

Section 515 - Zoning: residential districts
(R-1, R-2, R-3, R-B, townhouse, cooperative
and condominium development)

515.01. R-1, single family residential district. Subdivision 1. Purpose. A district to provide for low density single family detached residential dwellings and directly related complimentary uses.

Subd. 2. Permitted uses. Permitted uses in an R-1 district are:

- (a) single family detached dwellings;
- (b) public parks and playgrounds;
- (c) essential services;
- (d) licensed day care facilities serving 12 or fewer persons with adequate screening from adjacent uses;
- (e) state licensed residential facilities serving six or fewer persons provided all zoning requirements are met including adequate off-street parking as required by subsection 510.17 and provided there are no other residential facilities within 1,320 feet;
- (f) state licensed nonresidential facilities serving 12 or fewer persons with adequate parking and screening from adjacent uses.

Subd. 3. Permitted accessory uses. Permitted accessory uses in an R-1 district are:

- (a) private garages and car ports as regulated by subsection 510.11 of this code. (Amended, Ord. No. 99-05)
- (b) off-street parking as regulated by subsection 510.17 of this code, for the following:
 - (1) licensed and operable passenger cars or trucks not exceeding a gross weight of 9,000 pounds,
 - (2) licensed and operable recreational vehicles not longer than 30 feet and not higher than 11 feet, provided that:
 - (i) an RV may not be parked within 15 feet of a street curb or surface, nor within a street or alley right-of-way, except for temporary on-street parking in compliance with this code;

- (ii) an RV longer than 22 feet may not be parked in a front yard;
 - (iii) an RV higher than six feet may not be parked within three feet of a side or rear lot line or in a required side yard except corner side yards;
 - (iv) an RV over 22 feet long that is parked in a corner side yard must be parked perpendicular to the side lot line or screened by a six foot high fence or hedge or other landscaping acceptable to the city; (Amended, Ord. No. 99-05)
 - (v) the total area devoted to RV storage shall not exceed 300 square feet on any lot.
- (c) home occupations;
 - (d) non-commercial greenhouses and conservatories;
 - (e) swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests. All swimming pools must be fenced in accordance with subsection 510.11, subdivision 4 of this code; (Amended, Ord. No. 99-05)
 - (f) tool houses, sheds and similar accessory buildings for storage of domestic supplies and non-commercial recreational equipment, provided that the total area of all accessory structures allowed is in accordance with subsection 510.11 of this code; (Amended, Ord. No. 99-05)
 - (g) boarding or renting of rooms to not more than two persons;
 - (h) signs and bulletin boards as regulated by section 410 of the city code;
 - (i) solar energy devices that are an integral part of the principal structure;
 - (j) bingo as an activity related to a civic celebration or by an organization, which conducts four or fewer bingo occasions in a calendar year, subject to approval of city permit.

Subd. 4. Conditional use. The uses listed in this subdivision, require conditional use permits based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) Residential planned unit development as regulated by subsection 530.05 of this code. (Amended, Ord. No. 97-06)
- (b) Private educational institutions limited to elementary, junior high and senior high schools; colleges or universities; museums; religious institutions such as churches, chapels, temples, and synagogues; and seminaries or monasteries provided that:

- (1) any such principal building shall be located 30 feet or more from any other lot in a residential district;
 - (2) adequate screening from abutting residential uses and landscaping is provided in compliance with subsection 510.25, subdivision 2 of this code;
 - (3) adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley from the principal use in compliance with subsection 510.17 of this code and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code; (Amended, Ord. No. 97-06)
 - (4) an off-street rider drop-off and pick-up drive is provided;
 - (5) adequate off-street loading and service entrances are provided and regulated where applicable by subsection 510.19 of this code;
 - (6) the site of the principal use and related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated; (Amended, Ord. 97-06)
- (c) Boarding, house or home boarding -foster children provided that:
- (1) the requirements and conditions of the Minnesota department of public welfare, Public Welfare Manual II 3110 as adopted, amended or changed are satisfactorily met;
 - (2) a written indication of preliminary, pending or final license approval from the regulatory welfare agency is supplied to the city; (Amended, Ord. No. 97-06)
- (d) A second accessory structure on a lot if it contains more than 240 square feet of gross floor area. (Amended, Ord. No. 97-06)
- (e) Solar energy devices not an integral part of the principal structure. (Amended, Ord. No. 97-06)
- (f) Satellite antennas provided they are located in the rear yard and screened from public view. (Amended, Ord. No. 97-06)
- (g) Land reclamation involving 400 cubic yards or more of fill. (Amended, Ord. No. 97-06)
- (h) Licensed day-care facility serving more than 12 persons as an accessory use to a church, provided that:

