

Rochester, Minnesota Infill/Redevelopment: New R-2X District

R-2x replaces all R-1 and R-2 zoned land within the “Residential Reinvestment” Area designated in Planning 2 Succeed.

After 62.232: R-2 Site Appearance Standards, add new tables for R-2x district

62.233 R-2X LOW DENSITY RESIDENTIAL DISTRICT

This article lists the standards applicable to uses allowed in the R-2X, Low Density Residential District. [See Map on Exhibit A].

62.234 R-2X GENERAL ZONING DISTRICT STANDARDS

The following table identifies the general zoning district standards applying to uses in the R-2X Zoning District.

COMMENTARY: The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed. ABBREVIATIONS/SYMBOLS in the table: % stands for “percentage” NUMBERS IN BRACKETS REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE													
CATEGORY OF STANDARDS	List of Permitted Uses	Use Type	Applicable Detailed Regulations	Additional Regulations	DENSITY FACTOR		FLOOR AREA RATIO ¹		Minimum Lot Size (L) or Site Area (S)	Minimum % of Landscape Area	Minimum % of Recreation Space	Permitted Maximum Height (in feet)	REQUIRED OFF-STREET PARKING
					TYPE I – TYPE II – TYPE III DENSITIES	TYPE I	TYPE III						
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 62.112	PARAGRAPH 62.113		PARAGRAPH 62.114	PARAGRAPH 62.115		PARAGRAPH 62.116	DEFINITION OF LANDSCAPE AREA	PARAGRAPH 62.118	DEFINITION OF HEIGHT	SEE DEFINITION OF PARKING AND PARAGRAPH 62.121	
NOTES	Description of each Use category found in Section 62.140		Regulations found in Sec. 62.260	Primarily found in Par. 65.263	TYPE III DEVELOPMENT APPROVED THROUGH REQ OF SECTION 62.600	For Permitted Uses	For Incentive Development	Definition of Lot & Site in Chapter 60	General Regulations Sec. 63.130	General Regulations Sec. 63.140	Exceptions to Standard Par. 60.424	Regulations for Off-street parking in Section 63.400	
	Single Family Detached	I		62.266(1)				3000(L)	40%		35	MINIMUM: 1 PER DWELLING UNIT	
	Single Family Attached	I		62.266(1)				3000(L) Corner lot: 3500(L)	40%		35	MINIMUM: 1 PER DWELLING UNIT	
	Accessory Apartment	1	62.278 (3)	62.266(1)				NA			35	No Minimum	
	Accessory Dwelling Unit	I	62.278(13)	62.266(1)				NA			35	NO MINIMUM	
	Duplex	I		62.266(1)				4000(L)	40%		35	MINIMUM: 1 PER DWELLING UNIT	
	Attached Dwelling	I	62.26X ²	62.266(1)				3000(L)	38%		35	MINIMUM: 1 PER DWELLING UNIT	
	Cottage Development	I	62.26X ³	62.266 (1)				15000(S)	35%		35	MINIMUM: 1 PER DWELLING UNIT MAXIMUM: 2 PER DWELLING UNIT	
	Performance Residential	VAR	62.261	62.266(1)(3)	9:00 -- 16:00 – 21.78(1)			6000(S)	38%	20%	35	MINIMUM: 1 PER DWELLING UNIT	

¹ We are not establishing FAR limits for this district.

² We will insert a cross-reference here to detailed use regulation.

³ We will insert a cross-reference here to detailed use regulation.

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The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

ABBREVIATIONS/SYMBOLS in the table:

% stands for "percentage"

