

SECTION 514 - SINGLE-FAMILY RESIDENTIAL DISTRICT (R)

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SECTION 514 - SINGLE-FAMILY RESIDENTIAL DISTRICT (R)
(ADDED, BILL NO. 2007-19)

514.01. Purposes. The purposes of the R District regulations are to protect and preserve the single-family residential character of the R District; reserve appropriate locations for single-family dwellings; provide opportunities for cluster housing development; minimize traffic congestion and the overloading of utilities; and provide residential locations that are safe, attractive and quiet.

514.03. Permitted uses. Subdivision 1. The uses listed in this subsection are permitted uses in the R District.

Subd. 2. Single-family (detached) dwellings.

Subd. 3. State-licensed day care facility serving 12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children. Care facilities located within the R District shall be subject to the same zoning regulations as single-family dwellings in the R District.

Subd. 4. State-licensed residential care facility serving six or fewer persons, or a housing with services establishment registered under M.S. 144D serving six or fewer persons. Care facilities located within the R District shall be subject to the same zoning regulations as single-family dwellings in the R District.

Subd. 5. Governmental buildings and public libraries.

514.05. Accessory building and use regulations. Subdivision 1. The uses listed in this subsection are allowable accessory uses in the R District.

Subd. 2. In addition to the general accessory building provisions of Subsection 509.09, the following rules apply to accessory buildings in the R District:

- a) No more than one (1) of each of the following shall be located on a residential parcel: detached garage, greenhouse, storage building or gazebo; and
- b) No attached garage shall be greater in lot coverage than the dwelling unit to which it is attached.

Subd. 3. Private garages (includes attached and detached) or carports that do not exceed 1,000 square feet in gross floor area, do not exceed an aggregate of 1,200 square feet in gross floor area when combined with all other accessory buildings and attached garages on the lot, and are constructed in accordance with Subdivision 2 of this subsection.

Subd. 4. Greenhouses, storage buildings, and gazebos that do not exceed 175 square feet in gross floor area, do not exceed an aggregate of 1,200 square feet in gross floor area when combined with all other accessory buildings and attached garages on the lot, are constructed in accordance with Subdivision 2 of this subsection.

Subd. 5. Private swimming pools as defined in Section 420 of the city code, provided that such swimming pools and related equipment be located:

- a) At least ten feet from any rear lot line;
- b) At least ten feet from any interior side lot line; and
- c) At least 15 feet from any street side lot line.

Subd. 6. Private driveways, parking areas, turnaround areas, and sidewalks for residential uses, provided the following conditions are met: (Amended, Bill No. 2005-8)

- a) All such driveways, parking areas, turnaround areas, and sidewalks shall be set back no less than one foot from any lot line abutting another parcel, except that upon written request from the landowner, the Director may reduce or rescind this setback requirement for shared access agreements or with a finding of necessity and public convenience; (Amended, Bill No. 2005-8)
- b) All such driveways, parking areas, turnaround areas, and sidewalks shall be constructed with concrete, asphalt, concrete pavers, brick set in compacted sand, or other material approved by the Director; (Amended, Bill No. 2005-8)
- c) No parking area shall be permitted in the front yard area except as allowed by paragraph d); (Amended, Bill No. 2005-8)
- d) Within the front yard area, vehicles shall only be parked on the driveway area; (Amended, Bill No. 2005-8)
- e) Driveways, where located within the boulevard or the front yard area, are subject to the following requirements:
 - (i) They shall not exceed 22 feet in width up to a maximum of 35% of the front yard area (curb cut radii excluded);
 - (ii) Curb cut radii (five feet minimum) shall not encroach upon the boulevard of abutting properties;
 - (iii) On corner lots, driveways shall be set back at least 30 feet from an intersection, as measured from the point where the extended curb lines of the streets intersect;

- (iv) Only one curb cut shall be permitted from a public street to an interior lot. A corner lot may have one curb cut from each public street, provided the driveway setback requirement in item (iii) above is met; and
 - (v) Upon written request from the landowner, items (i), (ii), (iii), and (iv) above may be varied by the Director with a finding of necessity and public convenience;
(Amended, Bill No. 2005-8)
- f) Any expansion or installation of a driveway, parking or turnaround area on a lot shall be subject to a city permit;
- g) Any expansion, installation or replacement of a curb cut from a public street to a lot shall be subject to a city permit and any curb cut abandoned with the installation of a new cut shall be extinguished and replaced with curb and gutter according to specifications determined by the Director of Public Works, except as provided in (e) (iv), provided the curb cut meets all requirements of (e) and is in service for driveway or parking purposes; and (Added, Bill No. 1999-3, Amended, Bill No. 2005-8)
- h) A turnaround area may be located within a front yard subject to the requirements of this paragraph. The turnaround area is limited to the front yard of arterial and collector streets only. The turnaround area cannot exceed 150 square feet. The turnaround area must be contiguous to the driveway. (Added, Bill No. 2005-8)

