

**SECTION 1049 – R-5, RESIDENTIAL REDEVELOPMENT DISTRICT**

## SECTION

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**1049.01: PURPOSE:** The purpose of the R-5, Residential Redevelopment District is to provide for single family, two unit and townhome residential development and redevelopment of the older areas of the community located primarily within the Shoreland Management areas adjacent to Big, Mitchell and Keller Lakes. The standards identified herein are intended to allow for the redevelopment of existing properties in a manner that is sensitive to the Shoreland areas of Big, Mitchell and Keller Lakes. These areas are virtually fully developed and contain plats dating generally from 1892 to the early 1950's. The areas are characterized by substandard lots ranging from forty (40) to sixty (60) feet in width and neighborhoods contain a mixture of seasonal cabins and older single family homes that are located at various setbacks and along narrow platted alleys and streets. The predominance of small lots, existing development patterns and the desire by residents and the City to upgrade housing in this area, precipitated the need to develop special standards to guide owners in the maintenance, update and redevelopment of existing properties.

**1049.02: PERMITTED USES:** Subject to the applicable provisions of this Ordinance, the following are permitted uses in a R-5 District:

**Subd. 1.** Single family detached dwellings.

**Subd. 2.** State licensed residential facility serving six (6) or fewer persons in a single family detached dwelling.

**Subd. 3.** Essential services, not including structures, except those requiring administrative permits or conditional use permits pursuant to Section 1024 (Essential Services) of this Ordinance.

**Subd. 4.** Flood and Erosion Control Facilities.

**Subd. 5.** Recreation, Public.

**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.** State licensed group care facility serving fourteen (14) or fewer children.

**Subd. 8.** Common areas, subject to the provisions of Section 1040 (General Building Regulations) of this Ordinance.

**1049.03: ACCESSORY USES:** Subject to the applicable provisions of this Ordinance, the following are permitted accessory uses in a R-5 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 properties and right-of-way and is located in a side or rear yard at least ten (10) feet from all property lines.

**Subd. 10.** Permitted home occupations and home offices as regulated by Section 1009 (Home Occupations) of this Ordinance.

**Subd. 11.** 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. 12.** Recreational Vehicles and Equipment. Storage as regulated by Section 1034 (Recreational Vehicles, Equipment and Structures) of this Ordinance.

**Subd. 13.** Signs as regulated by City Code Chapter 1300 (Signs).

**Subd. 14.** Storage Sheds. Tool house, sheds and other such structures for the storage of domestic supplies and non-commercial recreational equipment.

**Subd. 15.** Off-site buildings which serve as accessory structures, as regulated by Section 1020 (Accessory Buildings, Structures and Uses) of this Ordinance.

**Subd. 16.** Off-street loading.

**Subd. 17.** 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. 18.** Accessory Antennas. Accessory antennas in conformance with Section 1022 (Antennas) of this Ordinance.

**1049.04: 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-5 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.** Model Homes/Temporary Real Estate Office subject to the requirements of Section 1028 (Model Homes/Temporary Real Estate Offices) of this Ordinance.

**Subd. 5.** Temporary mobile towers for personal wireless service antennas.

**Subd. 6.** Temporary Structures and uses as regulated by Section 1012 (Temporary Uses) of this Ordinance.

**1049:05: CONDITIONAL USES:** The following are conditional uses in an R-5 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.** Two family dwellings on non-riparian lots (as part of a PUD only).

**Subd. 2.** Townhomes three (3) to eight (8) units attached on non-riparian lots (as part of a PUD only).

**Subd. 3.** Antennas not located on a public structure or existing tower, as regulated by Section 1022 (Antennas) of this Ordinance.

**Subd. 4.** Cemeteries or memorial gardens provided that:

1. The use is public or semi-public.
2. The use meets the minimum setback requirements for principal structures.

**Subd. 5.** Single satellite dish TVRO's greater than two (2) meters in diameter subject to the requirements of Section 1022 (Antennas) of this Ordinance.

**Subd. 6.** Recreational Field, Structure or Building, including tennis clubs or 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. 7.** Conditional home occupations and home offices as regulated by Section 1009 (Home Occupations) of this Ordinance.

**Subd. 8.** 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. 9.** 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. 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.** 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 are 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. 12.** Parking lots for five (5) or more vehicles.

**Subd. 13.** Within the R-5, Residential Redevelopment District, the City Council may approve a conditional use permit pursuant to Section 1007 (Conditional Use Permits) of this Ordinance for a detached off-site accessory building associated with a single family residential use provided that:

1. The land upon which the accessory building is to be located is under the same ownership as the land to which it is to be an accessory.
2. All applicable building setback and performance standards of this Ordinance are satisfactorily met.
3. The lot upon which the principal structure (detached single-family dwelling) exists does not comply with minimum area requirements of the zoning district in which it is located.

