

**CHAPTER 8****LAND AND BUILDING REGULATIONS****SECTION 840.1 SINGLE FAMILY RESIDENTIAL (R1) DISTRICT**

**Section 840.1.01 Residential-Single Family (R1) - Purpose.** The purpose of the Residential-Single Family (R1) district is to provide a zoning district for single-family residential neighborhoods, designed in a way to protect the natural environment and to implement the objectives of the Low Density Residential land use in the city's Comprehensive Plan. Property to be developed within the Low Density Residential land use shall be zoned R1 unless the City Council, following review and recommendation by the Planning Commission, determines that an alternative zoning designation better meets the objectives, goals, and purposes of the Comprehensive Plan and zoning ordinance.

**Section 840.1.02. (R1) Permitted Uses.** The following shall be permitted uses within the R1 district, subject to applicable provisions of the city code:

- (1) Single Family Detached Dwellings
- (2) State Licensed Residential Facility or housing with services establishment registered under chapter 144D, serving six or fewer persons
- (3) Day care facilities serving 12 or fewer persons or group family day care facilities serving 14 or fewer persons, provided: the facility is licensed as required by law; no more than one person not residing at the property is employed by the facility; and that provisions are made so that the drop-off and pick-up of clientele does not impact neighboring property or right-of-way.
- (4) Parks and Open Space
- (5) Essential services

**Section 840.1.03. (R1) Conditional Uses.** The following shall be permitted within the R1 district, subject to conditional use permit approval, the specific requirements established in Section 840.3.05, and other applicable provisions of the city code:

- (1) Accessory dwelling units located within the principal structure.

**Section 840.1.04. (R1) Accessory Uses.** The following accessory uses shall be permitted within the R1 district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Garages or detached private structures
- (2) Off-street parking
- (3) Private swimming pools and sport courts
- (4) Home Occupations

- (5) Signs, subject to the requirements of the sign ordinance
- (6) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

**Section 840.1.05. (R1) Lot Standards.** The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

**Subd. 1.** Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

**Subd. 2.** Minimum Lot Size: 11,000 square feet

**Subd. 3.** Minimum Lot Width: 90 feet. The minimum lot width shall be increased to 110 feet for a lot with a side yard adjacent to a collector or arterial roadway.

**Subd. 4.** Minimum Lot Depth: 100 feet

**Subd. 5.** Minimum Front Yard Setback: 25 feet, except as follows:

- (a) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
- (b) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.

**Subd. 6.** Minimum Rear Yard Setback: 30 feet. The rear yard setback may be reduced to 20 feet if abutting a preserved open space or common area, but may not be reduced if abutting public park property.

**Subd. 7.** Minimum Interior Side Yard Setback: 25 feet combined total for both side yards, with neither side less than 10 feet. The combined interior side yard setback shall be reduced to 20 feet if garage doors do not face the street.

**Subd. 8.** Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows:

- (a) Local Roadway or Private Street: 25 feet, except as follows:
  - (i) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
  - (ii) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

**Subd. 9.** Maximum Impervious Surface Coverage: 40 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented on the lot which, according to the City Engineer, reduce runoff below that which would occur if abiding by the maximum impervious surface regulation. However, in no case shall impervious surface coverage exceed 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

**Section 840.1.06. (R1) Design and Development Standards.** The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

**Subd. 1.** The residential district standards, as required in Section 840.3, shall be observed.

**Subd. 2.** Maximum Building Height: All buildings shall meet the following requirements:

- (a) Building height shall not exceed 32 feet, but the maximum building height shall be increased to 35 feet if the structure is equipped with a compliant fire sprinkler or if interior side yard setbacks are increased by 50 percent.
- (b) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
- (c) Maximum distance from ground to eave. In no case shall the vertical distance from the lowest ground level (at the footprint of the building and eight feet out) to the eave be greater than 32 feet.

