

SECTION 1047 – R-3, HIGH DENSITY RESIDENTIAL DISTRICT

SECTION

1047.01:	Purpose
1047.02:	Processing
1047.03:	Permitted Uses
1047.04:	Accessory Uses
1047.05:	Uses by Administrative Permit
1047.06:	Conditional Uses
1047.07:	Interim Uses
1047.08:	Lot Area, Height and Setback Requirements
1047.09:	Transition Requirements

1047.01: PURPOSE: The purpose of the R-3, High Density Residential District is to provide for medium to high density residential uses to be developed as part of Planned Unit Developments. Development of townhome and multiple-family apartments and directly related, accessory and complimentary uses shall be accomplished in a manner which satisfies the following objectives:

Subd. 1. Creation of cohesive medium to high-density neighborhoods that provide attractive living environments and contribute to the City’s identity.

Subd. 2. Provide attractive and durable medium and high-density housing options as a means of addressing the City’s life cycle housing needs.

Subd. 3. Preservation of natural land forms, open spaces, and greenways for scenic enjoyment and recreational use through the regulation of medium and high-density residential land use.

Subd. 4. Allows for the subdivision of attached residential unit base lots to permit individual private ownership of a single dwelling within such a structure.

1047.02: PROCESSING: Full compliance with this Section, other applicable provisions of this Ordinance, and the City’s Subdivision Ordinance provide an alternative to the processing of a planned unit development for lots with more than one principal structure and/or use. Subdivision and administrative review requirements, as applicable, shall however remain in full force and effect.

1047.03: PERMITTED USES: The following are permitted uses in a R-3 District:

- Subd. 1.** Two Unit Dwelling units.
- Subd. 2.** Townhomes with no more than six (6) dwelling units per structure if in a row or eight (8) units if back-to-back.
- Subd. 3.** Apartment Dwelling Structures containing nine (9) or more units.
- Subd. 4.** Essential services, not including structures, except those requiring administrative permits or conditional use permits pursuant to Section 1024 (Essential Services) of this Ordinance.
- Subd. 5.** Flood and Erosion Control Facilities.
- Subd. 6.** Recreation, Public.
- Subd. 7.** Personal wireless service antennas located upon a public structure or existing tower, as regulated by Section 1022 (Antennas) of this Ordinance.
- Subd. 8.** Common areas, subject to the provisions of Section 1040 (General Building Regulations) of this Ordinance.

1047.04: ACCESSORY USES: The following are permitted accessory uses in a R-3 District:

- Subd. 1.** Accessory structures and uses incidental and customary to the uses allowed as permitted, conditional, interim, and administrative permit in this Section.
- Subd. 2.** Keeping of animals subject to City Code Section 1021 (Animals).
- Subd. 3.** Accessory radio and television receiving antennas including single satellite dish TVRO's two (2) meters or less in diameter, short wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 1022 (Antennas) of this Ordinance.
- Subd. 4.** Accessory Antennas. Accessory antennas in conformance with Section 1022 (Antennas) of this Ordinance.
- Subd. 5.** Garage, Private (Residential). Private garages and parking spaces for licensed and operable passenger cars and trucks not to exceed a gross weight of twelve thousand pounds, as regulated by Section 1030 (Off-Street Parking and Loading) of this Ordinance.

Subd. 6. Boarding Rooms. Boarding or renting of rooms to not more than one (1) person.

Subd. 7. Day Care In Home. Subject to applicable County and State licensing requirements, serving up to twelve (12) persons.

Subd. 8. Fences as regulated by Section 1025 (Fences) of this Ordinance.

Subd. 9. Gardening and other horticultural uses where no sale of products is conducted on the premises.

Subd. 10. House pet enclosure provided it is screened from view of adjacent properties and right-of-way and is located in a side or rear yard and is setback at least ten feet from a property line.

Subd. 11. Off-Street Loading.

Subd. 12. Parking lots for five (5) or more vehicles.

Subd. 13. Permitted home occupations and home offices as regulated by Section 1009 (Home Occupations) of this Ordinance.

Subd. 14. Play and Recreational Facilities. Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

Subd. 15. Recreational Vehicles and Equipment. Storage as regulated by Section 1034 (Recreational Vehicles and Equipment) of this Ordinance.

Subd. 16. Signs as regulated by City Code Chapter 1300 (Signs).

Subd. 17. Storage Sheds. Tool house, sheds and other such structures for the storage of domestic supplies and non-commercial recreational equipment.

