

CITY OF NORTH BRANCH

STATE OF MINNESOTA

COUNTY OF CHISAGO

ORDINANCE NO. 260-17

**AN ORDINANCE AMENDING
CHAPTER 66 – ZONING OF THE NORTH BRANCH CITY CODE**

THE CITY COUNCIL OF THE CITY OF NORTH BRANCH, MINNESOTA ORDAINS:

SECTION 1 AMENDMENTS

Affected sections of the North Branch City Code be amended as set forth on Exhibit A (additions and deletions are as noted in blue and red.)

SECTION 2 EFFECTIVE DATE

This Ordinance shall take full effect and be in full force after its passage and publication according to law.

Passed and adopted this 25th day of July, 2017.

CITY OF NORTH BRANCH

BY: _____

Kirsten Hagen-Kennedy, Mayor

ATTEST: _____

Renae Fry, City Administrator



Exhibit A

Sec 66-207 Permitted Uses

The following are permitted uses in an R-1 single-family residential district:

1. Single-family detached dwellings; dwellings within the Urban Service Area must be connected to municipal utilities.

Sec 66-209 Conditional Uses

The following are conditional uses in an R-1 single-family residential district that require a conditional use permit based upon procedures, factors and conditions set forth in and regulated by section 66-62 et seq.:

1. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions, limited to elementary, junior high, senior high schools and post secondary facilities; and religious institutions such as churches, chapels, temples and synagogues.
2. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.
3. Two-family attached dwellings meeting all applicable yard size and setback requirements if connected to municipal utilities are available.

Sec 66-211 Yard, Area, Building Size Requirements

The following are yard, area and building size regulations for permitted single-family detached dwellings in the R-1 single-family residential district:

1. Minimum lot area:
 1. Minimum of 12,000 square feet for lots within the Urban Service Area ~~municipal utilities.~~
 2. Minimum of ten acres for lots outside the Urban Service Area ~~without municipal utilities.~~
2. Minimum lot width at front yard setback line:
 1. 85 feet for interior lots and 100 feet for corner lots within the Urban Service Area.
 2. 110300 feet for lots outside of the Urban Service Area ~~without municipal utilities.~~
3. Minimum lot depth:
 1. 100 feet for lots within the Urban Service Area.
 2. 300 feet for lots outside of the Urban Service Area ~~without municipal utilities.~~
4. Yard dimensions:
 1. Front yard setback:
 1. 30 feet from the lot line or road right-of-way if applicable for lots within the Urban Service Area.
 2. 40 feet from the lot line or road right-of-way if applicable for lots outside the Urban Service Area. ~~without municipal utilities.~~

2. Side yard setback (each side):
 1. Minimum of six feet from the interior lot line(s).
 2. Minimum of ten feet from the interior lot line(s) for lots outside of the Urban Service Area.

Sec 66-243 Yard, Area And Building Size Requirements

The following are yard, area and building size regulations for permitted single-family detached dwellings in the R-1A single-family residential district:

1. Total lot area:
 1. Minimum of 15,000 square feet.
 - ~~2. Minimum of ten acres for lots without municipal utilities.~~
2. Total lot width at front yard setback line:
 1. Minimum of 100 feet.
 - ~~2. Minimum of 300 feet for lots without municipal utilities.~~
3. Total minimum lot depth:
 1. Minimum of 120 feet.
 - ~~2. Minimum of 300 feet for lots without municipal utilities.~~
4. Yard dimensions:
 1. Front yard setback:
 1. 30 feet from the lot line or road right-of-way if applicable.
 - ~~2. 40 feet from the lot line or road right of way if applicable for lots without municipal utilities.~~

Sec 66-272 Permitted Uses

The following are permitted uses in an R-2 medium-density residential district:

1. Single-family detached dwellings connected to municipal utilities.
2. Two-family attached dwelling units connected if to municipal utilities. are available.

