

SECTION 9. URBAN/RURAL RESIDENTIAL (R1) DISTRICT

SUBDIVISION 1. PURPOSE

The Urban/ Rural Residential (R1) District is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the Urban/Rural Residential (R1) District:

- A. One (1) single-family dwelling per existing building site, Lot of Record, platted lot or parcel.
- B. Existing agricultural land uses.
- C. Small Solar Energy System.
- D. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

Permitted Use	Permitted Use with Land Alteration(s) Permit	Land Alteration(s) Permit Requirements
< 5 cubic yards within Bluff Impact Zone	5-10 cubic yards within Bluff Impact Zone	Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.
<25 cubic yards outside Bluff Impact Zone	25-50 cubic yards outside Bluff Impact Zone	<p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 acres:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p>

SUBDIVISION 3. ADMINISTRATIVE SPECIAL USES

The following uses may be allowed in the Urban/Rural Residential (R1) District with the issuance of an Administrative Special Use Permit:

- A. Driveway construction and associated land preparation prior to issuance of a zoning permit.
Temporary uses on private property by a township, city, county, the state or persons engaged in a construction project for a township, city, county, or the state.
- B. Home Occupations, Level I

SUBDIVISION 4. INTERIM USES

The following uses may be allowed in the Urban/Rural Residential (R1) District as Interim Uses:

- A. Home Occupations, Level II.
- B. Short-Term Private Lodging Rental.
- C. Grading, excavating or filling activities within the bluff.
- D. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or more of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

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Interim Use	Interim Use Requirements
> 10 cubic yards within Bluff Impact Zone	<p>Scaled site plan w/2- foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by surveyor or engineer.</p>
>50 cubic yards outside Bluff Impact Zone	<p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours Depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan (s) and As-Built completed by a surveyor or engineer.</p>

SUBDIVISION 5. CONDITIONAL USES

The following uses may be allowed in the Urban/Rural Residential (R1) District as Conditional Uses:

- A. Government administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal service buildings.
- B. Any change in agricultural practice that constitutes an intensification of present agricultural use.
- C. Water supply buildings, reservoirs, commercial wells, elevated tanks, gas regulator stations, electrical substations, and similar essential service structures.
- D. Golf courses, and any structures normally associated with golf courses.
- E. Cemetery, memorial gardens.
- F. Public or private schools.
- G. Churches.

H. Hospitals, convalescent or nursing homes.

I. Parks and recreational areas owned or operated by governmental agencies.

SUBDIVISION 6. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within an Urban/Rural Residential (R1) District:

A. ACCESSORY STRUCTURES

1. In the Urban/Rural Residential (R1) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

Lot Size	Maximum Structure Area	Maximum Structure Height
Less than 1 acre	2,000 square feet	20 feet
1-1.99 acres	3,600 square feet	20 feet
2-4.99 acres	4,000 square feet	25 feet

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. No residential accessory structure or use shall be constructed or developed on a lot prior to construction of the principal dwelling.
4. Structures used for the storage of agricultural equipment or used for other agricultural purposes may be allowed on parcels of ten (10) or more acres being used as Agricultural Land.
5. Grading, Excavating, and Filling to create a walk-out basement shall be prohibited for all structures other than a primary dwelling.

B. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank.
2. No pool shall be located within twenty (20) feet of a septic drain field.
3. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
4. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
5. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.

6. A barrier of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled by a self-latching gate.
 - a. Pools equipped with a lockable safety cover complying with ASTM F 1346 safety specifications shall be exempt from the barrier requirement.

C. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
2. An accessory structure shall not be closer than five (5) feet to the principal structure
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

- E. Other accessory uses customarily incidental to the uses permitted in Subdivisions 2-5 of this Section.

SUBDIVISION 7. DIMENSIONAL REGULATIONS.

A. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County Highways.
3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.

6. All components an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
7. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
8. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.
9. A new dwelling constructed on a nonconforming Lot of Record may have a reduced front yard setback with the following restrictions:
 - a. There shall be an existing dwelling located on each side on the adjacent lots.
 - b. The new dwelling shall not be located closer to the road right-of-way than the existing dwellings located on the adjacent lots, or at least one-half of the required setback, whichever is greater.
 - c. The structure is not located in a bluff impact zone.
10. A new dwelling constructed on a nonconforming Lot of Record may have a reduced front yard setback **if the adjacent lot is vacant** with the following restrictions:
 - a. There shall be an existing dwelling located on **one** side of the lot.
 - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjoining lot plus one half the difference between the setback of the non-conforming dwelling and the setback required by the Ordinance.
 - c. The structure is not located in a bluff impact zone.
11. All fencing shall have a front yard setback of not less than ten (10) feet from a road right-of-way.

B. SIDE YARD SETBACKS

1. All structures shall have a side yard setback of not less than fifteen (15) feet.
2. Nonconforming Lots of Record shall be allowed a ten (10) foot side yard setback.