NUMBERS IN BRACKETS [] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE

CATEGORY OF STANDARDS	List of Permitted Uses	Use Type	Applicable Detailed Regulations	Additional Regulations	DENSITY FACTOR		FLOOR AREA RATIO ¹		Minimum Lot Size (L) or Site Area (S)	Minimum % of Landscape Area	Minimum % of Recreation Space	Permitted Maximum Height (in feet)	REQUIRED OFF-STREET PARKING
					TYPE I – TYPE II – TYPE III DENSITIES		TYPE I	TYPE III					
					TYPE I	TYPE II	TYPE III	TYPE III					
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 62.112	PARAGRAPH 62.113		PARAGRAPH 62.114	PARAGRAPH 62.115		PARAGRAPH 62.116	DEFINITION OF LANDSCAPE AREA	PARAGRAPH 62.118	DEFINITION OF HEIGHT	SEE DEFINITION OF PARKING AND PARAGRAPH 62.121	
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	Multi-Family Residential	I	62.263 (5)	62.266(1),(3) 62.126				4500(L)	38%		45	MINIMUM: 0.75 PER UNIT MAXIMUM: 1.5 PER DWELLING UNIT	
	Group Residential Care	VAR	62.263(2)	62.266(1)				SAME AS REGULATION FOR PERMITTED SINGLE FAMILY OR MULTI-FAMILY (WHICHEVER IS BASIS FOR APPROVAL OF USE)				1 SPACE PER EMPLOYEE ON LARGEST SHIFT	
	Manufactured Home Park/ Manufactured Home Lot	III	62.262	62.266(1)				5500(L)	40%	62.262(3)(b) (15)(g)	35	MINIMUM: 1 PER MANUFACTURED HOME MAXIMUM: 2 PER DWELLING UNIT	
	Live/Work Dwelling	I	62.26X ⁴	62.266(1)				40000(L)	40%		35	MINIMUM: 0.75 PER UNIT	
	Retail Trade		62.264(X) ⁵					5000(L)	40%		35 [2]	1 PER 400 SQ FT FLOOR AREA	
	Offices	I	62.264(3)						40%		24 [2]	1 PER 400 SQ FT FLOOR AREA	
	Personal Service	I	62.264(3)						40%		24 [2]	1 PER 400 SQ FT FLOOR AREA	
	Medical Facilities	II or III	62.263 (3)								24 [2]	5 PER PRINCIPAL MEDICAL PROFESSIONAL	
	Nursing and Personal Care	II or III	62.263(3)								24[2]	1 SPACE/EMP LARGEST SHIFT PLUS ONE PER SIX BEDS	
	Funeral Homes	II or III							40%		24 [2]	1 PER 4 PERSONS, BASED ON MAXIMUM CAPACITY OF BLDG	
	Substantial Land Alteration	III, Phase II									30	1 PER EMPLOYEE ON LARGEST SHIFT	
	Sand or Gravel Excavation	III, Phase II									30	1 PER EMPLOYEE ON LARGEST SHIFT	
	Agricultural Operations	I	62.264(1)(2)										
	Area Accessory Development	I or III	62.930	62.933				62.932	40%		35	SEE PARAGRAPH 62.935	
	Offender Transitional Housing	III/ Phase I	62.940-62.945										
	Medical Stay Dwelling Unit	I	62.141 (11)	62.263 (6) 62.266 (1)									

FOOTNOTES:

- [1] RETAIL TRADE MAY BE LOCATED ON THE GROUND FLOOR OF MULTI-FAMILY RESIDENTIAL UP TO 45 FT. IN HEIGHT.
- [2] OFFICE, HOUSING, PERSONAL SERVICES, MEDICAL FACILITY, FUNERAL HOME WITHIN 200 FT OF TOD DISTRICT: MAX HEIGHT = 35 FT

⁴ We will insert a cross-reference here to detailed use regulation.

⁵ We will insert a cross-reference here to detailed use regulation which will include a size limit of 5,000 square feet and location restriction to buildings on corner lots, use located in a pre-existing non-residential building, or at ground floor of mixed-use building.

62.235 R-2X SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the R-2X Zoning District.

COMMENTARY:
 The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
 The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

ABBREVIATIONS/SYMBOLS in the table:
 Stnd is the abbreviation for "Standards"

