

**ZONING ORDINANCE**

**SECTION 3  
DISTRICT REGULATIONS**

**3.1 USE REGULATIONS**

It shall be unlawful to use or permit the use of any building or premises within the City of Chaska for any purpose other than as listed or described below. Uses similar in nature to those listed may be permitted if, in the opinion of the City Council, they will not be detrimental to the integrity of the applicable District.

Uses not listed or described within this Section or within any Planned Development District shall be prohibited. In addition to regulations and standards contained within this Section, all uses and structures shall be subject to special regulations contained within Section 9 of this Ordinance and shall comply with all applicable local, State and Federal laws, rules and regulations.

**3.1.1B RR2 - RURAL RESIDENTIAL 2:**

**3.1.1B.1 Intent**

This district is intended for application to land located at the edge of Chaska's corporate limits where a "green belt" separation from adjacent communities is desired. The district is intended to help preserve Chaska's identity as a separate free-standing community as urban expansion of the Twin Cities metropolitan area occurs around Chaska. Toward this end, the district provides for agricultural, horticulture and similar open space uses together with scattered non-farm dwellings at a maximum density of four dwellings per quarter quarter section (4 per 40 acres). Clustering of lots so as to leave large undeveloped areas that may be susceptible to future resubdividing shall be prohibited.

Such low density development is intended to be a permanent land use pattern and is not considered a holding zone for future urban development. This district is not intended to be served with municipal sewer and water facilities.

In addition to serving a "green belt" function and providing opportunities for ex-urban living in a rural/natural setting, this district is also intended to preserve the significant natural resources within Chaska's current and ultimate corporate limits.

**3.1.1B.2 Uses Permitted**

- a) Commercial agriculture and horticulture, including farm buildings, farm drainage and irrigation systems;
- b) Forestry;
- c) Four single family dwellings per each quarter quarter section provided:
  - i) Each dwelling shall be located on a separately owned parcel which shall be at least 5.0 acres in size.

**DISTRICT REGULATIONS**

- ii) Driveways serving dwellings shall be separated from adjacent roads and driveways on the same side of the road by the following distances measured between center lines:
  - aa) local road or private driveway: ..... 100 feet
  - bb) Class I collector road or County highway:..... 330 feet
  - cc) minimum distance from intersection of two or more of the above: ..... 100 feet
- iii) Dwellings shall be set back at least 75 feet from the road right-of-way and be separated at least 300 feet from any structure located on any adjoining separately owned parcel.
- iv) A standard on-site sewer system shall be installed in conformance with City Code regulations, and one alternate drainfield site shall be provided.
- v) The parcel upon which the dwelling is to be located shall have a minimum of 200 feet of frontage along an existing public roadway, or shall benefit from an easement for vehicular ingress and egress of not less than 50 feet wide providing access to and from a public roadway.
- d) Parks, wildlife refuge or preserves, and open space preservation areas of a non-commercial nature;
- e) A State licensed residential facility serving six or fewer persons, a State licensed day care facility serving twelve or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.

**3.1.1B.3 Uses by Special Permit**

- a) Horticulture, landscape design and limited landscape contracting services provided:
  - i) Such activities shall not generate customer traffic to the premises or within the District except by appointment only.
  - ii) Retail services shall not be conducted on the premises or within the District.
  - iii) Re-wholesale of plant material not grown on the premises shall not be conducted on the premises or within the District.
  - iv) Outdoor stockpiling of accessory materials including, but not limited to, decorative rock, timbers, woodchips, peat, etc. shall not be permitted.
  - v) It is the intent of the District that only a limited number and size of vehicles used for subject contracting shall be permitted and any such vehicle and equipment shall be kept within an enclosed building. Any outdoor storage within this District shall be prohibited.

## ZONING ORDINANCE

- vi) Signs advertising the services shall not be permitted within this or any other District within the City of Chaska.
- b) Roadside stands/structures for the sale of farm products;
- c) Public stables where more than one horse per acre is proposed to be kept, exclusive of farms, subject to the following conditions:
  - i) Submittal of site plan showing stable operation, fencing, drainage, buildings, sewage treatment and well systems.
  - ii) A minimum lot size of ten (10) contiguous acres shall be required for public stables.
  - iii) Applicable animal densities may be increased for in-house operations pending submittal of the stables' functional plans showing that the animals' needs will be adequately cared for and including an area for daily exercise. In no event shall in-house confinement areas be less than 100 square feet per horse.
  - iv) All structures, parking lots and storage areas shall be located at least 300 feet from an existing non-farm dwelling in the R District, or from a residential district boundary.
  - v) The applicant shall submit a plan for removal and distribution of manure and other waste materials which meets all requirements of the Minnesota Pollution Control Feedlot Rules. The plan shall provide for the storage of manure and other waste materials at least 300 feet from an existing non-farm dwelling in the RR2 District, or from a residential district boundary, and at least 100 feet from a well.
  - vi) Depending upon the size of the operation, one or more caretaker units may be allowed as part of a public stable operation.
- d) Ground supported radio and television antennas greater than 40 feet combined height above ground level to a maximum of 65 feet subject to provisions of Subsection 9.15;
- e) Bed and Breakfast facilities subject to provisions of Subsection 9.19.