- (1) the lot area is double the minimum established for this district;
 - (2) side yards are double the minimum requirement established for this district and are screened in compliance with subsection 510.25, subdivision 2 of this code;
 - (3) an off-street drop-off and pick-up location is provided;
 - (4) the site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;
 - (5) the site shall have an outdoor play area which is adequate in size and in a location which is not disruptive to adjacent permitted uses and which is fenced and screened in compliance with subsection 510.25, subd. 2;
 - (6) the use shall not cause the structure to be in non-compliance
 - (7) no addition to the facility shall be constructed to accommodate the use;
 - (8) all provisions of the Minnesota public welfare licensing act, Minnesota Statutes, sections 245.781 to 245.85, as well as all rules or regulations promulgated by the Minnesota commissioner of human services related thereto, are met;
 - (9) a written indication of preliminary, pending or final license approval from the regulatory welfare agency is supplied to the city. (Amended, Ord. No. 97-06)
- (i) recreational vehicles greater than 30 feet in length provided that:
- (1) the lot is a minimum of 50 feet wide;
 - (2) the RV is positioned and screened in a manner that will minimize the visual impact on adjacent properties; and
 - (3) there is complete compliance with subsection 510.03. (Amended, Ord. No. 97-06)
- (j) egress window well walls closer than 1.5 feet of a side lot line provided that: (Added, Ord. No. 10-10, Sec. 2)
- (1) egress window wells shall not obstruct drainage patterns nor cause stormwater to drain onto adjoining properties.
 - (2) approval of the City Engineer is required to ensure that drainage is directed away from the house and does not impact adjacent property.

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in an R-1 district subject to additional requirements, exceptions and modifications set forth in this and other sections of this code:

- (a) lot area: 6,000 square feet.
- (b) lot width: 50 feet.
- (c) setbacks:

- (1) front yard depth:
 - (i) not less than 30 feet. However, a one story covered porch may be up 24 feet from the front property line; (Amended, Ord. No. 03-33)
 - (ii) in a block where a lot fronts on a side street next to a lot which has its side facing the same side street, the setback on each lot shall be 15 feet from the side street (right-of--way);

- (iii) where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback exceed 30 feet.
- (2) side yard width:
 - (i) five feet;
 - (ii) side yards abutting a public right-of-way (street) shall not be less than 15 feet from the right-of-way except in the case of 40 foot lots the side yard may be reduced to not less than five feet from the right-of-way;
 - (iii) a side yard that contains a driveway shall be at least 15 feet on houses constructed after April 2, 1991 or an unobstructed 10 feet on houses constructed prior to that date. (Amended, Ord. No. 91-03, Sec. 1)
 - (3) rear yard depth:
 - (i) 20 percent of lot depth.

Subd. 6. Building requirements.

- (a) Height: No structure shall exceed three stories or 30 feet in height, except as provided in subsection 510.15, subdivision 1 of this code.
- (b) Minimum floor area per dwelling unit:
 - (1) one bedroom: 720 square feet;
 - (2) two bedroom: 820 square feet;
 - (3) three bedroom: 920 square feet;
 - (4) four bedroom: 1,050 square feet.
- (c) Minimum lot area per dwelling unit: 6,000 square feet.

515.03. R-2, single and two-family residential district. Subdivision 1. Purpose. A district to provide for low to medium density one and two unit and townhouse dwellings and directly related complimentary uses.

Subd. 2. Permitted uses: Permitted uses in an R-2 district are:

- (a) All permitted uses allowed in an R-1 district except as hereinafter modified;

- (b) Townhouse developments for which a conditional use permit was granted prior to August 23, 1986.

Subd. 3. Permitted accessory uses. Permitted accessory uses in an R-2 district are:

- (a) All accessory uses as allowed in an R-1 district.