CATEGORY OF STANDARDS	List of Permitted Uses	SETBACKS AND YARDS				Minimum Width at Building Line	APPEARANCE CONTROL STANDARDS					Site Location Requirement	Bufferyard Indicator	
		Required Front Yard	Side Yard Least Width	Minimum Sum of Side Yards	Minimum Rear Yard		Hours of Operation	Exterior Lighting	Sign Regulations	Landscape Material Point Base	Exterior Storage Regulations			
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 63.110(1)	PARAGRAPH 63.110(3)		PARAGRAPH 63.110(2)	PARAGRAPH 62.123	PARAGRAPH 62.131	PARAGRAPH 62.132	PARAGRAPH 62.133	PARAGRAPH 62.135	PARAGRAPH 62.134	PARAGRAPH 62.124	PARAGRAPH 62.125	
NOTES	Description of each category found in Section 62.140	General Yard Requirements in 63.100 How Yards can be used in 63.120						Section 63.210	Section 63.220[5]	Section 63.230	Section 63.240	Section 63.250	To Determine Req. Buffer see 63.260	
	Single Family Detached [2]	20	5	10	20	30				NA	R		I	
	Single Family Attached	20	10[1]		20	30 Corner lot: 35				NA	R		I	
	Accessory Apartment	20	5	10	5	30				NA	R		I	
	Accessory Dwelling Unit	20	5	10	5	30				NA	R		I	
	Duplex[2]	20	5	10	20	40				NA	R		I	
	Attached Dwelling	20	10		20	30				NA	R		I	
	Cottage Development	20	10		20	60		R		NA	R		Project Boundary III	
	Performance Residential	SEE PARAGRAPHS 62.283-62.285 FOR SETBACK REQ)						R			NA	R		II
	Multi-Family Residential	20	5	10	20	50		R		NA	T,R		II	
	Group Residential Care	20	5	10	20			A	R	NA	T,R	H	I	
	Manufactured Home Park Manufactured Home Lot [3]	20	5	10	20	30		R	R	NA	R		Project Boundary III	
	Live/Work Dwelling	20	5	10	20	30		R	R	NA	R		I	
	Retail Trade	20	8		15		6AM-9PM	A	A		T		IV	
	Offices	20	8		15		6AM-9PM	A	A	15.5	T,A	A	IV	
	Personal Service	20	8		15		6AM-9PM	A	A		T	A	TYPE I:V TYPE III:VI	
	Medical Facilities	20	10		15			R	A	15.5	T	D	III	
	Nursing & Personal Care	20	10		15			R	A	15.5	T	D	III	
	Funeral Homes	20	10		15		7AM-11PM	A	A	15.5	T	C	IV	
	Substantial Land Alteration										A,S	E,F		
	Sand or Gravel Excavation										A,S	E,F		
	Agricultural Operations								R	NA	R			

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		Required Front Yard	Side Yard Least Width	Minimum Sum of Side Yards	Minimum Rear Yard		Hours of Operation	Exterior Lighting	Sign Regulations	Landscape Material Point Base	Exterior Storage Regulations		
		PARAGRAPH 63.110(1)	PARAGRAPH 63.110(3)		PARAGRAPH 63.110(2)		PARAGRAPH 62.123	PARAGRAPH 62.131	PARAGRAPH 62.132	PARAGRAPH 62.133	PARAGRAPH 62.135		
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 63.110(1)	PARAGRAPH 63.110(3)		PARAGRAPH 63.110(2)	PARAGRAPH 62.123	PARAGRAPH 62.131	PARAGRAPH 62.132	PARAGRAPH 62.133	PARAGRAPH 62.135	PARAGRAPH 62.134	PARAGRAPH 62.124	PARAGRAPH 62.125
NOTES	Description of each category found in Section 62.140	General Yard Requirements in 63.100 How Yards can be used in 63.120						Section 63.210	Section 63.220[5]	Section 63.230	Section 63.240	Section 63.250	To Determine Req. Buffer see 63.260
	Area Accessory Development	20	8		15			A	A	15.5	T	62.936	III Utility Stations: IV
	Offender Transitional Housing	20	5	10	20	50		A	R	NA	T,R	H	I
	Medical Stay Dwelling Unit	20	5	10	20	30		A	R	NA	T,R	H	I

FOOTNOTES:
 [1] THE SIDE YARD FOR SINGLE FAMILY ATTACHED MAY BE REDUCED TO 8 FEET WHEN GARAGE IS ATTACHED IN FRONT OF DWELLING
 [2] SIDEYARD REDUCTION MAY BE UTILIZED FOR SINGLE FAMILY DETACHED DWELLINGS AND DUPLEXES
 [3] SEE 62.262(1)(C)(3) LOT DEVELOPMENT STANDARDS

Additional changes to support new R-2x district (changes are underlined or struck-through)

Amend 60.200: Definitions⁶

ACCESSORY DWELLING UNIT: A subordinate dwelling unit added to, created within, or detached from a single-family detached dwelling or an attached dwelling, but located on the same lot or parcel as the single-family detached dwelling or attached dwelling, that provides basic requirements for living, sleeping, cooking, and sanitation.

COTTAGE DEVELOPMENT: A residential development that combines small individually-owned dwellings on a single lot with common open space on the same lot, and that may also include a community building, kitchen, dining room, or other facility intended for communal use by the residents of the individually-owned dwellings on a regular basis. The residents in a cottage development may agree to share in the provision of communal services such as cooking meals, maintenance of grounds, and child care.