## SINGLE- AND TWO-FAMILY RESIDENTIAL (R2) DISTRICT

**Section 840.2.01 Residential-Single- and Two-Family (R2) - Purpose.** The purpose of the Residential-Single- and Two-Family (R2) district is to provide a zoning district for a mix of single-family and two-family dwellings, designed in a way to protect the natural environment and to implement the objectives of the Low Density Residential land use in the city's Comprehensive Plan. The R2 district is intended as an alternative to the R1 district, not to substantially increase density of development, but rather to allow the clustering of smaller lots to support:

- (1) The protection and enhancement of natural areas through the preservation of wooded areas, the provision of additional buffering for lakes, streams, and wetlands, or the creation of ecological connections with other protected lands.
- (2) The preservation of open spaces, provision of additional buffering from adjacent streets and uses, or the creation of additional recreational opportunities.

The City Council, following review and recommendation by the Planning Commission, shall have full discretion to determine in what cases zoning property R2 rather than the standard R1 district meets these purposes. If the City Council determines an R2 zoning does not meet these purposes, the property shall be zoned R1.

**Section 840.2.02. (R2) Permitted Uses.** The following shall be permitted uses within the R2 district, subject to applicable provisions of the city code:

- (1) Single Family Detached Dwellings
- (2) Two Family Dwellings
- (3) Day care facilities serving 12 or fewer persons or group family day care facilities serving 14 or fewer persons, provided: the facility is licensed as required by law; no more than one person not residing at the property is employed by the facility; and that provisions are made so that the drop-off and pick-up of clientele does not impact neighboring property or right-of-way.
- (4) State Licensed Residential Facility or housing with services establishment registered under chapter 144D, serving six or fewer persons
- (5) Parks and Open Space
- (6) Essential services

**Section 840.2.03. (R2) Conditional Uses.** The following shall be permitted within the R2 district, subject to conditional use permit approval, the specific requirements established in Section 840.3.05, and other applicable provisions of the city code:

- (1) Accessory Dwelling Units located within in the principal structure.

**Section 840.2.04. (R2) Accessory Uses.** The following accessory uses shall be permitted within the R2 district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Garages or detached private structures, except no such structure shall contain components to constitute a separate complete dwelling unit
- (2) Off-street parking
- (3) Private swimming pools and sport courts
- (4) Home Occupations
- (5) Signs, subject to the requirements of the sign ordinance
- (6) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

**Section 840.2.05. (R2) Lot Standards.** The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

**Subd. 1.** Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

**Subd. 2.** Minimum Lot Size (Single Family Detached): 8,000 square feet

**Subd. 3.** Minimum Lot Size (Two Family Dwelling): 5,000 square feet per unit

**Subd. 4.** Minimum Lot Width (Single Family Detached): 60 feet. The minimum lot width shall be increased to 90 feet for lots with a side yard adjacent to a collector or arterial roadway.

**Subd. 5.** Minimum Lot Width (Two Family Dwelling): 50 feet per unit. The minimum lot width shall be increased to 70 feet for a unit with a side yard adjacent to a collector or arterial roadway.

**Subd. 6.** Minimum Lot Depth: 90 feet

**Subd. 7.** Minimum Front Yard Setback: 25 feet, except as follows:

- (a) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
- (b) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.

**Subd. 8.** Minimum Rear Yard Setback: 25 feet. The rear yard setback may be reduced to 15 feet if abutting a preserved open space or common area, but may not be reduced if abutting public park property.

**Subd. 9.** Minimum Interior Side Yard Setback (Single Family Detached):

- (a) The combined total of both side yards shall be a minimum of 15 feet
- (b) Neither side yard shall be less than 5 feet
- (c) One of the side yards shall be 10 feet or greater

**Subd. 10.** Minimum Interior Side Yard Setback (Two Family Dwelling): 10 feet, except the side yard setback shall be reduced to zero for the common wall between two dwelling units.

**Subd. 11.** Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows:

- (a) Local Roadway or Private Street: 25 feet, except as follows:
  - (i) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
  - (ii) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

**Subd. 12.** Maximum Impervious Surface Coverage: 50 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented on the lot which, according to the City Engineer, reduce runoff below that which would occur if abiding by the maximum impervious surface regulation. However, in no case shall impervious surface coverage exceed 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

**Section 840.2.06. (R2) Design and Development Standards.** The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

**Subd. 1.** The residential district standards, as required in Section 840.3, shall be observed.

**Subd. 2.** Maximum Building Height: All buildings shall meet the following requirements:

- (a) Building height shall not exceed 32 feet, but the maximum building height shall be increased to 35 feet if the structure is equipped with a compliant fire sprinkler or if interior side yard setbacks are increased by 50 percent.
- (b) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
- (c) Maximum distance from ground to eave. In no case shall the vertical distance from the lowest ground level (at the footprint of the building and eight feet out) to the eave be greater than 32 feet.