Subd. 4. Conditional uses. The uses listed in this subdivision requires a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) All conditional uses subject to the same conditions as allowed in an R-1 district except as hereinafter modified.
- (b) Nursing homes provided that:
 - (1) side yards are double the minimum requirement established for this district and are screened in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the lot area is double the minimum established for this district;
 - (3) the front yard depth shall be a minimum of 35 feet;
 - (4) an off-street rider drop-off and pick-up drive is provided;
 - (5) adequate off-street parking and access is provided in compliance with subsection 510.17 of this code;
 - (6) adequate off-street loading and service entrances are provided in compliance with subsection 510.19 of this code;
 - (7) the site and related parking and service shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (8) all signing and informational or visual communication devices shall be in compliance with the section 410 of the city code and shall not impact surrounding and abutting residential;
- (c) Licensed day care refers to a facility serving more than 12 persons provided that:
 - (1) side yards are double the minimum requirement established for this district and are screened in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the lot area is double the minimum established for this district;

- (3) only the rear yard shall be used for a play area. It shall be fenced and screened in compliance with subsection 510.25, subdivision 2 of this code;
 - (4) an off-street rider drop-off and pick-up shall be provided;
 - (5) the site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;
 - (6) all provisions of the Minnesota public welfare licensing act, Minnesota Statutes, section 245.781 to 245.85, as amended as well as all rules or regulations promulgated by the Minnesota commissioner of human services related thereto, are met;
 - (7) a written indication of preliminary pending or final license approval from the regulatory welfare agency is supplied to the city.
- (d) Two-family dwellings provided that:
- (1) the minimum required lot width and square footage are met;
 - (2) the driveway is hard surfaced;
 - (3) the property has adequate off-street parking;
 - (4) that all garage doors be equipped with automatic door openers operable by remote control.
- (e) Existing two-family dwellings may be converted to condominiums, cooperatives or townhouses as regulated by subsection 530.05 of this code. (Added, Ord. No. 96-02)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in an R-2 district subject to additional requirements, exceptions and modifications set forth in this code:

- (a) Lot area: 6,000 square feet, except as otherwise provided in this subsection.
- (b) Lot width:
 - (1) single family dwelling unit: 50 feet, except as otherwise provided in this section;
 - (2) two-family dwelling unit: 60 feet except as otherwise provided in this section.
- (c) Setbacks:
 - (1) front yard depth:
 - (i) not less than 30 feet;

- (ii) in a block where a lot fronts on a side street next to a lot which has its side facing the same street, the setback on each lot shall be 15 feet from the side street (right-of-way);
- (iii) Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback exceed 30 feet.

(2) side yard width:

- (i) five feet, except as provided in subsection 515.03, subd. 5(c)(2)(iv) of this code;
- (ii) side yards abutting a public right-of-way shall not be less than 15 feet from the right-of-way except in the case of 40 foot lots, the side yard may be reduced to no less than five feet from the right-of-way;
- (iii) a side yard that contains a driveway must be at least 15 feet on houses constructed after April 2, 1991 or an unobstructed ten feet on houses constructed prior to that date; (Amended, Ord. No. 91-03, Sec. 2)
- (iv) in the case of two-family, double bungalow dwellings, zero side yard setbacks shall be permitted on the common boundary line, if each portion of the double bungalow sits on its own lot which is at least 40 feet wide and consists of at least 4,840 square feet. Such zero side yard setbacks are only permissible when separate sanitary sewer and water service is provide to each unit of the double bungalow.

(3) rear yard depth:

- (i) 20% lot depth.

Subd. 6. Building requirements:

- (a) Height: No structure shall exceed three stories or 30 feet in height, except as provided in subsection 510.15, subdivision 1 of this code.
- (b) Minimum floor area per dwelling unit:

<u>Unit Size</u>	<u>Single Family Unit</u>	<u>Two Family Unit</u>	<u>Townhouse</u>
(1) One bedroom	720 sq. ft.	600 sq. ft.	720 sq. ft.
(2) Two bedroom	820 sq. ft.	800 sq. ft.	820 sq. ft.
(3) Three bedroom	920 sq. ft.	900 sq. ft.	920 sq. ft.
(4) Four bedroom	1050 sq. ft	1000 sq. ft.	1050 sq. ft.
(5) Add 120 square feet for each additional bedroom			

- (c) Minimum lot area per dwelling unit:
- | | |
|--------------------|--------------|
| (1) Single family: | 6000 sq. ft. |
| (2) Townhouse: | 4200 sq. ft. |
| (3) Two-family: | 3750 sq. ft. |

515.05. R-3, medium density residential district. Subdivision 1. Purpose. A district to provide for medium density housing in one, two and multiple dwelling unit structures and townhouses and directly related complimentary uses.