LIVE/WORK DWELLING: A dwelling unit containing integrated living and working spaces that is intended to function predominately as business workspace with related residential use by the operator of the business workspace. The unit typically has a workspace, public display area, sales areas, or showroom on the ground floor of the unit and the majority of the residence located either on an upper floor or at the back of the unit.

Amend 60.320: Description of Districts⁷

60.3221 Core Neighborhood Districts.

Subdivision 1. The Core Neighborhood Zoning Districts are Developing Districts primarily intended for application in the established neighborhoods surrounding and radiating out from the Central Development Core or in planned neighborhoods in the undeveloped urban growth area. Core Neighborhood zones are designed to reflect the planning objectives of specific adopted documents such as the Downtown Master Plan and other site specific planning documents such as the Second Street Corridor Plan. As presented when offered for amendment, the Core Neighborhood Districts may be drafted to supplant established low density, medium density, high density, commercial or mixed use established zoning districts.

Subd. 2. The Core Neighborhood districts are intended to:

- A. Allow land use consistent with historically dense, mixed use urban neighborhoods;
- B. Provide flexibility in lot size, configuration, vehicular access, and parking to facilitate infill development;
- C. Provide urban neighborhoods with efficient land use and cost-effective delivery of urban services;
- D. Promote development that meets current needs without compromising the ability of future generations to meet their own needs;
- E. Encourage development of needed housing in close proximity to employment and services;
- F. Provide clear development standards that promote compatibility between new and existing development and promote certainty in the marketplace;

⁶ Changes proposed to add definition of Accessory Dwelling Unit, Cottage Development, and Live/Work Dwelling.

⁷ Changes proposed to delete references to areas around central core in CN-NR.

G. Encourage development and preservation of affordable housing through infill development; and

H. Foster greater civic community by developing attractive streets and public spaces that promote active living through increased pedestrian activity, minimization of automobile trips, and encourage social interaction and gatherings.

Amend 60.320: Description of Districts⁸

R-2x: This district is intended to maintain and promote areas with a mixture of residential dwelling types of overall low to medium density near the downtown core. This district is established to support residential infill and reinvestment that is compatible with the existing characteristics of development, as identified in the Planning 2 Succeed Comprehensive Plan. Certain supportive non-residential uses may be provided within the district.

Amend 62.126: Density Determination for Multi-Family Residential Uses⁹

62.126 **Density Determination for Multi-Family Residential Uses:** Except in the R-2x District and the TOD District, the density of multi-family residential uses shall be calculated using the following conversion factors:

Efficiency Units are equivalent to 0.70 units

Units with three or more bedrooms are equivalent to 1.30 units

All other units are calculated as 1.00 unit.

Amend 62.140: Use Categories¹⁰

62.140 **USE CATEGORIES:**

Contained in this section are the descriptions of each category of use which may be listed as a Permitted or Conditional Use in the Zoning District Tables. For every development application determine which use category the proposed development most closely corresponds to and whether the use is permitted in the applicable zoning district.

62.141 **Residential Uses:** Subdivision 1. The following is a list and description of the residential use categories:

Subd. 2. **Single Family Detached:** A one family detached dwelling as defined.

Subd. 3. **Single Family Attached:** A one family attached dwelling as defined.

Subd. 4. **Duplex:** A two family dwelling as defined.

Subd. 5. **Attached Dwelling:** An attached dwelling, as defined.

Subd. 6. **Performance Residential Development:** A development consisting of one or more types of detached or attached one and two family dwellings developed according to the standards established for performance residential use in this ordinance. In the CN-NR district,

⁸ Changes proposed to add description of R-2x.

⁹ Changes proposed to include exception for R-2x and TOD district.

¹⁰ Changes proposed to add ADUs, Attached Dwellings, Cottage Development, and Live/Work Dwellings.

performance residential developments are referred to as “townhouses” which are a type of attached one family dwellings that must only meet selected standards established for performance residential uses in 62.261 or setbacks in sections 62.283 - 62.285.

Subd. 7. **Cottage Development:** A cottage development, as defined.

Subd. 8. **Multi-Family Residential:** A building containing three or more dwelling units. The term includes cooperative apartments, condominiums, and the like. For the purposes of these regulations, regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental periods of one week or less shall be considered a hotel.

Subd. 9. **Group Residential Care:** Group residential care uses include any day care facilities or residential facilities as each are defined by this Code.

Subd. 10. **Semi-Transient Accommodations:** Semi-transient accommodations include rooming houses and fraternity or sorority houses as defined by this Code.