1047.05: USES BY ADMINISTRATIVE PERMIT: Subject to the applicable provisions of this Section, performance standards established by this Ordinance, and processing requirements of Section 1003 (Administrative Permits) of this Ordinance, the following are uses allowed in a R-3 District by administrative permit as may be issued by the Zoning Administrator:

Subd. 1. Antennas located upon a public structure or existing tower as regulated by Section 1022 (Antennas) of this Ordinance.

Subd. 2. Essential services requiring a permit from the City Engineer as provided by Section 1024 (Essential Services) of this Ordinance.

Subd. 3. Land filling and land excavation/grading operations (50 to 250 cubic yards of material), except mining, as regulated by Section 1026 (Grading, Filling and Excavating) of this Ordinance.

Subd. 4. Temporary mobile towers for personal wireless service antennas.

Subd. 5. Temporary Structures and uses as regulated by Section 1012 (Temporary Uses) of this Ordinance.

Subd. 6. Model Homes/Temporary Real Estate Office subject to the requirements of Section 1028 (Model Homes/Temporary Real Estate Offices) of this Ordinance.

1047:06: CONDITIONAL USES: The following are conditional uses in an R-3 District. (Requires a conditional use permit based upon the procedures set forth in and regulated by Section 1007 (Conditional Use Permits) and Section 1032 (Performance Standards) of this Ordinance.

Subd. 1. Adult Day Care. A state licensed facility as defined in Section 1001 (Rules and Definitions) of this Ordinance provided that:

1. Rear Yard Requirements. Only the rear yard shall be used for recreational areas. Said area shall be fenced and controlled and screened in compliance with Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.
2. Off-Street Loading. Loading and unloading of adult day care participants shall take place in an area designated solely for that purpose.
3. Street Access. The site and related parking and service are served by a street of sufficient capacity to accommodate the traffic which will be generated.
4. Permits and State Laws. All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

Subd. 2. Antennas not located on a public structure or existing tower, as regulated by Section 1022 (Antennas) of this Ordinance.

Subd. 3. Recreation Field, Structure or Building, including golf courses, country clubs, tennis clubs, public swimming pools serving more than one family provided that:

1. Principal structures shall be located one hundred (100) feet or more from any lot line abutting a residential district.
2. Accessory structures and parking areas shall be located a minimum of fifty (50) feet from any lot line.

Subd. 4. Commercial Accessory Uses (with PUD only). The following commercial uses shall be allowed as conditional accessory uses to Senior and Physical Disability Housing and Long Term Care Facility provided the project is part of a Planned Unit Development. It is the intent of this Section that said uses primarily serve and benefit the residents of said facilities.

1. Financial Institutions.
2. Personal Services.
3. Limited Retail Sales.
4. Newsstand.
5. Pharmacy.
6. Clinics.
 - a. Performance Standards. All conditional accessory uses listed herein shall conform to the following provisions:
 - (1) Location. All uses shall be located completely within the principal structure of the residential facility.
 - (2) Access. No separate exterior entrance or exit shall be allowed for any accessory use(s).
 - (3) Signage. No exterior signage of any type shall be allowed for any accessory use(s).
 - (4) Size. All combined commercial accessory uses within a single building shall not exceed three thousand (3,000) square feet gross floor area.
 - (5) Hours. No accessory use shall be open for operation between the hours of 9:00 p.m. and 8:00 a.m.
 - (6) Parking. Sufficient parking for the commercial use(s) shall be provided in accordance with Section 1030 (Off-Site Parking and Loading) of this Ordinance.

Subd. 5. Conditional home occupations and home offices as regulated by Section 1009 (Home Occupations) of this Ordinance.

Subd. 6. Daycare facility. A state licensed facility, either as a primary, stand alone or accessory use provided that:

1. Overnight Facilities. No overnight facilities are provided for persons served except in extreme cases of inclement weather.
2. Front Yard Setback. The front yard setback is a minimum of thirty (30) feet. In districts where the minimum required setback is less than 30 feet, all efforts shall be made to allow for the deepest setback possible.
3. Outdoor Play Area.
 - a. Outdoor play areas and parking areas are landscaped and screened from abutting residential properties and arterial and collector roadways in compliance with Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.
 - b. Outdoor play areas are fenced and enclosed.
 - c. Outdoor play areas are not allowed within the required front yard setbacks.
4. Street Access. The site and related parking and service are served by a street of sufficient capacity to accommodate the traffic which will be generated.
5. Parking. Adequate off-street parking is provided in a location separated from any outdoor play area(s). Adequate short-term parking or drop off area is provided within close-proximity to the main entrance
6. State Regulations. The conditions of all applicable Minnesota rules and regulations are satisfactorily met. No facility shall begin operation without a State license. Proof of approved applicable State licenses shall be provided to the Zoning Administrator.
7. Building and Fire Codes. That all applicable provisions of the Minnesota State Building Code and Fire Code have been met. The City Building Official and Fire Chief shall inspect the property prior to the issuance of the occupancy permit to determine if this Subsection has been complied with.

Subd. 7. Essential Service Structures. Essential services requiring a conditional use permit pursuant to Section 1024 (Essential Services) of this Ordinance and including, but not limited to: buildings such as telephone exchange stations, publicly regulated communications, electrical power substations and other structures utilized to provide essential services, provided that:

1. No building shall be located within fifty (50) feet from any lot line of an abutting lot in a residential zoning district.
2. The architectural design of the service structure shall be compatible to the neighborhood in which it is to be located.

Subd. 8. Group Care Facility. A state licensed facility serving seven (7) or more persons provided:

1. The facility is licensed by the State of Minnesota and the operator of the facility provides documentation of compliance with all applicable federal, state and county regulations.
2. The facility is not located within one thousand three hundred twenty (1,320) feet of any similar type use or care facility.
3. The entrance of the facility is located within five hundred (500) feet of a public transit route and stop, and pedestrian access is available, or the operators provide a transportation/access plan which is found acceptable to the City Council.
4. The operation is subject to annual review and continual monitoring by the City and is found to be in compliance with all applicable construction and operation regulations and standards.

Subd. 9. Long Term Care Facility. Long Term Care Facility, but not including hospitals or similar institutions provided that:

1. Side yard setbacks shall be double the minimum requirements established for the zoning district.
2. Only the rear yard shall be used for recreational areas. Said areas shall be fenced and controlled and screened as required by this Ordinance.
3. If the facility exceeds a density of 10 units per acre or is greater than 24 units total, the site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which is generated.
4. All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

Subd. 10. Municipal Government Buildings and Uses. Municipal government utility stations, facilities, equipment, water towers, lift stations, booster or pressure regulating stations, wells and pumping stations, municipal utility buildings and structures necessary for the health, safety and general welfare of the community including the storage of fire fighting apparatus provided that:

1. Compatibility and Setbacks. Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
2. Equipment Enclosed. Equipment is completely enclosed in a permanent structure or screened. Water towers shall be exempt from this provision.

3. Open storage of maintenance equipment and trucks over one and one-half (1 ½) tons, stockpiling of aggregate or other materials and open storage of shall not be permitted.

Subd. 11. Physical Disability Housing provided that:

1. One (1) unit per building may be designated for a caretaker. The caretaker unit may be occupied by a person without a physical disability.
2. Physical disability housing shall be architecturally compatible with surrounding uses in the area as to exterior design and construction materials.

Subd. 12. Public, Educational and Religious Buildings. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues provided that:

1. Setbacks. No building shall be located within fifty (50) feet of any lot line abutting residential districts.

Subd. 13. PUD. Residential Planned Unit Developments as regulated by Section 1011 (Planned Unit Developments) of this Ordinance.

Subd. 14. Senior Housing. Senior housing provided that:

1. Age Limit. Within a senior housing facility, eighty (80) percent of the dwelling units must be occupied by at least one (1) person of the age of fifty-five (55) years or older.
2. Elevators. Elevator service is provided to each floor level.
3. Open Space. Twenty (20) percent of the gross lot area shall be maintained for passive or active recreational use.

Subd. 15. Signs as regulated by City Code Chapter 1300 (Signs).

Subd. 16. Single satellite dish TVRO's greater than two (2) meters in diameter subject to the requirements of Section 1022 (Antennas) of this Ordinance.

Subd. 17. Structures exceeding thirty-five (35) feet in height or three (3) stories or more in height.

Subd. 18. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

1047.07: INTERIM USES: Subject to the applicable provisions of this Section, the following are interim uses in the R-3 District and are further governed by Section 1010 (Interim Use Permits) of this Ordinance.

