

**MINUTES
MAPLEWOOD CITY COUNCIL
7:01 P.M., Monday, August 25, 2003
Council Chambers, Municipal Building
Meeting No. 03-18**

A. CALL TO ORDER:

A meeting of the City Council was held in the Council Chambers, at the Municipal Building, and was called to order at 7:01 P.M. by Mayor Cardinal.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Robert Cardinal, Mayor	Present
Kenneth V. Collins, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin C. Koppen, Councilmember	Present
Julie A. Wasiluk, Councilmember	Present

UNFINISHED BUSINESS

3. Proposed R-1 (R) Zoning District Code Amendment (Second Reading)
 - a. City Manager Fursman presented the staff report.
 - b. Assistant City Manager Coleman presented specifics from the report.

Councilmember Juenemann moved to adopt the following Ordinance 840, which adds a rural residential (R-1 (R)) zoning district (with a two-acre minimum lot size):

ORDINANCE NO. 840

AN ORDINANCE CREATING THE R-1R (RURAL SINGLE-DWELLING RESIDENCE) ZONING DISTRICT

THE MAPLEWOOD CITY COUNCIL approves the following changes to the Maplewood Code of Ordinances: (Deletions are crossed out and additions are underlined.)

Section 1. This section changes Section 44-9 as follows:

Section 44-9. Zoning districts.

The city is hereby divided into the following zoning districts:

- F, Farm Residence District.
- R-1, Residence District (Single Dwelling).

R-1R, Rural Single-Dwelling District.
R-1S, Small-Lot Single-Dwelling District.
R-2, Residence District (Double Dwelling).
R-3, Residence District (Multiple Dwelling).
R-E, Residence Estate District.
NC, Neighborhood Commercial District.
CO, Commercial Office District.
BC, Business and Commercial District.
LBC, Limited Business Commercial District.
BC(M) Business Commercial Modified District.
SC, Shopping Center District.
M-1, Light Manufacturing District.
M-2, Heavy Manufacturing District.

Section 2. This section adds new Sections 44-117 through Section 44-150 as follows:

J. DIVISION 3.5 R-1(R) RURAL SINGLE-DWELLING DISTRICT

Sec. 44-117. Intent.

Maplewood intends to protect and enhance the character of areas of the city that, because of topography or other factors, do not have, nor does the city expect to have, municipal sanitary sewer or water service. To allow for and to protect a very low density, semi-rural, residential life style, the city creates the R-1R zoning district. This zoning district is for the areas of Maplewood that are not suitable for suburban or tract development because of topography, vegetation or other factors that make the installation of municipal sanitary sewer unlikely. The city finds the most suitable use of these areas is single dwellings on large lots. Such low-density residential development will lessen grading and soil erosion and will help protect ground water, vegetation and wooded areas. The lots and parcels in the R-1R zoning district are generally much larger than those in the R-1 (single dwelling) district and those with municipal sanitary sewer and water.

Sec. 44-118. Uses.

The City shall only allow the following uses:

(a) Permitted uses:

(1) Any permitted use in the R-1 District, subject to its regulations.

(b) Conditional uses. The City may permit the following by conditional use permit:

(1) Any use allowed by conditional use permit in the R-1 (single dwelling) District.

(2) Commercial farming or gardening, including the use or storage of associated equipment, when on a property with a single dwelling.

(3) Stands for the sale of agricultural products grown or produced on the property.

(4) Metal storage buildings, commonly known as pole barns or agri-buildings, subject to the applicable size and height requirements.

(c) Prohibited uses. The city prohibits the following uses in the R-1(R) zoning district:

(1) Accessory buildings without an associated single dwelling on the same property.

(2) Reserved.

Sec. 44-119. Height of buildings.

The maximum height of a single-family dwelling shall be thirty-five (35) feet.

Sec. 44-120. Lot dimensions, lot area and width requirements.

(a) No person shall build a single dwelling on a site less than eighty seven thousand one hundred twenty (87,120) square feet (2 acres) in area; and

(b) Each lot or parcel shall have enough area or usable space for a house, driveway, well and an individual sewage treatment system (ISTS), including two drainfields.