Subd. 2. Permitted uses. Permitted uses in an R-3 district are:

- (a) all permitted uses allowed in an R-2 district except as hereinafter modified;
- (b) two-family dwellings.

Subd. 3. Permitted accessory uses. Permitted accessory uses in an R-3 district are:

- (a) all accessory uses, structures, and buildings pertaining to single and two-family units in the R-3 zoning district are subject to subsection 510.11 of this code. (Amended, Ord. No. 99-05)
- (b) parking garage and garage structures of adequate size to handle the required parking for the principal use. The parking requirements shall be satisfied by the combination of garage and unenclosed spaces; (Added, Ord. No. 99-05)
- (c) maintenance, management or recreational buildings incidental to the principal use; (Added, Ord. No. 99-05)
- (d) privately owned recreational facilities including swimming pools and tennis courts, intended solely for the enjoyment and convenience of the residents of the principal use and their guests; (Added, Ord. No. 99-05)
- (e) accessory uses for tenants provided they are intended for only the residents of the principal use and their guests and have no advertising or display visible from the outside of the building. Not more than 10% of the gross floor area of a structure may be devoted to these accessory uses. (Added, Ord. No. 99-05)

Subd. 4. Conditional uses. The uses listed in this subdivision require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) All conditional uses, subject to the same conditions as allowed in an R-2 district except as hereinafter modified.
- (b) Multiple dwelling units provided that:
 - (1) there is adequate off-street parking in compliance with subsection 510.17 of this code;
 - (2) parking areas are screened and landscaped from abutting and surrounding residential uses in compliance with subsection 510.25, subdivision 2 of this code;

- (3) the site of the principal use and its related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
- (4) all signing and informational or visual communication devices shall be in compliance with section 410 of the city code and shall not impact surrounding and abutting residential uses;
- (5) the grades and topography of the site shall not restrict the use of yards and open space;

- (6) each multiple unit dwelling site shall contain at least 300square feet of usable open space as defined in subsection 505.09, subdivision 110 of this code for each dwelling unit contained thereon;
- (c) Boarding houses and rooming houses provided that:
- (d) Senior housing, provided that:
 - (1) parking areas are screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the site of the principal use and its related parking is served by an arterial or collector street;
 - (3) usable open space as defined in subsection 505.09, subdivision 110 of this code at a minimum is equal to 20 percent of the gross lot area;
 - (4) the site of the principal use is served or is located within 400 feet of regular transit service;
 - (5) the site of the principal use is within 400 feet of commercial shopping development or adequate provision for access to such facilities is provided;
 - (6) the requirements of subsection 505.09, subdivision 40 are satisfied.
- (e) Handicap housing provided that:
 - (1) parking areas are screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the site of the principal use and its related parking is served by an arterial or collector street;

- (3) usable open space as defined in subsection 505.09, subdivision 110 of this code at a minimum is equal to 20% of the gross lot area;
 - (4) the site of the principal use is served or is located within 400 feet of regular transit service;
 - (5) the site of the principal use is within 400 feet of commercial shopping development or adequate provision for access to such facilities is provided;
 - (6) the housing development is operated in compliance with subsection 505.09, subdivision 58.
- (f) State licensed residential facilities serving seven to 16 persons.
 - (g) State licensed nonresidential facilities serving 13 to 16 persons.
 - (h) Telecommunications facilities located on antenna support structures provided they comply with section 720 of the Robbinsdale city code. (Added, Ord. No. 97-06)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in an R-3 district subject to additional requirements, exceptions and modifications set forth in this and other sections of this code.

- (a) Lot area: 6,000 square feet, except as otherwise provided in this section.
- (b) Lot width:
 - (1) single family dwelling unit: 50 feet;
 - (2) two-family dwelling unit: 60 feet except as otherwise provided in this subsection;
 - (3) multi-family or townhouse dwelling unit: 60 feet.
- (c) Setbacks:
 - (1) Front yards:
 - (i) not less than 30 feet;
 - (ii) in a block where a lot fronts on a side street next to a lot which has its side facing the same side street, the setback on each lot shall be 15 feet from the side street (right-of-way);

(2) Side yards:

- (i) five feet except as provided in subsection 515.05, subdivision 5(c)(2)(v) of this code;
- (ii) a side yard abutting a public right-of-way (street) shall not be less than 15 feet from the right-of-way except in the case of 40 foot lots, the side yard may be reduced to not less than five feet from the right-of-way;
- (iii) side yards of one and two family dwellings which contain a private driveway shall be a minimum of ten feet;
- (iv) side yards which contain a private driveway for uses other than single or two family dwellings shall be a minimum of 15 feet if there is one-way traffic movement and 20 feet if there is two-way traffic movement and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code;
- (v) in the case of two-family, double bungalow dwellings, zero side yard setbacks shall be permitted on the common boundary line, if each portion of the double bungalow sits on its own lot which is at least 40 feet wide and consists of at least 4,840 square feet. Such zero side yard setbacks are only permissible when separate sanitary sewer and water service is provided to each unit of the double bungalow.