Sec 66-274 Conditional Uses

The following are conditional uses in the R-2 medium-density residential district that require a conditional use permit based upon procedures, factors and conditions set forth in and regulated by section 66-62 et seq.:

1. Townhouses with three or four units if connected to municipal utilities. are available.
2. Multiple family dwelling structures containing not more than four units if connected to municipal utilities. are available.

Sec 66-276 Yard, Area, And Building Size Requirements; Single-Family

The following are yard, area and building size regulations for permitted single-family detached dwellings in the R-2 medium-density residential district:

1. Minimum lot area:
 1. Minimum of 12,000 square feet ~~with municipal utilities.~~
 2. ~~Minimum of ten acres for lots without municipal utilities.~~
2. Minimum lot width at front yard setback line:
 1. 85 feet for interior lots.
 2. 100 feet for corner lots.
 3. ~~300 feet for lots without municipal utilities.~~
3. Minimum lot depth:
 1. 100 feet.
 2. ~~300 feet for lots without municipal utilities.~~
4. Yard dimensions:
 1. Front yard setback:
 1. 30 feet from the lot line or road right-of-way if applicable.
 2. ~~40 feet from the lot line or road right-of-way if applicable for lots without municipal utilities.~~
 2. Side yard setback (each side):
 1. Minimum of six feet from the interior lot line or zero if dwelling is an attached unit.
 2. ~~Minimum of ten feet from the interior lot line(s) for lots without municipal utilities.~~

Sec 66-312 Permitted Uses

The following are permitted uses in an R-3 high-density residential district:

1. Two-family dwelling units ~~connected to with if municipal utilities; are available;~~
2. Townhouses, up to eight attached units ~~if connected to municipal utilities; are available;~~
3. Multiple family dwelling units containing 16 or less dwelling units ~~if connected to municipal utilities; are available;~~

Sec 66-314 Conditional Uses

The following are conditional uses in the R-3 high-density residential district that require a conditional use permit based upon procedures, factors and conditions set forth in and regulated by section 66-62 et seq.:

1. Multiple family dwelling structures containing 17 or more units ~~connected to if municipal utilities; are available;~~

Sec 66-534 Area And Bulk Regulations (for B-2)

Area and bulk regulations shall be as follows:

1. Lot area:
 1. Minimum of 5,000 square feet ~~and connected to for lots with municipal utilities.~~

2. ~~Minimum of ten acres for lots without municipal utilities.~~
2. Lot width at front yard setback line:
 1. Minimum of 50 feet ~~for lots with municipal utilities.~~
 2. ~~Minimum of 300 feet for lots without municipal utilities.~~
3. Minimum lot depth:
 1. 100 feet ~~for lots with municipal utilities.~~
 2. ~~300 feet for lots without municipal utilities.~~
4. Yard dimensions:
 1. Front Yard Setback:
 1. 15 feet from the property line or road right-of-way if applicable ~~for lots with municipal utilities.~~
 2. ~~50 feet for lots without municipal utilities.~~
 2. Interior side yard setback (each side):
 1. Minimum of zero feet if attached to an adjacent building, or a minimum of ten feet from the interior lot line(s) ~~for lots with municipal utilities.~~
 2. ~~50 feet for lots without municipal utilities.~~
 3. Corner side yard setback:
 1. Minimum of 15 feet from lot line or road right-of-way if applicable ~~for lots with municipal utilities.~~
 2. ~~50 feet for lots without municipal utilities.~~
 4. Rear yard:
 1. Minimum of 15 feet from lot line ~~for lots with municipal utilities.~~
 2. ~~50 feet for lots without municipal utilities.~~

Sec 66-571 Area And Bulk Regulations

Area and bulk regulations in the B-3 regional business district are as follows:

1. Lot area:
 1. Minimum of 10,000 square feet within the Urban Service Area and for lots with connected to municipal utilities.
 2. Minimum of ten acres for lots outside with Urban Service Area without municipal utilities. Lots of record outside of the Urban Service Area created prior to July 21, 2017 shall be deemed legal lots for purposes of this section.
2. Lot width at front setback line:
 1. Minimum of 100 feet within the Urban Service Area, for lots with municipal utilities.
 2. Minimum of 300 feet for lots outside the Urban Service Area without municipal utilities.
3. Minimum lot depth:
 1. 100 feet for lots within the Urban Service Area, municipal utilities.
 2. 300 feet for lots outside of the Urban Service Area, without municipal utilities.
4. Yard dimensions:

1. Front yard setback:
 1. 15 feet from the property line or road right-of-way if applicable for lots within the Urban Service Area. ~~municipal utilities.~~
 2. 50 feet for lots outside of the Urban Service Area.~~without municipal utilities.~~
2. Side Yard Setback (each side):
 1. Minimum of zero feet if attached to an adjacent building, or a minimum of ten feet from the interior lot lines for lots within the Urban Service Area.~~municipal utilities.~~
 2. 50 feet for lots outside the Urban Service Area~~without municipal utilities.~~
3. Corner side yard:
 1. 15 feet from property line or road right-of-way if applicable for lots within the Urban Service Area~~with municipal utilities.~~
 2. 50 feet for lots outside the Urban Service Area~~without municipal utilities.~~
4. Rear yard:
 1. 15 feet from the lot line for lots within the Urban Service Area~~municipal utilities.~~
 2. 50 feet for lots outside the Urban Service Area~~without municipal utilities.~~

Sec 66-659 Area And Bulk Regulations

Area and bulk regulations in the I-3 planned industrial district shall be as follows:

1. Lot area:
 1. Minimum of 10,000 square feet and for lots with connected to municipal utilities.
 2. ~~Minimum of ten acres for lots without municipal utilities.~~
2. Lot width at front yard setback line:
 1. Minimum of 100 feet ~~for lots with municipal utilities.~~
 2. ~~Minimum of 300 feet for lots without municipal utilities.~~
3. Minimum lot depth:
 1. 100 feet for lots ~~with municipal utilities.~~
 2. ~~300 feet for lots without municipal utilities.~~
4. Yard dimensions:
 1. Front yard setback:
 1. 20 feet from the lot line or road right-of-way if applicable ~~for lots with municipal utilities.~~
 2. ~~50 feet for lots without municipal utilities.~~
 2. Side yard setback (each side):
 1. Minimum of 20 feet from the lot line ~~for lots with municipal utilities.~~
 2. ~~Minimum of 50 feet from the lot line for lots without municipal utilities.~~

3. Rear yard setback:

1. Minimum of 20 feet from the lot line ~~for lots with municipal utilities.~~
2. Minimum of 50 feet from the lot line for lots without municipal utilities.

Density Transfer Credits (RR – Rural Residential)

Sec 66-452. Yard, Area, And Building Size Requirements.

The following are yard, area and building size regulations for permitted dwelling units in the RR rural residential district:

(1) Lot Area –

~~(a) Lot area: a minimum of 1.0 acre for property located within the 20 year growth area. A minimum of 1.0 acre of upland for property located outside the 20 year growth area. A lot split or plat that creates a 1.0 acre lot shall include a sketch plan for the entire property showing how the property could be subdivided in the future.~~

a. for lots outside of the Urban Service Area, a minimum of 1.0 acre buildable

b. for lots within the Urban Service Area and connected to municipal utilities, 12,000 ft²; provided however, no new lots can be created within Urban Service Area that are not connected to municipal services, unless they established according to the terms of an approved PUD under Sections 66-788 through 66-798

c. lots of record created prior to July 21, 2017 shall be deemed legal lots for purposes of this section but subject to the requirements of Sec. 58-76

66-788. Purpose.

The purpose of the PUD planned unit development district is:

(3) To ensure concentration of open space into more useable areas, and a preservation of the natural resources of the site, unless the PUD is being created for purposes of lot development within the Urban Service Area in accordance with the terms of Sec. 66-791

(5) to allow for minimal development of lots zoned RR located within the Urban Service Area not currently served by municipal utilities

Sec 66-790. General Standards For Approval.

