

CHAPTER 19 - R-O, OLD TOWN RESIDENTIAL DISTRICT

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19.01: PURPOSE.

The R-O, Old Town Residential District, is established to provide for the continuation of existing low density, single family residential uses, including detached and attached single family and two family homes, triplexes and quadraminiums, along with directly related, complementary uses in the older areas of the City.

19.02: PERMITTED USES.

Subject to applicable provisions of this Ordinance, the following are permitted uses in the R-O District:

- A. Owner Occupied, Single-family detached dwellings and manufactured homes which are not less than twenty-four (24) feet in width regardless of construction type.
- B. Owner Occupied, Single-family attached dwellings not exceeding four attached housing units.
- C. State licensed residential facility or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving six or fewer persons, noting the following:
 - 1. Special conditions for residential programs: It is the policy of the State and Nation that persons shall not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings.
 - 2. Permitted single-family residential use: Residential programs with a licensed capacity of six or fewer persons shall be considered a permitted single-family residential use of property for the purposes of zoning and other land use regulations, except that a residential program whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use. This exception shall not apply to residential programs licensed before July 1, 1995. Programs otherwise not allowed under this Ordinance shall not be prohibited by operation of restrictive covenants or similar restrictions, regardless of when entered into, which cannot be met because of the nature of the licensed program, including provisions which require the home's occupants be related, and that the home must be occupied by the owner, or similar provisions.
 - 3. Residential program: "Residential program" means a program that provides 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home, including a nursing home or hospital that receives public funds, administered by the commissioner, to provide services for persons whose primary diagnosis is mental retardation or a related condition or mental illness and who do not have a significant physical or medical problem that necessitates nursing home care; a program in an

intermediate care facility for four or more persons with mental retardation or a related condition; a nursing home or hospital that was licensed by the commissioner on July 1, 1987, to provide a program for persons with a physical handicap that is not the result of the normal aging process and considered to be a chronic condition; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under Chapter 254B. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home.

- D. Licensed day care facility serving twelve (12) or fewer persons.
- E. Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- F. Public parks and playgrounds.
- G. Use of a single-family dwelling for non-owner occupied rental purposes provided:
 - 1. The property must satisfy off-street parking requirements contained in this Ordinance.
 - 2. Have a ceiling height of at least seven (7) feet.
 - 3. Contain adequate ventilation and fire escapes as determined by the Building Official.
 - 4. Meet all applicable fire code.
 - 5. The single-family unit shall be utilized as a single household or one single family household plus one separate housing unit.
 - 6. The unit must be leased or rented for a period of at least one calendar month. Rental of a single-family dwelling for periods for less than one calendar month are considered short-term rental and prohibited.
- H. Existing Limited Resort Facilities (see definition in Chapter 2) and incidental commercial services in connection with and incidental to the operation of a resort activity existing at the time of Ordinance adoption. Expansions shall be processed as residential Planned Residential Development and/or a Common Interest Community and adhere to applicable Shoreland District requirements.
- I. Essential services.
- J. Private/Vacation Home Rental, as regulated by Chapter 32, of this Ordinance.

19.03: CONDITIONAL USES.

Subject to applicable provisions of this Ordinance, the following are conditional uses in the R-O District and are governed by Chapter 7 (Conditional Use Permits) of this Ordinance:

- A. Church/worship facility, cemetery, crematory, mausoleum, government, public utilities and public service uses, hospitals, sanitariums, homes for the aged, institutions of an educational, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare and Governmental and public related utility buildings and structures provided that:
 - 1. The requirements of Chapter 7 relating to Conditional Uses of this Ordinance are considered and satisfied.
 - 2. When abutting a residential use in an area guided toward future residential development within the Comprehensive Plan the required side yard width is doubled and a landscaped buffer yard is provided. The required landscaped buffer yard shall screen the

buildings/structures and parking lots from the view of the abutting residential use. The Zoning Administrator shall approve the appropriateness of the landscaped buffer yard after consulting the standards for buffer yards contained in Chapter 32, of this Ordinance.