### **3.1.1B.4 Permitted Accessory Uses**

- a) Private garages and parking spaces as regulated by Subsection 9.2 provided that a detached garage shall not exceed 1,000 square feet in floor area nor 20 feet in height above ground level;
- b) Private recreational facilities such as swimming pool and tennis court;
- c) Customary home occupations as regulated by Subsection 9.14;
- d) Signs allowed without a permit as regulated in Subsection 10.3.1(a);

## DISTRICT REGULATIONS

- e) Screen houses, gazebos;
- f) Roof mounted radio and television antennas less than ten (10) feet above the highest point of the roof line and ground supported towers and antennas less than 40 feet combined height above ground level as regulated by Subsection 9.15;
- g) Ground supported satellite dish antennas provided they are located in rear yard areas. Side yard locations may be permitted only if a usable rear yard is not available. Front yard locations and roof-mounted antennas larger than one meter in diameter are prohibited;
- h) Essential service structures;
- i) The renting of no more than two rooms for lodging purposes in a one family dwelling;
- j) One accessory storage structure in addition to a detached garage subject to the following:
  - i) Maximum size:..... 1,750 square feet
  - ii) Maximum height: ..... 30 feet
  - iii) Location at least ten (10) feet from the residence;
  - iv) Exterior building materials shall be the same as or of similar quality as that of the residence;
  - v) Construction in accordance with the State Building Code;
  - vi) Structure shall be used only by the occupants of the residence and may be used for: storage of household goods, recreational vehicles and equipment, personal vehicles, maintenance and repair of personal vehicles and equipment, shop or similar activity for hobby purposes (no products or services for sale or pay or similar remuneration), keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance.
- k) The keeping of animals on non-farm lots according to the following regulations:
  - i) Dogs, cats and other domestic animals customarily kept as pets are not subject to these regulations.
  - ii) On lots less than 2.5 acres, only dogs, cats and other animals customarily kept as pets are permitted.
  - iii) On lots of 2.5 acres and over, with the exception of farms, the following types of animals shall be permitted at a maximum density of one animal unit per acre:

## ZONING ORDINANCE

<b>Animals/Acre</b>	<b>Animal</b>	<b>Animal Unit</b>
Equine (horses, mules, etc.)	1.0	1.0
Cattle	1.0	1.0
Sheep, goats, or similar	0.2	5.0
Large poultry (turkeys, ducks, or similar)	0.04	25.0
Small poultry and animals (chickens, rabbits, or similar)	0.02	50.0

- iv) Fences or other means of confinement shall be provided so as to prevent the movement of animals across property lines or onto public roads.
- v) Structure to be used exclusively for the keeping and maintaining of animals and appurtenant equipment and supplies shall be permitted, in addition to the detached garage and storage structure permitted in a) and j) above. Such structures shall be located at least 100 feet from the residence.

### **3.1.1B.5 Density Transfer - Dwellings**

- a) Whereas the basic measure of residential density within the Rural Residential 2 District is established by this Ordinance at four single family residences per quarter quarter section (40 acres), it is intended that reasonable transfer of density allocations from one quarter quarter section to another may be permitted. Such transfer shall require approval of the City Council after review and recommendation by the Planning Commission. Additional requirements shall be as follows:
  - i) The subject property shall be in one ownership.
  - ii) A recordable document attesting to the density transfer shall be filed with the deed to the parcel or parcels at the Office of Carver County Recorder.
  - iii) In no event shall more than six single family residences be permitted in one quarter quarter section.

### **3.1.1B.6 Dwelling Application Requirements**

- a) Application for building permits for new single family residences within the RR2-Rural Residential District shall be accompanied by a registered land survey or a survey by a registered land surveyor of the parcel for which the application is requested, showing the proposed location of the residence on said parcel, showing driveway easements between the parcel and the public roadway providing access to the parcel, and showing any and all residences and other structures within 300 feet of the proposed site;
- b) Any time a recorded parcel existing on the date of this Ordinance is split or divided into two or more parcels, a document in recordable form shall be filed

## DISTRICT REGULATIONS

in the Carver County Recorder's office setting forth the availability or non-availability of residential building rights under this Ordinance;

- c) For any parcel meeting the requirements of Subsection 3.1.1B.2, there is hereby waived any requirement of any Chaska Ordinance, rule or regulation, requiring that a residential parcel have frontage on a public street;
- d) In order to insure that the proposed location of the dwelling on the property will not adversely affect or be adversely affected by any existing residence or proposed natural or manmade feature, the required location plan shall be reviewed and approved by the Director of Planning and Development prior to issuance of a building permit.

### **3.1.1B.7 Platting Requirements / Public Street Dedication**

- a) A maximum of two residential parcels may be served by a common driveway in which event a separate cross access easement and maintenance agreement shall be recorded with the respective parcels;
- b) Whenever three or more dwelling sites are proposed to be created or to be served by a new access road, the parcels shall be platted according to procedures and requirements of Chaska's Subdivision Regulations (Ordinance No. 252), and the proposed road shall be dedicated to the City as a public street;
- c) Minimum requirements for such public streets shall be:
  - i) 60 feet right-of-way.
  - ii) Rural section roadway with a 24 foot bituminous surface and three (3) foot gravel shoulders. (City of Chaska Standard Detail Plate No. STR-6)

### **3.1.1B.8 Existing Street Improvements**

It is commonly known that the three existing gravel streets in the northwest area (Bavaria, McKnight, 82nd) are in poor condition. Portions of the road surface heaves and becomes impassable in Spring time. The roadbeds are poorly drained and consist of frost susceptible material which is not conducive to maintaining a stable roadway.

While the City supports the concept of a permanent 4/40 development pattern in northwest Chaska, it is imperative that the three existing streets be reconstructed and bituminous surfaced prior to approval of additional plats in the 4/40 area. Accordingly, no plats shall be approved after the date of adoption of this Section, until the existing street, from which the plat gains access, has been upgraded to meet City standards, or until a plan for financing such upgrading has been approved and adopted by the City Council.