A conditional use permit shall be required of all planned unit developments. The planned unit development conditional use permit shall apply to all specified zoning districts. The city may approve the planned unit development only if it finds that the development satisfies all of the following standards unless the PUD is being created for purposes of lot development within the Urban Service Area in accordance with the terms of Sec. 66-791: (keep balance of 66-790 the same)

66-791. Density.

In any planned unit development, the maximum number of dwelling units allowed shall not exceed those of the land use districts in the comprehensive plan.

(3) The development of parcels zoned RR within the Urban Service Area that are not connected to municipal utilities is allowed if the overall density at the time of full development and eventual connection to municipal utilities meets or exceeds the minimum density standards if all of the following factors or conditions are met:

- (a) that the lots without municipal services are 1 acre buildable or larger;
- (b) that the planned unit development is consistent with the comprehensive plan of the city;
- (c) that following a thorough analysis, it is determined that connection to municipal utilities likely to be delayed due to geography and/or distance to nearest existing connection point;
- (d) that the parcels to be subdivided are contiguous and of common ownership;
- (e) that the lots to be developed will be clustered to ensure that the construction of future municipal utilities can be accommodated;
- (f) that all of the developed lots will have restrictions placed upon them that require connecting to municipal utilities when available subject to Section 58-76 of City Code;
- (g) that all remaining buildable property will have restrictions placed upon the land requiring connection to municipal utilities and a requirement of additional lots to be created above that which would be required under the zoning code should the acreage lots without municipal services had not been created;
- (h) that the lots to be developed will be located as far from existing services as practical so as not to interfere with the construction and installation of future municipal services;

(i) that a separate deed or deed restriction, as appropriate, must be filed for the affected sending and receiving parcel. All deed restrictions shall allow perpetual oversight and access for monitoring by the City. This document shall be in the a form acceptable to the City Attorney;

(j) that the PUD will document the transfer of density flow rights from the Sending Parcel to the Receiving Parcel (defined in 66 – 8); and

(k) that in calculating the additional lots required on future development on the remaining buildable acres, the minimum density within the City Comprehensive Plan will be used, and additional lots will be created within the remaining buildable land cover and above the amount that would be normal for a development. By way of example, if the minimum lot density allowed under the comprehensive plan for the applicable zoning of the parcel is 2 units per acre, the following calculations would be used:

<u>Total Buildable Acres within Urban Service Area</u>	<u>Maximum buildable acreage without municipal service – any lot size (sending parcel)</u>	<u>Remaining buildable acres for future development (receiving parcel)</u>	<u>Total # of lots that would have been required for the maximum buildable acreage (sending parcel credits)</u>
<u>40 acres</u>	<u>4 acres</u>	<u>36 acres</u>	<u>8 lots (4 acres x 2 units per acre)</u>
<u>30 acres</u>	<u>3 acres</u>	<u>27 acres</u>	<u>6 lots (3 acres x 2 units per acre)</u>
<u>20 acres</u>	<u>2 acres</u>	<u>18 acres</u>	<u>4 lots (2 acres x 2 units per acre)</u>
<u>10 acres</u>	<u>1 acre</u>	<u>9 acres</u>	<u>2 lots (1 acre x 2 units per acre)</u>

(k) A unanimous vote of all of the members of the acting City Council is necessary to (i) modify the density plan so as to alter any requirements regarding the future connection of lots within the PUD area to municipal services once available; or (ii) accept a second application after an earlier denial of substantially the same request.

Add to **Sec. 66 – 8. Definitions.**

Municipal Utilities means individually and collectively the water service provided by North Branch Water and Light and the wastewater/ sewer service provided by the City of North Branch.

Receiving Parcel means an area of land owned by the same entity as the sending parcel that will be developed more intensively than what the zoning district allows using the sending parcel credits. No parcel shall be land-locked.

Sending Parcel means an area of land owned by the same entity as the receiving parcel that will be developed less intensively with the than what the zoning district allows if the property were to be on water and sewer. The property's density credit will be placed on the receiving parcel. No sending parcel can be the receiver of density. No parcel shall be land-locked.