**SECTION 840.3 DESIGN AND DEVELOPMENT STANDARDS  
FOR SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICTS**

**Section 840.3.01. Generally.** The standards of this Section shall apply to the R-1 and R-2 districts, subject to requirements set forth in other sections of this ordinance. These standards are established to achieve a high standard of development, to create vibrant and high quality neighborhoods, and to protect the natural environment.

**Section 840.3.02. Building Materials and Design.**

**Subd. 1. Building Materials.** All exterior building materials shall be durable and consistent with relevant codes, regulations, and other industry standards.

**Subd. 2. Garages.** Each principal dwelling unit shall include garage space with a minimum capacity of two vehicles. In the case that garage doors occupy more than half of the horizontal building façade facing a street, architectural elements shall be provided to reduce the monotonous appearance of garage doors. These elements may include varying the setback of the garage doors, differentiating roof designs, constructing dormers, and installing garage doors with windows or other design elements.

**Subd. 3. Utilities.** Utilities shall be placed underground.

**Section 840.3.03. Landscaping Requirements for the Development Site.**

**Subd. 1. Generally.** All areas within a development site shall be landscaped, except for areas occupied by streets, sidewalks, trails, buildings, driveways, walks, recreational areas, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Properly maintained prairie and natural vegetation is encouraged within common open space and buffer yards. Species with known vulnerability to disease or infestation shall not be permitted. Integrated stormwater management practices, such as vegetative swales, vegetative filter strips, bioretention, and raingardens, shall be considered landscaping and shall be included in the gross acreage of the parcel when calculating impervious surface coverage.

**Subd. 2. Buffer Yards.** Buffer yards shall be required adjacent to less intensive zoning districts and adjacent to collector and arterial roadways. The buffer yard requirements are described in Section 828.31 of the City Code.

**Subd. 3. Maintenance.** The developer shall be responsible for establishing a long-term maintenance plan to see that common space and buffer yard landscaping and fencing is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Landscape irrigation, where necessary, shall be consistent with water usage regulations.

**Subd. 4. Landscaping Guarantee.** The developer shall guarantee the growth and maintenance of all plants for a minimum of two growing seasons following an inspection of all completed plantings.

- (a) The developer shall submit a financial guarantee and provide access to the property, in forms acceptable to the city, prior to issuance of any building permit to ensure the planting and survival of the plantings. The developer may transfer financial guarantee responsibility to another willing entity.
- (b) Any plant which does not survive or has severely declined (for example, 25% of the crown has died in the case of trees) shall be replaced, and the replacement will be guaranteed for an additional two growing seasons. After the additional growing seasons, any of the new plants which do not survive or have severely declined shall be replaced. After provisions have been made for maintenance of these new plants, the city shall release any remaining financial guarantee.

**Subd. 5. Tree Preservation.** Removal of significant trees and any construction activity within residential districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

**Section 840.3.04. Landscaping Requirements for Individual Single-Family and Two-Family Lots.**

**Subd. 1. Generally.** Each lot shall be landscaped, except for areas occupied by buildings, driveways, walks, patios, recreational areas, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Properly maintained prairie or natural vegetation may be utilized within buffer yards. Integrated stormwater management practices, such as vegetative swales, vegetated filter strips, bioretention, and raingardens, shall be considered landscaping and shall be included in the gross acreage of the parcel when calculating impervious surface coverage.

**Subd. 2. Lawn Establishment.** The entire lot and adjacent right-of-way to the edge of the street shall be landscaped and vegetation established prior to issuance of a certificate of occupancy for a new home.

- (a) Financial Guarantee Option. If vegetation is not established at the time of certificate of occupancy, the city may accept a financial guarantee, in an amount determined by the city council, to ensure that landscaping is completed within one year. If landscaping is not completed, the city may take action to complete the work, and the property owner shall grant access to the property and be responsible for the cost of such work.
- (b) Type of Ground Cover. Low maintenance and water conserving alternatives to traditional Kentucky bluegrass are encouraged and may be seeded. Otherwise, sod or hydro-seed application shall be required.