(c) No person shall build a single dwelling on a lot with less than one hundred twenty (120) feet of width at the front building setback line.

(d) Each interior lot or parcel shall have at least sixty (60) feet of frontage on an improved public street.

(e) Each corner lot or parcel shall have at least one hundred (100) feet of frontage on each of the public streets.

Sec. 44-121. Front yards.

(a) Each dwelling and any accessory structure(s) shall have a front yard setback of at least fifty (50) feet. Except that:

(1) If each of the lots next to an interior lot has a dwelling, the minimum setback shall be the setback of the adjacent dwelling closest to the street. The maximum setback shall be the setback of the adjacent dwelling farthest from the street.

(2) If subsection (a)(1) above does not apply and there is a predominant setback, a dwelling shall be no further forward and no more than five feet to the rear of the predominant setback.

(3) Regardless of the above, if the city council has approved special setbacks for a development, those setbacks shall apply. City approval of a preliminary plat with building pads does not constitute approval of special setbacks.

- (4) Regardless of the above, homeowners may add on to their homes using the existing setback.
- (b) The director of community development may allow a different front yard setback if the proposed setback would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:
 - (1) The proposed setback would not affect the privacy of adjacent homes.
 - (2) The proposed setback would save significant natural features, as defined in section 9-188.
 - (3) The proposed setback is necessary to meet city, state or federal regulations, such as pipeline setback or noise regulations.
 - (4) The proposed setback is necessary for energy saving, health or safety reasons.

Sec. 44-122. Side yards.

Each dwelling and any accessory structure(s) shall have side yard setbacks of at least thirty (30) feet from a side property line. The following exceptions to this standard shall apply:

- (a) The side yard on the street side of a corner lot shall have a width of at least fifty (50) feet.
- (b) When a property owner uses two (2) or more adjoining lots as a single-building site, the side yard requirements shall apply only to the outside lot lines.
- (c) Regardless of the above, homeowners may add on to their homes using the existing setback.

Sec. 44-123. Rear yards.

- (a) Single dwellings shall have a rear yard setback of at least twenty (20) percent of the lot depth or a minimum rear setback of fifty (50) feet, whichever is larger.
- (b) Accessory buildings shall have a rear yard setback of at least thirty (30) feet.

Sec. 44-124. Tower, antenna and flagpole setbacks.

Towers, antennas and flagpoles for residential (non-commercial) use in the R-1(R) zoning district shall meet the same setbacks as accessory buildings in the R-1 (single dwelling) district.

Sec. 44-125. Minimum foundation areas; room requirements.

- (a) The minimum foundation area shall be at least:
 - (1) A one-story dwelling, nine hundred fifty (950) square feet.
 - (2) A one and one-half story dwelling, seven hundred twenty (720) square feet.
 - (3) A bi-level dwelling, eight hundred sixteen (816) square feet.
 - (4) A tri-level dwelling, seven hundred sixty-five (765) square feet.

(5) A two-story dwelling, five hundred twenty-eight (528) square feet.

(b) Room size and number shall be consistent with the standards of the International Residential Code.

Sec. 44-126. Building-width requirements.

The minimum building width on any side shall be at least twenty-one (21) feet. The building width shall not include entryways or other appurtenances that do not run the full depth of the building.

Sec. 44-127. Accessory buildings.

(a) Section 44-114 (Accessory buildings) in the R-1 District shall apply to the use and height of accessory buildings and garages in the R-1R zoning district.

(b) For lots of at least 2 acres in size in the R-1R zoning district, the following size standards shall apply to accessory buildings and garages:

Detached Buildings (maximum area) (square feet)	Attached Garages (maximum area) (square feet)	Combination of detached buildings and attached garages (maximum area)
<u>1,400 (garages)</u>	<u>1,400</u>	<u>2,800</u>
<u>1,100 (other buildings)</u>		

Section 3. Section 44-128 - 44-150. Reserved.

Section 4. This ordinance shall take effect upon its passage and publication.

Seconded by Councilmember

Collins

Ayes-All