(3) Rear yards: 20% of lot depth.

Subd. 6. Building requirements:

- (a) Height: no structure shall exceed three stories or 30 feet in height, whichever *is* less, except as provided in subsection 510.15, subdivision 1 of this code.
- (b) Minimum floor area per dwelling unit:

TYPE	SINGLE FAMILY UNIT	TWO FAMILY UNIT	TOWNHOUSE UNIT	MULTI-FAMILY UNIT
(1) efficiency Apt.				440 sq. ft.
(2) one bedroom	720 sq. ft.	600 sq. ft.	720 sq. ft.	520 sq. ft.
(3) two bedroom	820 sq. ft.	800 sq. ft.	820 sq. ft.	750 sq. ft.
(4) three bedroom	920 sq. ft.	900 sq. ft.	920 sq. ft.	850 sq. ft.
(5) four bedroom	1050 sq. ft.	1000 sq. ft.	1050 sq. ft.	1000 sq. ft.
(6) add 120 sq. ft. for each additional bedroom.				
(7) except for senior and handicap housing, efficiency apartments shall not exceed 10% of the total apartments in a structure. (Amended, Ord. No. 08-02)				

(c) Minimum lot area per dwelling unit:

(1) single family:	6000 square feet
(2) townhouse:	4200 square feet
(3) two-family	3750 square feet
(4) multi-family (three story or less):	1500 square feet
(5) multi-family senior and handicap housing (three story or less) (Amended, Ord. No. 08-02)	500 square feet

(d) Usable open space: except for senior and handicap housing, each multiple family dwelling site shall contain at least 300 square feet of usable open space, as defined in this code, for each dwelling unit contained thereon. (Amended, Ord. No. 08-02)

515.07. R-B2 residential-business district. Subdivision 1. Purpose. A district to provide for the transition in land use from residential to business and to allow for the intermixing of high density residential and office use.

Subd. 2. Permitted uses. Permitted uses in an R-B district are:

- (a) multiple family dwellings;
- (b) public and non-profit organizational, recreational and social facilities;
- (c) governmentally-owned open parking lots and parking ramps.

Subd. 3. Permitted accessory uses. Permitted accessory uses in an R-B district are:

- (a) all accessory uses which are allowed in an R-3 district except as hereinafter modified;
- (b) off-street parking but not including semi-truck tractors or trailers;
- (c) off-street loading.

Subd. 4. Conditional uses. The uses listed in this subdivision require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) All those conditional uses, subject to the same conditions as allowed in an R-3 district, except as hereinafter modified.
- (b) One and two-family dwellings and townhouses provided that:
 - (1) development is compatible with existing and planned use of the area and does not create conflicts with higher uses or endanger or impair, or both, the residents and their use of one and two-family dwellings and townhouses;
 - (2) the grades, topography, drainage or character of the developed lot shall not unreasonably restrict the amount of usable open space or create a hazard;
 - (3) a safe and direct access is available to parks and public open space;
 - (4) the lot requirements and setbacks outlined in subsection 515.05, subdivision 5 of this code and building requirements outlined in subsection 515.05, subdivision 6 of this code are satisfactorily met;
- (c) Hospitals, medical offices and clinics, dental offices and clinics, professional offices, commercial leased offices, counseling or training services, real estate agencies, and funeral homes and mortuaries provided that: (Amended, Ord. No. 07-06)
 - (1) the site and related parking and service entrances are served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (2) an off-street rider drop-off and pick-up drive and entrance is provided;
 - (3) adequate off-street parking is provided in compliance with subsection 510.17 of this code;
 - (4) adequate off-street loading is provided in compliance with subsection 510.19 of this code;
 - (5) vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement;
 - (6) when abutting an R-1 or R-2 district a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided; and (Amended, Ord. No. 07-06)

