

SECTION 1046 – R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION

- 1046.01: Purpose
- 1046.02: Processing
- 1046.03: Permitted Uses
- 1046.04: Accessory Uses
- 1046.05: Uses by Administrative Permit
- 1046.06: Conditional Uses
- 1046.07: Interim Uses
- 1046.08: Lot Area, Height and Setback Requirements

1046.01: PURPOSE: The purpose of the R-2, Medium Density Residential District is to provide for low to medium density development through the mixture of single and two unit dwellings and directly related, complementary uses. Development of two-family and single family detached residential dwelling units and directly related, accessory and complimentary uses shall be accomplished in a manner which satisfies the following objectives:

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

Subd. 2. Provide attractive and durable low- and medium-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-density residential land use.

1046.02: 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.

1046.03: PERMITTED USES: The following are permitted uses in a R-2 District:

Subd. 1. Single family detached dwellings.

Subd. 2. Two family dwellings.

Subd. 3. Detached townhomes (provided they are part of a PUD).

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. Personal wireless service antennas located upon a public structure or existing tower, as regulated by Section 1022 (Antennas) of this Ordinance.

Subd. 7. Recreation, Public.

Subd. 8. State licensed group family daycare for fourteen (14) or fewer children.

Subd. 9. State licensed residential facility serving six (6) or fewer persons in a single family detached dwelling.

Subd. 10. Common areas, subject to the provisions of Section 1040 (General Building Regulations) of this Ordinance.

1046.04: ACCESSORY USES: The following are permitted accessory uses in a R-2 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. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.

Subd. 3. Keeping of animals subject to City Code Section 1021 (Animals).

Subd. 4. 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. 5. Boarding or renting of rooms provided that:

1. The boarding facilities providing rooms do not create the need for more than two (2) off-street parking spaces. Said spaces shall be provided within the driveway of the principal structure.
2. Separate cooking facilities shall not be provided to accommodate boarding or renting of rooms.

Subd. 6. Day Care In Home. Subject to applicable County and State licensing requirements, serving up to twelve (12) persons.

Subd. 7. Fences as regulated by Section 1025 (Fences) of this Ordinance.

Subd. 8. Gardening and other horticultural uses where no sale of products is conducted on the premises.

Subd. 9. House pet enclosure provided it is screened from view of adjacent property and right-of-way and is located in a side or rear yard at least ten (10) feet from a property line.

Subd. 10. Off-Street Loading.

Subd. 11. Permitted home occupations and home offices as regulated by Section 1009 (Home Occupations) of this Ordinance.

Subd. 12. 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. 13. Recreational Vehicles and Equipment. Storage as regulated by Section 1034 (Recreational Vehicles, Equipment and Uses) of this Ordinance.

Subd. 14. Signs as regulated by City Code Chapter 1300 (Signs).

Subd. 15. Storage Sheds. Tool house, sheds and other such structures for the storage of domestic supplies and non-commercial recreational equipment.

Subd. 16. 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. 17. Accessory Antennas. Accessory antennas in conformance with Section 1022 (Antennas) of this Ordinance.

1046.05: 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-2 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.

1046:06: CONDITIONAL USES: The following are conditional uses in an R-2 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. Recreational 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. Conditional home occupations and home offices as regulated by Section 1009 (Home Occupations) of this Ordinance.

Subd. 5. 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. 6. 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. 7. Group Care Facility. A state licensed facility serving seven (7) through sixteen (16) 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. 8. 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. 9. Parking lots for five (5) or more vehicles.

Subd. 10. 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. 11. PUD. Residential Planned Unit Developments as regulated by Section 1011 (Planned Unit Developments) of this Ordinance.

Subd. 12. Signs as regulated by City Code Chapter 1300 (Signs).

Subd. 13. Single satellite dish TVRO's greater than two (2) meters in diameter subject to the requirements of Section 1022 (Antennas) 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. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

1046.07: INTERIM USES: Subject to the applicable provisions of this Section, the following are interim uses in the R-2 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, Filling and Excavating) of this Ordinance.