Subd. 11. **Manufactured Housing:** A development consisting of manufactured homes exclusively or in combination with other dwelling units which meet the standards for manufactured housing established in this Code.

Subd. 12. **Live/Work Dwelling:** A live/work dwelling, as defined.

Subd. 13. **Congregate Housing:** A dwelling providing shelter and services for the elderly, which may include meals, housekeeping, personal care assistance and minor medical services, but not intermediate, long term or extended nursing care for residents.

Subd. 14. **Medical Stay Dwelling Unit:** A dwelling unit where accommodations are furnished exclusively to medical patients, their families, and caregivers while the patient is receiving or waiting to receive health care treatments or procedures for a period of one week or more, and where no supportive services, health supervision, or home care services are provided. Medical Stay Dwelling Units must hold a valid lodging license from the State or County.

Amend 62.260: Detailed Use Regulations; Residential Districts¹¹

62.26X Attached Dwelling: Revise Section 62.261, Subd. 2.C.6 by adding new clause (ii):

6. The maximum number of buildings which may be attached in an R-1x or R-2 District is five, and nine in any other district with the exception of (i) the CN-NR District ,where the limit to the number of attached dwellings is three and cannot be increased as other districts can according to the remainder of this section, and (ii) the R-2x District, where the number of units is limited by a maximum building length of 150 feet, rather than by a fixed number of units. Increases to this are permitted subject to the following rules:

62.26X Cottage Development: The following regulations apply to cottage development:

¹¹ Changes proposed to add standards for Accessory Dwelling Units, Attached Dwelling, Cottage Development, and Live/Work Dwelling.

1. The maximum project size for a cottage development is one acre.
2. Cottage development projects must be organized as condominium developments meeting all requirements of State law, and individual lots or portions of the project may not be subdivided for sale.
3. Cottages shall have no more than 1,000 square feet of gross floor area.
4. Project density shall not exceed 1 dwelling unit per 1,500 square feet of lot area.
5. A shared open space containing a minimum of 10 percent of the project area shall be provided.
6. Each dwelling structure shall be separated from other dwelling units by a minimum of 10 feet.
7. Zoning district lot and setback requirements shall apply to the project site as a whole, but not to individual dwellings.
8. If the zoning district allows duplexes, attached dwellings, or single-family attached dwellings, a cottage development may include those dwelling types.
9. Access drives within a cottage development shall be constructed to city standards.
10. The applicant shall submit a site plan identifying individual cottage development sites, streets, parking areas, stormwater facilities, common areas, and any other features required to be identified by this LDM or state condominium law.

62.26X Live/Work Dwelling: The following regulations apply to live/work dwellings:

1. The building may be used for both residences and for a business being conducted by a resident of the building and that does not qualify as a home occupation.
2. Portions of the structure used for residential and nonresidential uses shall have a connection between them located inside the building.
3. A wall sign no more than 2 square feet in size and located no higher than the first floor of the building is permitted.
4. No more than two non-resident employees are permitted in addition to the residents of the dwelling.
5. Nonresidential uses are limited to those that are (a) conducted indoors, and (b) engaged in producing a good or product that is sold from the premises, and (c) do not involve the sale of alcoholic beverages or other goods that are subject to state or federal licensing or permitting. Sales of goods is limited to (a) goods produced on the premises, and (b) incidental resales of goods purchased elsewhere that are related to or used in conjunction with goods and services produced on the premises, provided that the area use for such resales does not exceed 5 percent of the gross floor area of the nonresidential portion of the structure.

Modify 62.263(2)(B): Other Residential Uses¹²

- Subd. 2. **Group Residential Care:** Uses shall be licensed under the State of Minnesota Public Welfare Licensing Act and proof of such licensing shall be required prior to zoning certificate approval.
- A. In all districts, a day care facility serving 14 or fewer dependents or a residential facility serving 5 or fewer dependents is a permitted Type I use subject to meeting the

¹² Changes proposed to include reference to R-2x and to limit building lengths in the R-2x.

requirements for single family detached dwellings. Where single family dwellings are not permitted, the applicable requirements shall be those of the R-2 District.

- B. A day care facility serving between 14 and 20 or a residential facility serving between seven and 16 dependents is a permitted Type I multifamily use in the R-3 and R-4 Districts, subject to the same requirements as multifamily residential dwellings. In the R-1, CN-NR, R-1X, ~~and R-2~~, and R-2X Districts, such development shall be a Type II conditional use.
- C. Day care facilities serving more than 20 and residential facilities serving more than 16 dependents are a Type III use in residential districts subject to the General Zoning District Regulations and to the Setback regulations applicable to Area Accessory Developments in the same zoning district.