Subd. 1. Land filling and land excavation/grading operations (250 plus cubic yards of material), including mining as regulated by Section 1026 (Grading, Excavating and Filling) of this Ordinance.

Subd. 2. Temporary classroom type structure for use by public or private institutions.

1047.08: LOT AREA, HEIGHT AND SETBACK REQUIREMENTS:

Subd. 1. Shoreland District Lot Requirements (ord. 2006-08, 5/10/06).

1. Natural Environment Lakes: Beaudry Lake (71-62); Beulah Pond (71-101); Kerber Lake (71-70); McDowall Lake (71-80); Preusse Lake (71-63); Thompson Lake (71-96) and Un-named Wetland (71-65) located in Section 28, Tier 33 N, Range 27 West.

	Lakeshore Lot Area	Lakeshore Lot Width	Non-Lakeshore Lot Area	Non-Lakeshore Lot Width
Two Family	70,000 sq. ft.	225 ft.	35,000 sq. ft.	220 ft.
Triplex	100,000 sq. ft.	325 ft.	52,000 sq. ft.	315 ft.
Quad	130,000 sq. ft.	435 ft.	65,000 sq. ft.	410 ft.

2. Recreational Development Lakes: Blacks Lake (71-79).

	Lakeshore Lot Area	Lakeshore Lot Width	Non-Lakeshore Lot Area	Non-Lakeshore Lot Width
Two Family	35,000 sq. ft.	135 ft.	26,000 sq. ft.	135 ft.
Triplex	50,000 sq. ft.	195 ft.	38,000 sq. ft.	190 ft.
Quad	65,000 sq. ft.	255 ft.	49,000 sq. ft.	245 ft.

3. General Development Lakes: Big Lake; Mitchell Lake and Keller Lake

	Lakeshore Lot Area	Lakeshore Lot Width	Non-Lakeshore Lot Area	Non-Lakeshore Lot Width
Two Family	26,000 sq. ft.	135 ft.	17,500 sq. ft.	135 ft.
Triplex	38,000 sq. ft.	195 ft.	25,000 sq. ft.	190 ft.
Quad	49,000 sq. ft.	255 ft.	32,500 sq. ft.	245 ft.

4. Lot Width Standards for Lots adjacent to Agricultural Rivers (Elk River) and Forested Rivers (St. Francis River and Snake River):

	Forested River Lot Width	Agricultural River Lot Width
Two Family	300 ft.	225 ft.
Triplex	400 ft.	300 ft.
Quad	500 ft.	375 ft.

5. Lots located adjacent to power lines, pipe lines or rail road right-of-way are required to be platted twenty (20) feet longer than other lots to accommodate the required buffer and screening outlined in Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.

6. Impervious Surface Coverage. The maximum allowed lot coverage by impervious surfaces is 25%, unless otherwise stated below:
(Ord. 2009-04, 3/25/09)
 - a. Paver stone driveways, sidewalks and patios that receive all required permits and are properly installed with a sand base and sufficient spacing to allow for drainage shall count towards 50% of the area covered for the purposes of calculating the overall lot coverage.

 - b. The impervious surface coverage may be increased up to thirty-five (35) percent of the total lot area by a Conditional Use Permit as set forth in and regulated by Section 1007 (Conditional Use Permits) and the following criteria:
 - (1) All structures, additions, or expansions shall meet setback and other requirements of this Ordinance.

 - (2) The lot shall be served by municipal sewer and water.

 - (3) The lot shall provide for the collection and treatment of storm water in compliance with the City Storm Water Management Plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the City Engineer.

 - (4) Measures to be taken for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water. The measures may include, but not be limited to the following:
 - (a) Appurtenances as sedimentation basins, debris basins, desilting basins or silt traps.

 - (b) Installation of debris guards and microsilt basins on storm sewer inlets.

- (c) Use where practical, oil skimming devices or sump catch basins.
 - (d) Direct drainage away from the lake and into pervious, grassed, yards through site grading, use of gutters and downspouts.
 - (e) Sidewalks are constructed with partially pervious raised materials such as decking which has natural or other pervious material beneath or between the planking.
 - (f) Grading and construction techniques are used which materials with adjacent infiltration swales graded to lead into them.
 - (g) Berms, water bars, or terraces are installed which temporarily detain water before dispersing it into pervious area.
 - (h) Installation of a minimum 15-foot wide buffer from the OHWL. This buffer would be treated similar to a wetland buffer where native grasses etc. would be required and mowing and dumping would not be permitted.
- (5) All structures and impervious surfaces shall be located on slopes less than twelve (12) percent. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation.
- (6) Site developments shall be designed, implemented and maintained using the most applicable combination of comprehensive practices that prevent flooding, pollutant, erosion and sedimentation problems consistent with Protecting Water Quality in Urban Areas, Best Management Practices for Minnesota, Minnesota Pollution Control Agency, October 1989, or as amended, which is incorporated by reference, available at the State Law Library and not subject to frequent change.
- (7) The City may impose additional conditions if determined necessary to protect the public health, safety and welfare.