Subd. 7. The accommodation of one roomer in addition to the family, provided that:

- a) The roomer plus the family shall not exceed a total of five persons (see definition of family);
- b) Such arrangement does not constitute an accessory apartment; and
- c) Adequate off-street parking is available.

Subd. 8. Home occupations that are operated in accordance with Section 509 of this code.

Subd. 9. Roof-mounted television antennas.

Subd. 10. Minor public utilities.

514.07. Conditional uses. Subdivision 1. The uses listed in this subsection are conditional uses in the R District, and are subject to the conditional use permit provisions outlined in Section 547.09 of this code.

Subd. 2. Two-family dwellings, provided the following conditions are met:

- a) The lot shall abut an arterial or collector street;
- b) The lot area and width shall comply with Section 514.11, Subd. 2 of this code;
- c) Two off-street parking spaces, one of which must be enclosed in a garage, shall be provided for each dwelling unit;
- d) Private driveways, parking areas, turnaround areas and sidewalks shall comply with Section 514.05 Subd. 8 of this code;
- e) For new construction each dwelling unit shall contain at least 750 square feet of interior floor space, and for conversion of a single-family dwelling to a two-family dwelling each unit shall contain at least 500 square feet of interior floor space. For the purpose of this subsection, interior floor space shall include the total horizontal area of the dwelling unit as measured from the interior walls of the unit; and
- f) The structure shall meet all setback requirements for two-family dwellings as indicated under Section 514.13, except that a single-family dwelling which does not meet the required two-family interior side setback may be converted into a two-family dwelling if the dwelling is not expanded or if the expansion meets all applicable two-family dwelling requirements.

Subd. 3. Cluster home developments, provided the following conditions are met:

- a) The design of the development must be compatible with the surrounding neighborhood in terms of building materials, architectural design, scale and mass of the structure, or other similar urban design characteristics;
- b) Landscaping must be provided in accordance with the Performance Standards Section of this code;
- c) Two off-street parking spaces, at least one of which must be enclosed in a garage, shall be provided for each dwelling unit;
- d) There must be a minimum of 500 square feet of outdoor open space provided on the lot per dwelling unit;
- e) The number and location of driveways and curbcuts shall minimize conflict with vehicular traffic and should not adversely impact adjacent land uses; and
- f) The density of the development may not exceed the density recommended in the comprehensive plan.
(Added, Bill No. 1996-22; Amended, Bill No. 2002-11)

Subd. 4. Bed and breakfast inns, provided the following conditions are met:

- a) No more than two rental rooms shall be provided;
- b) At least two off-street parking spaces (may include garage stalls) shall be provided for the residence, and at least one off-street parking space shall be provided on the lot for each rental room;
- c) The use shall be contained within a single-family detached dwelling;
- d) Outdoor parking areas shall be screened with landscape materials; and
- e) The operator shall secure all applicable licenses and approvals from the city, county, state, or other applicable jurisdictions before the conditional use permit will become effective.

Subd. 5. Public or private elementary and high schools, and other similar learning institutions provided the following conditions are met:

- a) The use site shall abut a collector or arterial street or be located such that significant traffic will not be generated on local residential streets;
- b) Pick-up and drop-off areas shall be designed to enhance vehicular and pedestrian safety;
- c) Outdoor recreational facilities designed for group activities shall be set back at least 40 feet from any lot line;
- d) Buffering shall be provided to mitigate noise and adverse visual impacts on adjacent properties; and
- e) Lighted playing fields shall be permitted only upon demonstration that off-site impacts can be substantially mitigated.

Subd. 6. Cemeteries (may include mausoleums and crematories), provided the following conditions are met:

- a) The lot area shall be not less than five acres;
- b) Direct views from all abutting residential property shall be buffered in accordance with the Performance Standards Section of this code;
- c) The use shall abut an arterial or collector street and access shall be achieved without conducting significant traffic on local residential streets; and
- d) Any crematory shall be set back not less than 600 feet from any lot line.

