going to be at the Business Expo on Saturday, called Three Things to Know: 1) Your water is safe to drink; 2) More restaurant opportunities are on their way to Cottage Grove this year, including Pizza Ranch; 3) We will widen the road and add a roundabout in 2023 at Jamaica and East Point Douglas Road to improve traffic congestion. There are also symbols on the back for Facebook, Twitter, Snapchat, and YouTube. Administrator Levitt told Council that it was in their email on Tuesday, and this is just a firm version of it.

Council Member Thiede stated if he read this, he would think where the stoplights are is going to be a roundabout, but that's not true. Mayor Bailey stated that we'll just have to make sure that they know that that's not the case. Council Member Thiede stated the roundabout is actually going to be between Cub Foods and Target. We know that because we've been dealing with this.

Council Member Khambata stated that's a good talking point. Every time somebody asks about it, we should bring that up. We should have a pocket-sized diagram to show them.

Mayor Bailey stated on Saturday, from 9:00 to 10:00 a.m., here in the Training Room, he will be emceeding a Town Hall for Representative Angie Craig. She will be here with her staff. He believes she will stop at the Chamber event after she's done with the event here. She will be taking questions and answers, and they want us to talk about the Shoppes at Cottage View, as she helped secure some of the funding for that site. Once that's done, he'll go to the Business Expo at Park High School and will spend some time there.

Council Member Thiede stated he'll be manning the Strawberry Fest booth there.

4. ADJOURNMENT

Motion by Council Member Olsen to adjourn the meeting; second by Council Member Thiede. Clerk Fischbach called the roll: Council Member Khambata-Aye; Council Member Dennis-Aye; Council Member Thiede-Aye; Council Member Olsen-Aye; Mayor Bailey-Aye. The meeting adjourned at 7:12 p.m.