Subd. 5. **Multi-Family Residential Development:**

- A. Multifamily residential uses exceeding permitted density or floor area standards but meeting all other standards shall be considered a Type II use; developments which exceed these standards as well as other standards shall be considered a Type III use.
- B. In the R-2x district, the maximum length of a multi-family building façade facing any public street shall be limited to 150 feet.
- C. In the R-2x district, each façade facing any public street that is longer than 50 feet in length shall be divided into modules through:
 - 1. The use of vertical projections extending outward from the façade of the building, or insets into the building façade, that divide the façade into horizontal segments no greater than 50 feet in length, and each required projection or inset shall have a minimum depth of at least 1 foot and a minimum width of at least 1 foot; or
 - 2. The inclusion of a multiple pedestrian entrances to the building that are separated from the next nearest pedestrian entrance by a distance no greater than 50 feet.

Modify 62.264(3): Nonresidential Uses¹³

62.264 **Nonresidential Uses:**

3) **Office and Personal Services:**

a. **R-2x District**

The maximum floor area for all Office and Personal Service development in the R-2x District shall be 5,000 square feet.

b. **All Other Districts**

Office and Personal Service developments may be considered a Type II use if they meet all standards except those for floor area and landscape area and are located on a lot at least 8,000 square feet in size with a floor area not exceeding 5,000 square feet.

6) **Retail Trade:** The following standards apply in the R-2x district:

- a. The gross floor area of a retail trade use shall be limited to 5,000 square feet;
- b. A retail trade use shall only be located on a corner lot, or on the ground floor of a mixed-use building, or within a building originally designed for or physically converted to accommodate a non-residential use prior to the effective date of this section.

¹³ Changes proposed to ensure small office and personal service developments are Type I uses in the R-2x district and to limit the size and location of retail trade in the R-2x.

Amend 62.278 Detailed Accessory Use Regulations

Subd. 3. **Accessory Apartments:** Accessory apartments are permitted in existing one family detached dwellings not located in the R-Sa, R-1, or CN-NR districts if the following requirements are met:

- a) The dwelling is owner occupied
- b) One paved on-site parking space for the accessory apartment is provided.
- c) The unit shall not exceed 600 square feet in size or shall not have more than one bedroom.
- d) Entrances for an accessory apartment in dwellings constructed after the effective date of the ordinance shall not be placed on the building front. No new entrances shall be established along the building front of an existing dwelling to serve an accessory apartment.
- e) The total number of adults that may occupy an accessory apartment is two.
- f) An accessory apartment may not be established where a home occupation is already located on the property except through approval of a Type II Conditional Use Permit.

Subd. 13 Accessory Dwelling Unit: An accessory dwelling unit is allowed only as accessory to, and on the same lot as, a single-family detached dwelling unit or attached dwelling unit, subject to the following standards:

1. There shall be no more than one accessory dwelling unit on a lot.
2. Either the principal dwelling unit or the accessory dwelling unit must be the primary permanent residence of the owner of the lot.
3. An accessory dwelling unit may be located within or attached to the principal structure (e.g., a downstairs or upstairs apartment), or may exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).
4. An accessory dwelling unit must:
 - a. Not contain more than 600 square feet of gross floor area.
 - b. Not have more than two bedrooms.
 - c. Not be leased or rented for tenancies of less than 30 days.
 - d. Use the same water, sanitary sewer, gas, and electric utilities as the principal dwelling.
 - e. Maintain the architectural design, style, appearance, and character of the principal dwelling by incorporating design elements of the principal residence such as similar façade materials, façade colors, window style/treatment, and roof design and pitch.
 - f. Have one kitchen.
 - g. Have one full bathroom.
5. Home occupations involving any activities discernible outside the accessory dwelling unit are not allowed.
6. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.
7. No portion of a lot on which an accessory dwelling unit is located may be subdivided from or legally described differently than, the lot containing the primary residential unit, and no portion

of a structure containing an accessory dwelling unit may have ownership different from the ownership of the primary dwelling unit.