Subd. 7. Religious institutions and related convents or parsonages, provided the following conditions are met:

- a) The use site shall abut a collector or arterial street or be located such that significant traffic will not be generated on local residential streets;
- b) Outdoor facilities designed for group activities shall be set back at least 40 feet from any lot line; and
- c) Buffering shall be provided to mitigate noise and adverse visual impacts on adjacent properties.

Subd. 8. Emergency shelters within non-residential buildings (e.g., schools or churches) provided the following conditions are met:

- a) The shelter shall serve no more than 16 persons at one time; and
- b) Meals for those served by the shelter shall be prepared in a kitchen approved for commercial use.

Subd. 9. State-licensed day care facility serving more than 12 persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 15 or more children within non-residential buildings (e.g., schools or churches) provided the following conditions are met:

- a) Designated pick-up and drop-off areas shall be located on the site; and
- b) Designated outdoor play areas shall be set back at least 15 feet from any lot line which abuts a residential property.

Subd. 10. Telecommunications towers are allowed only in the following residentially zoned areas:

- a) Towers supporting amateur radio antennas and conforming to all applicable provisions of Section 544.25 of this code shall be allowed only in the rear yard of residentially zoned parcels; and
- b) Towers supporting commercial antennas and conforming to all applicable provisions of Section 544.25 this code shall be allowed only in the following residentially zoned locations:
 - (i) Church sites, when camouflaged as steeples or bell towers;
 - (ii) Park sites, when compatible with the nature of the park; and,
 - (iii) Government, school, utility, and institutional sites, not including the public right-of-way.

Subd. 11. Major public utilities.

514.09. Prohibited uses. Any land use not listed as permitted, accessory or conditional in this Section or subsection 512.05 is prohibited in the R District unless the use is found to be substantially similar to a use listed, as determined by the city in accordance with Section 509.23 of this code.

514.11. Lot Area, dimensions and coverage. Subdivision 1. The standards set out in this subsection apply in the R District.

Subd. 2. Minimum lot area, dimensions and coverage.

Land use	Lot area (sq. ft.)	Lot width (feet)	Lot depth (feet)	Max. lot coverage	Maximum impervious surface
Single-Family	6,700	50	100	35 %	45 %
Two-Family	9,000	60	100	35 %	45 %
Cluster home Development in R-SFH Guided Area	2,900 Per Unit	60	100	35 %	75 %
Cluster home Development in Non-R-SFH Guided Area	4,000 Per Unit	60	100	35 %	75 %
Non-Residential	40,000	150	100	50 %	85 %

Subd. 3. Special grandfather clause for certain R lots. A lot that was a lot of record on or before June 1, 1995, located in the R District which does not meet the minimum requirements set forth in this code as to area and dimensions, may be used for single-family (detached) development provided that the width of such lot is not less than 40 feet and such lot contains at least 5,000 square feet in area.

514.13. Building setback and height. Subdivision 1. Standards. The standards set out in this subsection apply in the R District.

Subd. 2. Building setback and maximum height (measurements in feet):

Use	Front	Rear	Interior Side	Street /Corner Side	Maximum Height
Single-family building (but see Subd. 3 and 5)	30	25	5	12	25
Two-family building (but see Subd. 3 and 5)	30	25	10	12	25
Cluster home development in R-SFH guided area (but see Subd. 3 and 5) ¹	10	25	5	12	25 (but see Subd. 8)
Cluster home development in non-R-SFH guided area (but see Subd. 3 and 5) ¹	30	25	5	12	25 (but see Subd. 8)
Accessory – garage (but see Subd. 3-6)	30	3 (5 if utility easement)	5	12	14 ²
Accessory – non-garage (but see Subd. 4 and 5)	30	3 (5 if utility easement)	5	12	12 ³
Non-residential building (but see Subd. 5 and 7)	40	30	30	30	42
Accessory building to non-residential use (but see Subd. 5)	40	10	10	30	15

¹ Setbacks for cluster home developments shall apply to the perimeter of the development. Setbacks between attached and detached units within a cluster home development must comply with applicable building and fire codes. (Added, Bill No. 1996-22)

² For garages, height is measured on the side of the building with the vehicle door. The storage height above the parking area in a detached garage cannot exceed six (6) feet in height.

³ For non-garage accessory structures, height is measured from the ground level to the highest point of the roof.