4. The lot upon which the off-site accessory structure is to be located:
  - a. Does not abut the side yard of the lot upon which the principal structure (detached single-family dwelling) exists.
  - b. Does not comply with minimum area requirements of the zoning district in which it is located.
  - c. Lies not more than one hundred (100) feet from the lot upon which the principal structure (detached single-family dwelling) exists.
  - d. If the lot abuts an alley, access is provided only via the alley.
  - e. Is formally bound to the property on which the principal use is located through a deed restriction which is subject to the approval of the City Attorney. Said deed restriction shall be filed with the Sherburne County Recorder or Registrar of Deeds and written evidence of recording shall be provided to the City prior to issuance of a building permit for the accessory structure.
5. The accessory structure is used solely by the owner of the principal structure (detached single-family dwelling) to which it is an accessory and shall not be rented or leased.
6. No home occupation activities are conducted in the off-site accessory structure.
7. Use of the off-site accessory structure is limited primarily to vehicle storage with a maximum of twenty (20) percent of the accessory structures area being devoted to the storage of other equipment or materials.
8. The applicant demonstrates via site plan submittal that the off-site accessory structure is located in a manner which will allow future construction of a single-family dwelling upon the lot.
9. Any such other conditions as may be deemed necessary by the City Council to protect the welfare and character of the nearby land uses.
10. The provisions of Section 1007 (Conditional Use Permits) of this Ordinance are considered and determined to be satisfied.

**Subd. 14.** PUD. Planned Unit Developments as regulated by Section 1011 (Planned Unit Developments) of this Ordinance.

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

**Subd. 16.** Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

**1049.06: INTERIM USES:** Subject to the applicable provisions of this Ordinance, the following are interim uses in the R-5 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.

**1049.07: LOT AREA, HEIGHT AND SETBACK REQUIREMENTS:** The following minimum requirements shall be observed in the R-5 District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

**Subd. 1.** Minimum Setback Standards for All Uses: (Ord. 2004-19, 8/11/04, Ord. 2006-08, 05/10/06).

Lakeshore – General Development	50 feet
Lakeshore – Recreational Development	75 feet
Lakeshore – Natural Environment	150 feet
Bluff, top of bluff	30 feet
Wetland Setback & Buffer	30 feet (from delineated boundary)
Local Road	20 feet (from right-of-way line)
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 side lot line

1. 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.** Building Height. No residential structure shall exceed two and one half (2 ½) stories or thirty-five (35) feet, whichever is least.

**Subd. 3.** Bluff impact zones. Structures and accessory facilities, except stairways, lifts and landings, must not be placed within bluff impact zones.

**Subd. 4.** Shore impact zones. Structures and accessory facilities except docks must not be placed within shore impact zones.

**Subd. 5.** Residential Lot Standards - Impervious Surface Coverage. The maximum allowed lot coverage by impervious surfaces is 35% on non-Shoreland Overlay District properties, as identified in the City's current Zoning Map. Properties within the Shoreland Overlay District are allowed a maximum lot coverage by impervious surfaces of twenty-five (25) percent, unless otherwise stated below:

1. 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.
2. The impervious surface coverage on Shoreland Overlay District properties may be increased up to fifty (50) 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:
  - a. All structures, additions, or expansions shall meet setback and other requirements of this Ordinance.
  - b. The lot shall be served by municipal sewer and water.
  - c. 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.
  - d. 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:
    - (1) Appurtenances as sedimentation basins, debris basins, desilting basins or silt traps.
    - (2) Installation of debris guards and microsilt basins on storm sewer inlets.
    - (3) Use where practical, oil skimming devices or sump catch basins.
    - (4) Direct drainage away from the lake and into pervious, grassed, yards through site grading, use of gutters and downspouts.
    - (5) Sidewalks are constructed with partially pervious raised materials such as decking which has natural or other pervious material beneath or between the planking.

- (6) 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.
  - (7) Berms, water bars, or terraces are installed which temporarily detain water before dispersing it into pervious area.
  - (8) Installation of a minimum fifteen (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.
- e. 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.
  - f. 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.
  - g. The City may impose additional conditions if determined necessary to protect the public health, safety and welfare.

**Subd. 6.** Single Family Lot Standards – New Subdivision. The following minimum requirements shall be observed in the R-5 District for new lots, platted after July 20, 2002 (effective date of Ordinance), subject to additional requirements, exceptions and modifications set forth in this Ordinance. (Ord. 2003-05).

Minimum Lot Area Riparian Lot	12,000 square feet
Minimum Lot Area Non-Riparian Lot	10,000 square feet.
Minimum Lot Width	75 feet
Front Yard Setback	25 feet
Rear Yard Setback	25 feet
Side Yard Setback	10 feet
Maximum Impervious Surface	25 percent

**Subd. 7.** Single Family Lot Standards – Existing Lots of Record. An existing lot of record, legally established in accordance with Ordinance requirements existing at the time of its creation, and being a separate, distinct tax parcel since September 13, 1979 is buildable subject to the standards identified in this Subdivision and additional requirements, exceptions and modifications set forth in this Ordinance.