- (7) all signing and information or visual communication devices shall be in compliance with section 410 of the city code and shall not impact surrounding or abutting residential uses;
- (d) Retail commercial activity provided that:
- (1) merchandise is sold at retail and is directly related to the principal use or is provided for the comfort and convenience of those using the principal use or activity;
 - (2) the retail activity is located within a structure whose principal use is not commercial sales;
 - (3) the retail activity shall not occupy more than 15% of the gross floor area of the building;
 - (4) no directly or indirectly illuminated sign or sign in excess of ten square feet identifying the name of the business shall be visible from the outside of the building;
 - (5) no signs or posters of any type advertising products for sale shall be visible from the outside of the building;
- (e) Privately owned parking ramps as a principal or accessory use and privately owned open parking lots as a principal use, provided that:
- (1) access is from and onto a collector or arterial street;
 - (2) entrances and exists create a minimum of conflict with through traffic movement;
 - (3) sufficient magazine space is provided in the structure or on the site to minimize or eliminate the blocking of traffic in the public right-of-way;
 - (4) parking spaces and aisle and driveways shall be developed in compliance with subsection 510.17 of this code and are subject to the review and approval of the city engineer or city planner, or both.
 - (5) the location is at least 60 feet from the boundary of an R-1 or R-2 residential district;
 - (6) the lot area is double the minimum established for this district;
 - (7) when abutting an R-2 or R-2 district a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided;

- (8) when abutting a residential use which is not related to the parking ramp or open parking lot, a setback of at least 30 feet shall be provided from the property line and this area shall be maintained as open space and screening and landscaping shall be provided in compliance with subsection 510.25, subdivision 2 of this code;
- (9) all signing and informational or visual communication devices shall be in compliance with subsection 410 of the city code and shall not impact surrounding or abutting residential uses;
- (f) Buildings combining R-B conditional uses and residential uses provided that:
 - (1) the residential and non-residential uses shall not conflict in any manner;
 - (2) the residential building standards as outlined in subsection 515.07 of this code are met;
- (g) Buildings in excess of three stories or 40 feet provided that:
 - (1) the site is capable of accommodating the increased intensity of use;
 - (2) the increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets;
 - (3) public utilities and services are adequate;
 - (4) except for senior public housing for each additional story over three stories or for each additional ten feet above 40 feet, front and side yard setback requirements shall be increased by five feet; (Amended, Ord. No. 08-02)
- (h) Senior housing provided that:
 - (1) parking areas are screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the site of the principal use and its related parking is served by an arterial or collector street;
 - (3) usable open space as defined in subsection 505.09, subdivision 110 of this code at a minimum is equal to 20% of the gross lot area;

- (4) the site of the principal use is served or is located within 400 feet of regular transit service;
 - (5) the site of the principal use is within 400 feet of commercial shopping development or adequate provision for access to such facilities is provided.
- (i) Handicap housing provided that:
- (1) parking areas are screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the site of the principal use and its related parking is served by an arterial or collector street;
 - (3) usable open space as defined in subsection 505.09, subdivision 110 of this code at a minimum is equal to 20% of the gross lot area;
 - (4) the site of the principal use is served or is located within 400 feet of regular transit service;
 - (5) the site of the principal use is within 400 feet of commercial shopping development or adequate provision for access to such facilities is provided;
 - (6) the housing development is operated in compliance with subsection 510.09, subdivision 58.
- (j) Apartment density bonus: Except for senior housing, a maximum 25 percent reduction in square feet of lot area per unit as required in subsection 515.07, subdivision 6(c)(1) of this code based upon the following bonus features and square foot reduction factors. (Amended, Ord. No. 08-02)

	Square Foot Reduction
(1) Exceptional site design: a deduction in site area requirement will be permitted for exceptional site design. The amount of that reduction will be recommended by an architectural review board comprised of professional architects, city staff, or both, if a professional board cannot be assembled. The elements of site design to be considered towards obtaining maximum reductions are as noted below:	up to 150 sq. ft.