(Amended Bill No. 1996-22; Bill No. 1999-3; Bill No. 2002-11)

Subd. 3. Setback reductions for principal buildings. The following setback reductions apply in the R District:

- a) On a corner lot, the street side setback requirement shall be the lesser of 12 feet or the established street side setback of the existing principal building on the same lot for single-family, two-family and cluster home development structures. In any case the provisions of paragraphs d) and e) of this subdivision shall be applicable; (Amended, Bill No. 1996-22)
- b) The front setback requirement for a new single-family dwelling, two-family dwelling or cluster home development on a lot may be reduced to not less than the average existing front setback of the dwelling(s) which front on the same street and abut such lot, to a minimum setback of 20 feet; (Amended, Bill No. 1996-22)
- c) With respect to single-family homes existing on or before June 1, 1995, the interior side setback requirement may be reduced to not less than three feet for the purpose of constructing an attached garage or a two-car garage to replace a single-car garage, provided the following conditions are met:
 - (i) A letter of consent signed by the owner of the property that abuts the interior lot line shall be submitted to the city;
 - (ii) The garage shall be located a distance of not less than eight feet from any building on an abutting lot;
 - (iii) The width of the garage shall not exceed 20 feet, and the length shall not exceed 26 feet;
 - (iv) The garage wall most parallel and adjacent to the interior lot line shall have no more than a one-foot roof overhang (eave projection);
 - (v) The garage wall most parallel and adjacent to the interior lot line shall be constructed with no openings, and with materials which provide a one hour fire rating; and
 - (vi) A drainage plan shall be approved by the Engineering Department prior to issuance of building permits.
- d) Windows or window units may project a maximum of 24 inches into a required front yard, street side yard, or rear yard of a dwelling, provided that the floor area is not increased by more than ten square feet, however, in no case shall they be closer than six feet from any lot line;
- e) Those items classified as "not encroachments" in Section 509.09;
- f) The setback requirements for cluster home developments may be reduced to 25 feet in the front and 12 feet in the rear if the following criteria are met:

- (i) The project can demonstrate that a superior design is achieved through the reduced setback. Evidence of a superior design may include but is not limited to the preservation of a natural feature, creation of an amenity, creation of public open space, or incorporation of special features to meet the needs of the target population;
- (ii) The reduced setback does not adversely affect the surrounding neighborhood in terms of a decrease in privacy, noise, overcrowding, or other similar impacts; and
- (iii) The impact of the reduced setback is minimized through the presence of features such as landscaping or other means of buffering, a limited number of building openings in the portion of the structure that infringes upon the setback, building orientation, minimized garage door dominance, or other similar features.
(Added, Bill No. 1996-22)

g) In required front yards, covered porches attached to the principal building that extend no more than 10 feet, provided that the porch is no closer than 20 feet from the front lot line and that the design of the porch is approved by the Community Development Director. The Community Development Director must make the following findings to approve a porch encroachment up to 10 feet:

- (i) The exterior materials of the proposed porch are consistent or complementary in color, texture and quality with those visible at the front of the dwelling;
- (ii) The roof of the proposed porch is properly proportioned to and integrated with the roof of the dwelling and has no less than a 3/12 slope;
- (iii) The base of the porch is not open and its appearance is consistent with the base of the dwelling;
- (iv) At least 65 percent of the exposed porch facade is open or occupied by windows, screens, and/or doors of transparent material; the facade constitutes the area from the floor level of the porch to the porch ceiling; and
- (v) Plans are prepared by a registered architect or reviewed by the a design advisor selected by the Community Development Department;

The Director may attach conditions to the approval of the porch encroachment as needed to make the required findings; and

- h) In required residential street /corner side yards, covered porches attached to the front of a principal building that extend no more than 10 feet, provided that the porch is no closer than 20 feet from the street side lot line and that the design of the porch is approved by the Community Development Director. The Director must make the findings required by Section 514.13, Subd. 3(g). The Director may attach conditions to the approval of the porch encroachment as needed to make the required findings. (Added Bill No. 1998-12)

Subd. 4. Setback reductions for residential accessory buildings. The following setback reductions apply in the R District:

- a) The interior side setback requirement for accessory buildings located entirely five or more feet beyond the rear building line of the principal building may be reduced to three feet (Figure 10); and
- b) On lots which provide alley access to the rear and there is no utility easement, a detached garage may be located no less than two feet from the rear lot line, provided that the setback requirement of Section 514.13, Subd. 6 of this code and all building codes are met.