Minimum Lot Area	Size per approved final plat.
Minimum Lot Width	Width per approved final plat.
Front Yard Setback	20 feet
Side Yard Setback	10 feet or as provided in item 1 below
Rear Yard Setback	10 feet or as provided in item 2 below

1. Reduction of Side Yard Setback for Substandard Lots. Side yard setback requirements may be reduced to twenty percent (20%) of the lot width, ten (10) percent to be located on each side of a structure, in such cases where the lot size is less than seventy-five (75) feet. In no case shall the side yard setback be less than five (5) feet from the property line.
2. Lots Adjacent to Alleys. In cases where the rear or side yard of a lot opens into an alley, the rear or side yard setback shall be equal to one-half the width of the platted alley.
3. The front yard setback requirements shall be observed on each street side of a corner lot provided however, that the buildable width of a lot shall not be reduced to less than thirty (30) feet.
4. The lot must have frontage on a public street.
5. A minimum structure separation of fifteen (15) feet is maintained between all structures on the subject lot and the adjacent lots.
6. All performance standards and other lot and yard requirements of this Ordinance are met.
7. The proposed development shall be consistent with the character and quality of the immediate area and the objectives of the City’s Comprehensive Plan and Zoning Ordinance.

**Subd. 8.** Twinhome/Townhome and Other Uses Lot Standards. The following minimum requirements shall be observed in the R-5 District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

Minimum Base Lot Area	20,000 square feet
Minimum Base Lot Width	100 feet

Minimum Unit Lot Width	24 feet
Front Yard Setback	20 feet
Rear Yard Setback	10 feet
Side Yard Setback Exterior	10 feet
Side Yard Setback Interior	10 feet (zero lot line development permitted for twin and townhomes for the interior common walls between the units)

1. Setback between buildings within the same base lot shall maintain a minimum separation of fifteen (15) feet.
2. Twinhomes and townhomes shall not be located on lakeshore lots.
3. Provisions for adequate on-site storm water retention and/or compliance with the City Storm Water Management Plan shall be required.
4. The following open space standards shall be provided:
  - a. At least twenty-five (25) percent of the total development area shall be preserved as open space. The open space standard may be modified for Planned Unit Development (PUD) projects.
  - b. Dwelling units or sites, land covered by road surfaces, parking areas, or structures are developed areas and shall not be included in the computation of minimum open space.
  - c. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
5. Centralization and design of facilities and structures shall be done according to the following standards:
  - a. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant Shoreland classification: setback from the ordinary high water level, elevation above the surface water features and maximum height.
  - b. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided.

- c. Accessory structures and facilities shall meet the required principal structure setback and shall be centralized.
- 6. Twinhome/Townhome and Other Uses - Impervious Surface Standards:
  - a. New construction on conforming lots or an existing site being altered, remodeled, or expanded which expands the existing impervious surface coverage may be permitted provided the impervious surface coverage does not exceed seventy-five (75) percent of the total lot and provided the following stipulations are met:
    - (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 for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water include such appurtenances as sediment basins (debris basins, desilting basins, or silt traps), installation of debris guards and microsilt basins on storm sewer inlets, oil skimming devices etc.

**1049.08: CONSTRUCTION ON SUBSTANDARD LOTS OF RECORD.**

**Subd. 1.** Lots of record in the office of the Sherburne County Recorder on or before October 29, 1985 that do not meet the requirements of Section 1049.07, (Lot Area, Height and Setback Requirements), Subd. 6, (Single Family Lot Standards – Existing Lots of Record), may be allowed as building sites without variances from lot size requirements under the following provisions:

- 1. The use is permitted in the zoning district;
- 2. The lot was created compliant with official controls in effect at the time;
- 3. Sewage treatment and setback requirements of this Ordinance are met;
- 4. The lot has been in separate ownership from abutting lands on or before October 29, 1985.

5. All other dimensional requirements of this Section shall be complied with. However, in the event a property owner cannot comply with other dimensional requirements of this Section, because of the limited size of the lot, that property owner shall be required to obtain a variance where necessary to prevent hardship.
6. If, in a group of two or more contiguous substandard lots under the same ownership, any individual lot does not meet the requirements of this Subsection, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Subsection as much as possible.

**1049.09: SUBDIVISION OF SINGLE FAMILY LOTS OF RECORD UNDER COMMON OWNERSHIP.** Riparian and non-riparian lots of record (platted prior to October 29, 1985) that are located in the Shoreland District and are under common ownership with an abutting parcel of property on or after July 20, 2002 (effective date of Ordinance), may be further subdivided to create buildable lots provided the following standards are met:

1. All riparian lots must have a minimum of seventy-five (75) feet of lot width at the front setback line.
2. All riparian (lakeshore) lots must contain at least twelve thousand (12,000) square feet of lot area above the ordinary high water mark of the public water.
3. All non-riparian lots must have a minimum of fifty (50) feet of lot width at the front setback line.
4. All non-riparian lots must contain at least ten thousand (10,000) square feet of lot area.
5. All lots must have an existing sewer and water stub to the property.
6. Assessments for sewer and water shall be paid.