- (i) separation of pedestrian and vehicular traffic;
 - (ii) development of landscaped berms between areas of conflicting activities (for example, play areas vs. parking or private parties vs. joint recreational areas);
 - (iii) development of dense hedges as screening elements;
 - (iv) extensive use of large caliper trees and shrubs of both coniferous and deciduous species to enhance the appearance of buildings and grounds and to control erosion;
 - (v) preservation of existing trees and shrubs;
 - (vi) extensive development of free exterior recreational facilities of both passive and active nature, in such a manner that such areas are easily accessible but present no conflict in use for example, walkways, Structures, tennis courts, pools, waterways, docking facilities;
 - (vii) site lighting of drives, parking, walks, steps, and other facilities;
 - (viii) immediate access to public open spaces and provision for maintenance of that access, for example, school playgrounds, public parks, public beaches;
 - (ix) properly located screened garbage and refuse storage areas of a permanent nature, for example, stone, wood, or block;
 - (x) appropriateness of site elevations and gradients to building: design, land improvements, drainage and safe, easy circulation by occupants.
- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| (2) | Two-thirds of the required fee free parking is provided underground or within the principal structure (not including attached or detached garages). | 150 sq. ft. |
| (3) | Type two construction. | 150 sq. ft. |
| (4) | Elevator serving each floor. | 100 sq. ft. |
| (5) | Transit service available within 300 feet of entrance, via direct public access. | 75 sq. ft. |

- (6) Indoor or outdoor recreation facilities, or both, equal to 25 square feet per unit or 750 square feet total, whichever is greater. 75 sq. ft.
- (7) The provisions of subsection 535.01 of this code are
- (k) Residential/business planned unit development. (Added, Ord. No. 93-02)
- (l) Hospitality houses accessory to and adjacent to a Level-One Trauma Center hospital provided that:
- (1) Off-street parking shall be provided to serve the guest rooms with a minimum of one space per room in accordance with the standards of section 510.17 (parking).
 - (2) Parking areas shall be screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code.
 - (3) When abutting an R-1 or R-2 district, a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided. (Added, Ord. No. 07-15)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in an R-B district subject to additional requirements, exceptions and modifications set forth in this code.

- (a) Lot area: 6,000 square feet.
- (b) Lot width:
 - (1) single family dwelling unit: 50 feet;
 - (2) two-family dwelling unit: 60 feet;
 - (3) multiple family or townhouse dwelling unit: 60 feet;
 - (4) other R-B permitted uses: 50 feet;
 - (5) R-B conditional uses: the least restrictive lot width requirement where the use is permitted.
- (c) Setbacks:
 - (1) Front yards:
 - (i) not less than 25 feet;
 - (ii) in a block where a lot fronts on a side street next to a lot which has its side facing the same street, the setback on each lot shall be 15 feet from the side street (right-of-way);

- (iii) where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback exceed 30 feet.
- (2) Side yards: 10 feet, except:
 - (i) a side yard abutting a public right-of-way (street) shall be not less than 15 feet from the right-of-way except in the case of 40 foot lots, the side yard may be reduced to less than five feet from the right-of-way;
 - (ii) a side yard which contains a private drive with one-way traffic movement shall be 15 feet or with two-way traffic movement shall be 20 feet;
 - (iii) side yard which abuts an R-1 or R-2 district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.
- (3) Rear yard: 20% of lot depth and if abutting an R-1 or R-2 district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 6. Building requirements.

- (a) Height: No structure shall exceed three stories or 40 feet in height except as provided in subsections 510.15, subdivision 1 and 515.07, subdivision 4(g) of this code.
- (b) Minimum floor area per dwelling unit:

UNIT SIZE	MULTI-FAMILY UNIT
(1) efficiency apt.	440 sq. ft.
(2) one bedroom	520 sq. ft.
(3) two bedroom	750 sq. ft.
(4) three bedroom	850 sq. ft.
(5) four bedroom	1000 sq. ft.
(6) add 120 square feet for each additional bedroom.	
(7) Except for senior and handicap housing, efficiency apartments shall not exceed 10% of the total apartments in a structure. (Amended, Ord. No. 08-02)	

- (c) Minimum lot area per dwelling unit:
 - (1) Multiple family:
 - (a) three stories or less: 1500 sq. ft.
 - (b) four stories: 1400 sq. ft.
 - (c) five stories: 1300 sq. ft.
 - (d) six stories: 1200 sq. ft.
 - (2) Multi-family - senior and handicap housing = 500 square feet. (Amended, Ord. No. 08-02)

- (d) Usable open space: Except for senior and handicap housing, each multiple family dwelling site shall contain at least 300 square feet of usable open space as defined by this code for each dwelling unit contained thereon. (Amended, Ord. No. 08-02)

515.09. Townhouse, cooperative, condominium development. Subdivision 1. Purpose and intent. The purpose of this subsection is to provide for and encourage advances in housing design, changes in types of dwellings, more flexibility in layout and site planning, and the efficient use and conservation of land and open space.