Amend 62.284 Table of Performance Setback Requirements

Revise table heading as shown below:

CATEGORY OF REQUIREMENT	R-Sa	ESTABLISHED DISTRICTS				DEVELOPING LOW DENSITY DESIGNATION	MIXED REDEVELOPMENT MRD
		R-1 & R-1x	R-2 & R-2x	R-3	R-4		

Amend 63.137: Permissible Types of Landscaped Areas¹⁴

63.137 **Permissible Types of Landscaped Areas:** Subdivision 1. Landscaped areas include:¹⁵

1. Required yards, courts and bufferyards which are free of buildings, structures and other substantial improvements (except structures or improvements qualifying as usable recreational area);
2. Driveways which serve parking areas providing off street parking for residential buildings with four or less units, with the following exceptions:
 - a. ~~except~~ In the CN-NR district, where the driveways that serve parking areas are not permissible landscape areas; and
 - b. In the R-2x district, driveways that serve parking areas providing off street parking for all residential buildings shall be permissible landscaped area.
3. Ground surface areas located above underground facilities which meet the other requirements of this section;
4. Pedestrian and bicycle paths;
5. Plazas within a building which are directly oriented to the major pedestrian entrance of the building and are open to view and use by the public; and
6. Areas developed for either passive or active recreation at ground level and natural areas such as lakes, ponds, wetlands or grassed waterways.

Modify 63.264: Table of Bufferyard Requirements¹⁶

63.264 The letter designations contained in this table identify a class of bufferyard which is then further defined in Section 63.265. An asterisk (*) identifies that no buffer is required between the adjacent land uses.

SECTION 63.264 TABLE OF BUFFERYARD REQUIREMENTS												
NOTE: See Section 63.263 for Directions on Determining Bufferyards												
* Indicates That No Bufferyard is Required												
See Section 63.265 for a Definition of the Bufferyard Types												
	BUFFERYARD INDICATOR	PROPOSED LAND USE										
		I	II	III	IV	V	VI	VII	VIII	IX	X	XI
	I	*	C	D	E	E	F	G	H	I	J	K
	II	*	*	C	D	D	E	F	G	H	J	K

¹⁴ Changes proposed to ensure that driveways are counted as landscaped areas in the R-2x district.

¹⁵ This section was reordered for readability; subsection 2.b is the only new provision.

¹⁶ Changes proposed to add R-2x to the table.

SECTION 63.264 TABLE OF BUFFERYARD REQUIREMENTS

NOTE: See Section 63.263 for Directions on Determining Bufferyards

* Indicates That No Bufferyard is Required

See Section 63.265 for a Definition of the Bufferyard Types

	BUFFERYARD INDICATOR	PROPOSED LAND USE										
		I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Adjacent Developed Land	III	*	*	*	C	D	D	E	F	G	J	K
	IV	*	*	*	*	D	D	E	F	G	J	K
	V	*	*	*	*	*	C	D	E	E	H	I
	VI	*	*	*	*	*	*	*	E	D	H	I
	VII	*	*	*	*	*	*	*	*	C	C	I
	VIII	*	*	*	*	*	*	*	*	*	B	G
	IX	*	*	*	*	*	*	*	*	*	*	F
	X	*	*	*	*	*	*	*	*	*	*	*
	XI	*	*	*	*	*	*	*	*	*	*	*
Zoning or Land Use Plan Designation of Adjacent Vacant Land or Non-Conforming Use, if in the Same District	R-1, CN-NR, R-1x, or R-2 District or Low Density Residential Designation	*	B	C	D	E	F	F	G	H	J	K
	R-2x or R-3 District or Medium Density Residential Designation	*	*	A	A	C	D	D	E	F	J	K
	R-4 District or Permanent Public Open Space	*	*	*	*	*	*	B	C	D	J	K
	B-1 or B-5 District	*	*	*	*	*	*	*	*	B	F	H
	MRD District	*	*	*	*	*	*	*	*	*	F	I
	M-1, M-3, or B-4 District or Commercial or Light Industrial Designation	*	*	*	*	*	*	*	*	A	F	G
	M-2 District or Industrial Designation	*	*	*	*	*	*	*	*	*	*	*
Adjacent Road Classification **	Freeway or Expressway	S1	S1/D	S1/C	S1/B	S1	S1	S1	S1	S1	S1	S1
	Arterial	S1	S1/D	S1/C	S1/B	S1	S1	S1	S1	S1	S1	S1
	Collector or Non-Res. Local	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1
	Residential Major Local	S1	S1	S1	S1	S1	S1/B	S1/C	S1/D	S/E	S1/F	S1/G
	Res. Local or Limited Local	S1	S1	S1	S1	S1	S1/B	S1/C	S1/D	S1/E	S1/F	S1/G

NOTE: Where two bufferyard requirements are listed both apply.