7. Other Shoreland Requirements.

Minimum Setbacks:

Lakeshore – General Development	50 feet
Lakeshore – Recreational Development	75 feet
Lakeshore – Natural Environment	150 feet
River – Agricultural River (Elk River)	50 feet for structures w/ public sewer and water 100 feet for structures w/ septic systems 100 feet for septic system setback
River – Forested River (St. Francis & Snake Rivers)	150 feet
Bluff, top of bluff	30 feet

8. When located on a lot with lake or river frontage, a non-water orientated use or structure setback must be double the distance indicated above (see section 1065.04, subd. 2. General Zoning Provisions).

Subd. 2. Attached and Multiple Family Dwelling Lots. The following minimum requirements shall be observed in the R-3 District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Lot Area. All unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.
2. Base lot minimums. Within the R-3 District, the following minimum base lot requirements shall be imposed. The base lot shall represent the smallest lot or parcel which may accommodate development, prior to subdivision of unit lots.

Minimum Base Lot Area:

Two Unit Dwelling:	Interior Lot	15,000 square feet
	Corner/Butt/Through Lot	18,000 square feet
Three + Units Attached:	Interior Lot	20,000 square feet
	Corner/Butt/Through Lot	24,000 square feet

Minimum Base Lot Width:

Interior Lot	100 feet
Corner /Butt/Through Lot	120 feet

Minimum Unit Lot Width:

Triplex, Fourplex, Quadraminium lot width	50 feet
Two Unit/Townhome Unit lot width	24 feet 30 feet

Minimum Unit Lot Setbacks from Periphery of Site:

3. Lots located adjacent to power lines, pipe lines or rail road right-of-way are required to be platted twenty (20) feet longer than other lots to accommodate the required buffer and screening outlined in Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.

4. Building Setbacks. The following minimum internal setbacks shall be imposed on medium-density and high-density developments that include more than one principal structure on a base lot:
 - a. Setback between buildings within the same base lot shall maintain a minimum separation of fifteen (15) feet.
 - b. Buildings shall be setback a minimum of twenty five (25) feet from the back of curb line of roads, guest parking areas, and public rights of way.

Subd. 3. Other uses. The following minimum requirements shall be observed in the R-3 District for other uses subject to additional requirements, exceptions and modifications set forth in this Ordinance:

Minimum Lot Area:	20,000 square feet
Minimum Lot Width:	100 feet
Minimum Setbacks:	
Front	50 feet (or as specifically identified)
Side	20 feet (or as specifically identified)
Rear	40 feet (or as specifically identified)

Subd. 4. Accessory structures shall meet the following requirements:

Maximum Height Accessory Structure:	17 feet
Accessory Structure Setbacks:	
Front:	Not permitted in front yard
Side:	10 feet
Rear:	10 feet

Subd. 5. The following provisions shall apply to all uses within the R-3 District.

Wetland Setback & Buffer:	30 feet (from delineated boundary)
Arterial Road:	50 feet (from right-of-way line)
Collector Road:	45 feet (from right-of-way line)
Railroad Setback:	100 feet (from right-of-way line)
Residential Driveway Setback:	5 feet (minimum) from property line

1047.09: TRANSITION REQUIREMENT: Any R-3 zoned property abutting an R-1, A, R1-E or R5 District shall have a minimum of one (1) tier of single-family detached, two-family dwelling lots, or detached townhomes bordering such a district and shall be subject to the same lot and building standards as the R-2 District. Exemptions to the provisions of this Section may be granted subject to the approval of an administrative permit at the time of development, provided one or more of the following conditions exist:

Subd. 1. The properties are separated by a major collector or arterial street.

Subd. 2. The abutting land use is a nonresidential use allowed in the district in which it is located.

Subd. 3. The properties are separated by a railroad right of way, wetland, water body, flood plain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred (100) feet across its entire length.