3. The parking requirements of this ordinance applicable to the contemplated use are achieved.
- B. Bed and breakfast establishments, provided that:
1. A maximum of four (4) bed and breakfast units be established in the structure.
 2. The facility shall have a State license (hotel and food), and comply with building and fire codes as may be required or applicable.
 3. The facility shall be owner or manager occupied.
 4. The principal structure shall have a minimum size of one thousand five hundred (1,500) gross square feet and shall be located on a lot which meets the minimum lot size of the district in which it is located.
 5. The bed and breakfast units are located within the principal structure.
 6. Not more than one (1) full time person, who is not a resident of the structure, shall be employed by the bed and breakfast facility.
 7. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.
 8. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit.
 9. Not more than one (1) identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally or externally illuminated.
 10. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.
- C. Telecommunication Towers exceeding the maximum height requirement of this district.
- D. Other residential uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the public health, safety, and welfare.
- F. Private/Vacation Home Rental, as regulated by Chapter 32, of this Ordinance.

19.04: INTERIM USES.

Subject to applicable provisions of this Ordinance, the following are interim uses in the R-O District and are governed by Chapter 8, (Interim Uses) of this Ordinance:

- A. None.

19.05: ACCESSORY USES.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the R-O District:

- A. Accessory uses incidental and customary to uses allowed as permitted, conditional and interim uses within this Chapter.
- B. Home occupations as regulated by Chapter 29, (Home Occupations), of this Ordinance.
- C. Fences as regulated by Chapter 32, of this Ordinance.
- D. Telecommunication Towers not exceeding the maximum height requirement of this district and personal or accessory antenna as provided under Chapter 32, of this Ordinance.
- E. Off-street parking.
- F. Except as otherwise limited, private recreational facilities, accessory to an existing principal permitted use on the same lot and which is operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.
- G. Recreational vehicles and equipment as regulated by Chapter 32, of this Ordinance.
- H. Signs as regulated by Chapter 31, of this Ordinance.
- I. Gardening and other horticultural uses where no sale of products is conducted on the premises.
- J. Non-commercial greenhouses, provided they do not exceed two hundred (200) square feet in area.

19.06: LOT AREA AND SETBACK REQUIREMENTS.

The following minimum requirements shall be observed in the R-O District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

- A. Lot Area:
 - 1. Single Family:
 - a. Minimum Lot Area: Seven thousand five hundred (7,500) square feet.
 - b. Minimum Lot Width: Sixty-five (65) feet, as measured at the building setback line.
 - c. Minimum Lot Depth: One hundred (110) feet.
 - 2. Two Family:
 - a. Minimum Lot Area Per Dwelling Unit: Seven thousand five hundred (7,500) square feet.
 - b. Minimum Total Lot Area: Fifteen thousand (15,000) square feet.
 - 3. Triplexes and Quadraplexes:
 - a. Minimum Lot Area Per Dwelling Unit: Five thousand (5,000) square feet.

b. Minimum Total Lot Area: Twenty thousand (20,000) square feet.

B. Principal Structure Setbacks:

1. Front Yard: Twenty (20) feet.

a. Where a lot is located at the intersection of two (2) or more streets or highways which bound two (2) or more sides of the lot, no building shall project beyond the front yard line of either street.

b. Where a lot is adjacent to a State or County Highway, the setback shall be thirty (30) feet on all lot lines.

2. Side Yard: Five (5) feet.

3. Rear Yard: Twenty (20) feet.

C. Accessory Structures Setbacks as regulated by Chapter 32, (General Requirements) of this Ordinance.

19.07: LOT COVERAGE AND HEIGHT.

The following requirements shall be observed in the R-O District:

A. The total impervious surface coverage on a lot shall not exceed thirty-five (35) percent.

B. All single family residences shall be limited to a maximum height of two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

19.08: PARKING, GARAGES AND DRIVEWAY.

Each dwelling unit shall have a minimum of two off-street parking spaces. A minimum of a two-stall garage of no less than 440 square feet shall be required at the time of construction of the dwelling with a cement or asphalt driveway.

19.09: PROHIBITED BUILDINGS AND MATERIALS.

The following shall not be allowed in the R-O District: Any structure more than seven (7) feet in height or more than One hundred twenty (120) square feet, with or without a permanent floor, having a design that uses augured pillars (or columns) as footing; and/or columns or poles as the major support for such structure, and/or sidewalls consisting of non-architectural vinyl or plastic materials.