**The standard does not apply to Freeways.

Modify 63.265: Definition of Bufferyard Types¹⁷

63.265 Definition of Bufferyard Types:

Subd. 5. Except as provided in subdivision 6, the required number of boulevard trees shall be determined based on the length of frontage as specified in this subdivision. The measurement of frontage shall not include boulevard area that abuts city parkland within residential development, or areas determined by the Road Authority Engineer to be unavailable for boulevard tree planting due to Road Authority policy. The planting distance is an average distance that will be used to calculate the total number of boulevard trees for the development under review.

- A. For residential districts R-Sa, R-1, R-1x, R-2, one tree for every 50 feet of frontage.
- B. For residential districts SD, CDC-Res, R-2x, R-3, R-4, one tree for every 35 feet of frontage.
- C. For commercial and industrial districts, the required number of trees is equal to the total street frontage divided by 35 feet.

Planting locations for individual trees and separation distances will be determined in part by site characteristics, the guidelines established in the Park and Recreation Department Policy on Boulevard Tree Placement and for Standards Associated with New Commercial Buildings with New Business Signs, and the determination of the Park and Recreation Director or designee. Credit will be given for existing boulevard trees as determined by the Park and Recreation Director or designee.

Modify 63.426: Spillover Parking¹⁸

63.426 Spillover Parking:

Residential developments, with the exception of those located in the R-2x zoning district, CN-NR zoning district, and the Destination Medical Center District Parking Overlay Zone, shall provide parking in addition to the required off-street parking on a development wide basis for service vehicles and visitors based on the guidelines below. Such parking may be provided on-street, off-street, in any type of permitted community parking facility, or in parking bays designed as part of the original development. All proposed subdivisions shall be reviewed for consistency with these guidelines during the land subdivision review process, and all other developments shall be reviewed during Conditional Use or Zoning Certificate approvals.

Modify 62.933: Permitted Zoning Districts¹⁹

62.933 Permitted Zoning Districts: Area accessory developments which may be permitted in R-Sa, R-1, CN-NR, R-1x, R-2, R-2x, R-3, R-4 or the Developing District Residentially Planned Areas and CDC-Residential Areas are limited to Section 62.930, Subd. 2 (A), (B), (D), (E), (F), (G), (J), (K) and (L). The area accessory development described in Section 62.930, Subd. 2(M) is permitted in the CDC-Residential District. WECS and WECS Meteorological Towers may be permitted as a Type III, Phase I conditional use permit in the CDC zoning districts. The Common Council shall

¹⁷ Changes proposed to add R-2x requirement.

¹⁸ Changes proposed to exempt R-2x from spillover parking requirements.

¹⁹ Changes proposed to allow area accessory development in the R-2x district.

be the hearing body. All uses listed in section 62.930 may be permitted in any nonresidential district. Applicable general zoning district and site appearance standards are found in the appropriate zoning district tables.

Modify 62.936: Accessory Site Location Standards²⁰

62.936 **Accessory Site Location Standards:** Site location standards shall be met for all area accessory uses according to the following table.

62.936 AREA ACCESSORY DEVELOPMENTS SITE LOCATION STANDARDS

The standards in this table identify the Site Location Requirements for Area Accessory Developments in all Zoning Districts. The Site Location Requirements are described in section 63.250. The permitted uses are described in section 62.930, subd. 2 (A) – (M).

LIST OF PERMITTED USES	ZONING DISTRICTS		
	Residential Uses	B-5	All Other Districts
Utilities (A)			
Utility Stations (B)			
Major Water and Sewer Facilities (C)	*	J	E
Public Emergency Facilities (D)	J	J	J
Parks and Recreation Facilities (E)			
Neighborhood	E	E	E
Regional	D	D	D
Schools (F)			
Nursery	E	E	E
Elementary	D	D	D
Secondary	J	J	J
Churches (G)	E	E	E
Government/Non-Profit Offices (H)	*	D	
Cultural Facilities (I)	*	D	
Bus Shelters			
Recycling Containers (J)	*	D,F	
Cemeteries (K)	E	E	E
Social Services Centers (L)	A		
Colleges and Universities (M)	*except in the CDC Res. Where E required	*	

NOTES: "Residential" includes R-Sa, CN-NR, R-1, R-1x, R-2, R-2x, R-3, R-4, AG, Developing District Residential and CDC-Residential
 means that the use is not permitted in the district
 A blank means that there is not a Site Location Requirement

²⁰ Changes proposed to add R-2x district to table.