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

1046.08: LOT AREA, HEIGHT AND SETBACK REQUIREMENTS:

Subd. 1. Shoreland District Lot Requirements.

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
Single Family	40,000 sq. ft.	125 ft.	20,000 sq. ft.	125 ft.
Duplex	70,000 sq. ft.	225 ft.	35,000 sq. ft.	220 ft.

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

	Lakeshore Lot Area	Lakeshore Lot Width	Non-Lakeshore Lot Area	Non-Lakeshore Lot Width
Single Family	20,000 sq. ft.	75 ft.	15,000 sq. ft.	75 ft.
Duplex	35,000 sq. ft.	135 ft.	26,000 sq. ft.	135 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
Single Family	15,000 sq. ft.	75 ft.	10,000 sq. ft.	75 ft.
Duplex	26,000 sq. ft.	135 ft.	17,500 sq. ft.	135 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
Single Family	200 ft.	150 ft.
Duplex	300 ft.	225 ft.

5. 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 encourage rapid infiltration, e.g. sand and gravel under impervious 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.

6. 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

- 7. 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).
- 8. 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.
- 9. Non-lakeshore Residential lots within the Shoreland District Setback Requirements. (Ord. 2004-19, 8/11/04).

Front setback for lots adjacent to local roads:	30 feet
Side setback:	10 feet
Rear setback:	30 feet

Subd. 2. Non-Shoreland District Requirements.

1. Single Family – Non Shoreland

Minimum Lot Area Interior Lot:	10,000 square feet
Minimum Lot Area Corner/Butt/Through Lot:	12,000 square feet (20% larger than interior lot)

Minimum Lot Width Interior Lot:	80 feet
Minimum Lot Width Corner/Butt/Through Lot:	96 feet (20% larger than interior lot)

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.

Maximum Height Principal Structure:	35 feet (25 in Shoreland Districts)
-------------------------------------	-------------------------------------

Principal Structure Setbacks: Front:	30 feet
Side:	10 feet
Rear:	30 feet

2. Detached Townhomes Non-Shoreland.

Minimum Lot Area Interior Lot:	7,500 square feet
Minimum Lot Area Corner/Butt/Through Lot:	9,000 square feet (20% larger than interior lot)

Minimum Lot Width Interior Lot:	60 feet
Minimum Lot Width Corner/Butt/Through Lot:	72 feet (20% larger than interior lot)

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.

Maximum Height Principal Structure:	35 feet (25 in Shoreland Districts)
-------------------------------------	-------------------------------------

Principal Structure Setbacks: Front:	25 feet
Side:	10 feet
Rear:	25 feet

Minimum Setback between Buildings:	10 feet
------------------------------------	---------

3. Two Unit Dwellings, Non-Shoreland.

Minimum Lot Area Interior Lot:	15,000 square feet
Minimum Lot Area Corner/Butt/Through Lot:	18,000 square feet (20% larger than interior lot)
Minimum Lot Width Interior Lot:	100 feet
Minimum Lot Width Corner/Butt/Through Lot:	120 feet (20% larger than interior lot)
Minimum Base Unit Area:	7,500 square feet
Minimum Base Unit Width:	50 feet

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.

Maximum Height Principal Structure:	35 feet (25 in Shoreland Districts)
Principal Structure Setbacks: Front:	25 feet
Side:	10 feet (0 lot line setback interior unit)
Rear:	25 feet
Minimum Setback between Buildings:	10 feet

4. Accessory Structures

Maximum Height Accessory Structure:	17 feet
Accessory Structure Setbacks: Front:	Not permitted in front yard
Side:	5 feet
Rear:	5 feet

5. Other Uses

Minimum Lot Area:	20,000 square feet
Minimum Lot Width:	100 feet
Maximum Height Principal Structure:	35 feet
Principal Structure Setbacks: Front:	50 feet (or as specifically identified)
Side:	20 feet (or as specifically identified)
Rear:	40 feet (or as specifically identified)

6. All Uses

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