C. REAR YARD SETBACKS

1. All dwellings there shall be a rear yard setback of not less than forty (40) feet.
2. All accessory structures there shall be a rear yard setback of not less than fifteen (15) feet.

D. BLUFF SETBACKS

1. All structures shall be from the top and/or toe of the bluff:
 - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
 - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent,
 - c. **Existing Building Sites.** All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
 - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
 1. Shall be exempt from bluff setback.
 2. May be located within the bluff impact zone.
 3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
5. Fencing shall not be placed within the bluff.

E. WETLAND SETBACKS

All structures shall be setback a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

F. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be setback fifty (50) feet from a cemetery

G. ANIMAL REQUIREMENTS

In the Urban/Rural Residential (R1) District, no livestock or poultry are allowed. Only dogs, cats, and animals customarily kept as pets will be allowed. The following maximum number of domestic animals are allowed:

Number Of Cats	Number Of Dogs	Kennel (CUP)	Animal Shelter (CUP)
5	3	NA	NA

H. LOT AREA

Every lot or plot of land on which a dwelling is erected shall contain an area of not less than forty thousand (40,000) square feet.

I. LOT WIDTH AND DEPTH

1. Every lot or plot of land which a dwelling is erected shall contain a width of not less than one hundred and fifty (150) feet.
2. Every lot or plot of land on which a dwelling is erected shall contain a depth of not less than two hundred and sixty (260) feet.

J. BUILDABLE LOT STANDARDS

1. A conforming lot, recorded with the County Recorder, and which has frontage on an improved and maintained public or private road, shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to twenty five (25) percent of the required lot area of which shall not include any of the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Bluff.
 - c. Floodplain.
 - d. Principle Structure Setbacks.
 - e. Wetland.

2. An undeveloped legal non-conforming lot, recorded with the County Recorder, which has frontage on an improved and maintained public or private road, or recorded easement shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to ten (10) percent of the required lot area and shall not include the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Area that meet the County's definition for a Bluff.
 - c. Floodplain.
 - d. Structure Setbacks.
 - e. Wetland.
3. All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support Type 1 systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.
4. Lots of Record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

SUBDIVISION 8. DWELLING STANDARDS

A. PROHIBITED DWELLINGS

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

B. DWELLING REGULATIONS

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.
2. All dwellings shall be affixed to a permanent foundation, frost footings or frost piers extending a minimum of 42 inches below grade. Manufactured homes shall be anchored according to the requirements of the manufacturer.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. All dwellings shall include at least one (1) bathroom sink, one (1) toilet, one (1) kitchen sink, and one (1) bathtub or shower to meet basic requirements of sanitation and personal hygiene, connected to municipal sewer or subsurface soil treatment system that conforms with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.

5. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
6. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
7. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
8. For all dwellings the lowest floor elevation shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
9. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
10. All dwellings shall include heating facilities capable of maintaining a temperature of 70 degrees Fahrenheit (21 degrees Celsius) at a point three feet above the floor.
11. All dwellings shall include a potable drinking water supply from a well, individual or shared, which meets the requirements of the County's water supply well ordinance.
12. All dwellings shall include a source of electricity meeting the requirements of, and approved by, the Minnesota State Board of Electricity.
13. The footprint or foundation area of an attached garage shall not exceed 125% of the footprint or foundation area of the related dwelling.
14. Occupancy. Residential buildings shall not be occupied until such residential building is connected to a source of potable drinking water, required sanitary facilities have been installed and connected to approved sewage treatment facilities, heating facilities are operational, and the electrical installation has received final approval from the Minnesota State Board of Electricity.

SUBDIVISION 9. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.

- B. Access drives shall be constructed and maintained to meet all of the following:
 - 1. A minimum driving surface width of fourteen (14) feet.
 - 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 - 3. Base material depth sufficient to support access by emergency vehicles.
 - 4. Unobstructed width of not less than twenty (20) feet.
 - 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. Access drives shall not be located within the bluff impact zone.

SUBDIVISION 10. GENERAL REGULATIONS

A. STORAGE OF MATERIALS

- 1. All materials and equipment shall be either stored within a structure or be fully screened so as not to be visible from adjoining properties, except for the following:
 - a. Recreational equipment.
 - b. Laundry drying equipment.
 - c. Off-street parking of licensed passenger vehicles and pickup trucks.
 - d. Boats and unoccupied travel trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line.
- 2. No underground gasoline storage shall be permitted.

B. FENCING

1. **Setbacks**

- a. All fencing shall have a front yard setback of not less than ten (10) feet from a road right-of-way.
- b. Fencing shall not be placed within the bluff.

2. **Height**

- a. Fencing located within any side and/or rear yard shall a maximum height of eight (8) feet.
- b. Fencing located within any front yard shall have a maximum height of four (4) feet.

C. All land uses and development shall follow all other applicable regulations of this Ordinance.