Subd. 2. Property control.

- (a) In order that the purposes of this subsection may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this code.
- (b) Prior to the use or occupancy or sale or execution of contracts for sale of an individual condominium or cooperative unit, apartment, townhouse, parcel, tract or common area, or combination thereof, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Laws of Minnesota 1963, chapter 457, section 11 and a set of floor plans such as specified by Laws of Minnesota 1953, chapter 457, section 13 shall be filed with the city, said filing with the city to be made prior to the filings of said declaration or document or floor plans with the recording officers of Hennepin County, Minnesota.
- (c) Approval of the city shall be secured as to the documents described in paragraph (b) above.
- (d) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting units, parcel, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
- (e) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the city attorney. The intent of this subsection is to protect the property value of the individual owner.
- (f) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with then applicable rules and regulations of the city or fails to pay taxes or assessments on properties as they become due and in the event the said incurs any expenses in enforcing its rules and regulations which said expenses are not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of said expenses.

Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such costs of collection thereof, shall also, be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.

Subd. 3. Procedures for application, review and approval.

- (a) An application for a conditional use permit shall be filed and processed based upon procedures established by subsection 535.01 of this code.
- (b) Preliminary development plan. The conditional use permit application shall be accompanied by a preliminary development plan drawn to a scale of not more than 50 feet per inch, showing the following:
 - (1) General area-wide development (general outline of the site and surrounding area).
 - (i) uses;
 - (ii) zoning;
 - (iii) streets;
 - (iv) grades and topography;
 - (v) densities.
 - (2) Specific site plan.
 - (i) the entire outline, overall dimensions and area of the tract described in the application;
 - (ii) the use, zoning and ownership of all adjacent properties within 100 feet of the tract boundaries including the location of all structures thereon and the right-of-way width and traveled width of all adjacent public roadways;
 - (iii) the existing and proposed topography of the tract with contour intervals not greater than five feet;
 - (iv) the location, general exterior dimensions, and approximate gross floor areas of all proposed buildings;
 - (v) the proposed location, arrangement and number of automobile parking stalls;

- (vi) the location and dimensions of all vehicular entrances, exits and driveways and their relationship to all existing or proposed public streets;
 - (vii) the location and dimensions of pedestrian entrances, exits, and walks;
 - (viii) the general drainage system;
 - (ix) the location and dimensions of all walls, fences, and plantings designed to screen the proposed district from adjacent uses;
 - (x) the types of all ground covers;
 - (xi) standards for exterior finish, exterior lighting, location and type of exterior signs, architectural style, and any other variables which will be controlled in the design of buildings in the development area.
- (c) Development schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed townhouses, cooperatives or condominiums is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and completion date of the complete development plan.
- (d) Review and evaluation criteria. The evaluation of the proposed plan and development shall include but not be limited to the following criteria:
- (1) adequate property control is provided to protect the individual owners' rights and property values and the public responsibility for maintenance and upkeep;
 - (2) the interior circulation plan plus access from and onto public right-of-ways does not create congestion or dangers and is adequate for the safety of the project, residents, and general public;
 - (3) a sufficient amount of usable open space is provided;
 - (4) the arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses;
 - (5) the architectural design of the project is compatible with the surrounding area;

- (6) the drainage and utility system plans submitted to the city engineer for his comments and the final drainage and utility plans must have his approval;
 - (7) the development schedule insures a logical development of the site which will protect the public interest and conserve land;
 - (8) minimum lot frontage shall be not less than 20 feet;
 - (9) dwelling unit and accessory use requirements are in compliance with the zoning district provisions in which the development is planned;
- (e) Council action.
- (1) If the council finds that the preliminary development plan meets all of the requirements, the council shall approve the same as the final development plan and the applicant's conditional use permit shall be approved and granted.
 - (2) If the council finds that the preliminary development plan contains conditions that must be amended, they shall return said application, together with a statement of the necessary changes and upon receipt of an amended, altered, and changed plan meeting the requirements of the city council, the council shall approve said plan as the final development plan and thereupon the applicant shall be eligible to obtain the necessary building permits.
 - (3) The final development plan, together with such covenants, deed restrictions, reservations, controls, or variances as a part