**Subd. 3. Yard Trees.** A minimum of four overstory trees shall be required to be planted prior to issuance of a certificate of occupancy for each dwelling unit. Trees shall meet the following requirements:



- (a) Financial Guarantee Option. If the trees are not planted at the time of certificate of occupancy, the city may accept a financial guarantee, as established by the city council, to ensure that planting occurs within one year.
- (b) Size. Deciduous trees shall not be less than two caliper inches measured four feet off ground, and coniferous trees shall not be less than six feet in height.
- (c) Location. For single-family dwellings, two trees shall be located within 15 feet of the front lot line. For two-family dwellings, at least one of the trees shall be located within 15 feet of the front lot line. Trees shall be located in a way which does not interfere with utilities.
- (d) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species, as listed within the tree preservation ordinance are required, unless otherwise necessary. Species with known vulnerability to disease or infestation shall not be permitted. The trees shall not be of a single species and, to the extent possible, should be differentiated across the neighborhood so that no more 25 percent are from one species.
- (e) Credit for Preserved Trees. The city may reduce the required number of overstory trees if existing trees are preserved in the front yard. In order to receive credit, the trees shall satisfy the requirements of the Tree Preservation Ordinance, Section 828.41.

**Subd. 4. Maintenance.** The property owner shall be responsible to see that landscaping is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Irrigation for landscaping and lawns shall be consistent with city water usage regulations.

**Subd. 5. Tree Preservation.** Removal of significant trees and any construction activity within residential districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

**Section 840.3.05. Supplemental Requirements for Specific Uses within Single- and Two-Family Residential Zoning Districts.** In addition to the general standards specified for conditional uses in section 825.39 of the City Code and other requirements of this ordinance, the following uses shall not be permitted unless the city council determines that all of the specific standards contained in this subdivision will be met:

**Subd. 1. Accessory dwelling units**

- (a) No more than one accessory dwelling unit shall be located on a property. No accessory dwelling unit shall be permitted upon a property on which a lodging room or a second residential dwelling is located;
- (b) Accessory dwelling units within the R1 (Single-Family Residential) or R2 (Two-Family Residential) zoning districts shall be attached to the principal single family structure;

- (c) The lot must contain an existing single-family dwelling unit which conforms to district regulations;
- (d) The habitable area of the accessory dwelling unit shall not exceed the lesser of the following: 1) 750 square feet for a one-bedroom unit; or 2) 1,000 square feet for a two-bedroom unit; or 3) 40 percent of the habitable area of the principal single-family dwelling;
- (e) The accessory dwelling unit shall contain a minimum of 300 square feet of habitable area;
- (f) The accessory dwelling unit shall contain no more than two bedrooms;
- (g) A minimum of one off-street parking space per bedroom shall be provided for the accessory dwelling unit. These spaces shall not interfere with accessing the required garage spaces for the principal single-family dwelling;
- (h) No separate driveway or curb cut shall be permitted to serve the accessory dwelling unit;
- (i) No accessory dwelling unit shall be sold or conveyed separately from the principal single-family dwelling;
- (j) The property owner shall occupy either the principal single-family dwelling or the accessory dwelling unit as their primary residence;
- (k) Adequate utility services shall be available to serve the accessory dwelling unit.
- (l) Any exterior stairway which accesses an accessory dwelling unit above the first floor shall be located in a way to minimize visibility from the street and, to the extent possible, from neighboring property. Such stairway shall incorporate a deck a minimum of 27 square feet in area; and
- (m) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the single-family residential character of the surrounding area. A copy of the resolution approving an accessory dwelling unit and describing the conditions, restrictions and limitations on the use shall be recorded against the property.

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**Amendment History of this Section**

*Adopted September 17, 2009 (Ord. 468).*

*Amended November 15, 2011 (Ord. 514). Amending Sections 840.1.03, 840.2.03, and 840.3.05 regarding Accessory Dwelling Units.*

*Amended February 17, 2015 (Ord. 576). Amending Sections 840.1.04 and 840.2.04 regarding solar equipment.*

*Amended March 6, 2018 (Ord. 631). Amending Sections 840.1.01, 840.1.05, 840.1.06, and 840.2 regarding the requirements of R1 and R2 zoning districts.*