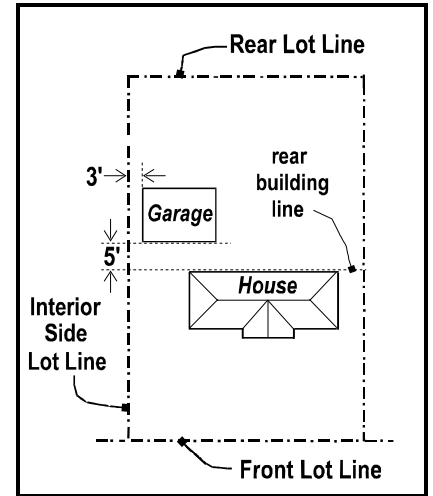


Figure 10

Subd. 5. Additional setback requirement: all structures located on a corner lot that abuts a key lot. On a corner lot which abuts a key lot, the street /corner side setback requirement of such corner lot shall be equal to the front setback of any existing principal building on the key lot or 30 feet, whichever is less, however, in no case shall such street side setback requirement be less than 12 feet. (Figure 11)

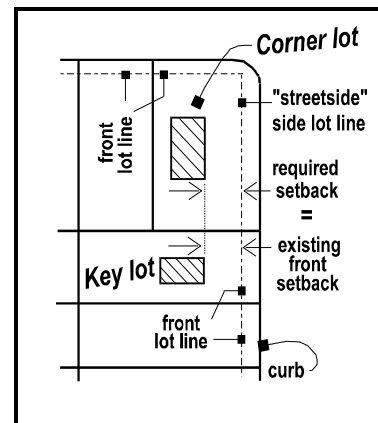


Figure 11

Subd. 6. Additional setback requirement: vehicle access door facing a side or rear lot line. Whenever any building (principal or accessory) is located in such a manner that a vehicle access door faces a side or rear lot line, such side or rear setback requirement shall be not less than 20 feet, except under the following conditions:

- a) If a vehicle access door faces a street side lot line which abuts a non-arterial or non-collector street, such street side setback requirement shall be not less than 15 feet; or
- b) If a vehicle access door faces a rear lot line which abuts an alley, such rear setback requirement shall be not less than 15 feet; or
- c) If a vehicle access door faces an interior side lot line on a lot that is less than 45 feet in width, such interior side setback requirement shall be not less than 15 feet.

Subd. 7. Additional height for non-residential buildings. The following height exceptions apply to non-residential buildings in the R District:

- a) The maximum building height may be increased to no more than 75 feet, provided that the required setbacks shall be increased by one foot for each foot of building height in excess of 42 feet; and
- b) Notwithstanding paragraph a) above, the maximum height for towers, spires, or water tanks may be increased to no more than 150 feet provided that such structure does not exceed 15 percent lot coverage or 1,600 square feet in gross floor area at the base, whichever is less.

Subd. 8. Maximum height increase for cluster housing developments. The maximum height for primary buildings in a cluster housing developments may be increased one foot for every foot the primary building is located from the 25 foot rear set-back, up to a maximum of 35 feet, if the increased height is in harmony with the surrounding neighborhood and if the increased height does not adversely affect the surrounding neighborhood in terms of a decrease in privacy, noise, overcrowding, or other similar impacts. (Added, Bill No. 1996-22; Amended, Bill No. 2002-11)

514.15. Additional regulations. Subdivision 1. Standards. Developments shall be constructed and maintained in accordance with the standards set out in this subsection.

Subd. 2. Dimensions and floor area. Single-family and two-family dwellings constructed after June 1, 1995 shall be a minimum of 22 feet in length and width for at least 50 percent of each distance as measured from outside wall surfaces, and shall contain a minimum of 960 square feet of gross floor area. Dwellings in cluster home developments shall be a minimum of 16 feet in width for attached units. (Amended, Bill No. 1996-22)

Subd. 3. Garage planning. Building plans submitted after July 5, 2008 for new single-family dwellings 1,200 square feet or less shall include garage space for not less than one vehicle and shall designate area on the lot for future construction of garage space for a second vehicle that will not require any variances. Building plan submitted after July 5, 2008 for new single-family dwellings over 1,200 square feet shall include garage space not less than two vehicles. For the purposes of this subdivision only, each vehicle shall require a garage space of not less than 10 feet in width by 20 feet in depth. (Amended, Bill No. 2008-11)

Subd. 4. Performance standards of Section 544. Developments shall be constructed and maintained in accordance with the applicable performance standards set out in Section 544 of this code.

Subd. 5. Design and overlay districts. All property located within a design district or corridor overlay district shall be subject to such district's additional requirements and/or modifications.