

SECTION 57
R-3, HIGH DENSITY RESIDENTIAL DISTRICT

Section:

- 515-57-1: Purpose and Intent
- 515-57-2: Permitted Uses
- 515-57-3: Accessory Uses
- 515-57-4: Interim Uses
- 515-57-5: Conditional Uses
- 515-57-6: Uses by Administrative Permit
- 515-57-7: Lot Area and Setback Requirements
- 515-57-8: Lot Coverage and Building Height
- 515-57-9: Building Performance Standards
- 515-57-10: Lot Coverage

515-57-1: Purpose and Intent. The purpose of the High-Density Residential District is to provide for areas of high-density residential housing including senior housing.

515-57-2: Permitted Uses.

- A. Multiple family dwellings.
- B. Two family attached dwellings.
- C. Single family detached dwellings.
- D. Public recreation areas and related accessory buildings and structures.
- E. Residential care facilities serving six (6) or fewer persons.
- F. Essential services as regulated by Section 36 of this Ordinance.

515-57-3: Accessory Uses.

- A. Accessory buildings including garages, tool sheds and similar buildings for the storage of domestic tools, supplies and equipment and non-commercial recreational equipment as regulated by Section 17 and 24 of this Ordinance.
- B. Fences as regulated by Section 19 of this Ordinance.
- C. Storage of recreational vehicles and equipment as regulated by Section 24 of this Ordinance.

- D. Private recreational facilities operated for the enjoyment of the on-site residents and their occasional guests.
- E. Noncommercial greenhouses as regulated by Section 17 of this ordinance.
- F. Rental offices.
- G. Garages and off-street parking for private residential use subject to provisions of Section 17 of this Ordinance.
- H. Solar energy systems and structures.
- I. Home Businesses as regulated by Section 26 of this Ordinance.
- J. In home day care serving fourteen (14) or fewer persons in a single-family detached dwelling.
- K. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.
- L. Noncommercial greenhouses from one- and two-family dwellings as regulated by Section 17 of this Ordinance.

515-57-4: Interim Uses.

- A. Home extended businesses as regulated by Section 26 of this Ordinance.
- B. Temporary buildings associated with a public or private principal school building and used for classrooms.
- C. Short term rentals in one- and two-family dwellings provided that:
 - 1. The minimum rental period shall not be more than 28 consecutive nights.
 - 2. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit. Owner occupied dwellings that are also short-term rentals do not require an interim use permit.
 - 3. The application for an interim use permit shall include:
 - A. All information required for a Conditional Use Permit.

- B. Floor plan of the structure, including the number of bedrooms with dimensions and all other sleeping accommodations.
 - C. A to-scale site plan which shows locations and dimensions of property lines, the dwelling unit intended for licensing, accessory structures, parking areas and shoreland recreational facilities.
 - D. A plan for garbage disposal by the permit holder.
 - E. A pet policy.
4. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
 5. A permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder shall notify all property owners within 100' of the property boundary within 10 days of a change in the managing agent or local contact's contact information.
 6. A permit holder must disclose in writing to their renters the following information:
 - A. The managing agent or local contact's name, address, and phone number.
 - B. The maximum number of guests allowed at the property.
 - C. The maximum number of vehicles, recreational vehicles and trailers allowed at the property and where they are to be parked.
 - D. Property rules related to use of exterior features of the property, such as decks, patios, grills, pools, hot tubs, saunas, recreational fires and other outdoor recreational facilities.
 - E. Applicable sections of City Ordinances governing noise, parks, parking and pets.
 7. The occupancy of a short-term rental shall be limited to not more than two (2) people per bedroom.
 8. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the building department, whichever is stricter.
 9. The short-term rental shall be connected to city sewer and water.

10. A short-term rental shall have a full bathroom (sink, toilet and tub or shower).
11. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.
12. The permit holder shall provide a physical visual demarcation of the property lines.
13. The permit holder shall keep a report, detailing use of the short-term rental by recording the full name, address, phone number and vehicle license numbers of guests using the rental. A copy of the report shall be provided to the Planning Department upon request.
14. A short-term rental shall be a licensed rental unit by the city and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to, the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the fire marshal.
15. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety and safety of renters. Said conditions may include but not be limited to, fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft and number of renters.
16. A permit holder must post their permit number on all print, poster or web advertisements.
17. A permit holder must apply for and be granted state and local sales tax numbers, including hotel and motel use sales tax.
18. In addition to an interim use permit, short-term rentals rented for less than seven (7) days are considered a hotel and are required to have a Minnesota Department of Health license.
19. All short-term rentals, operating prior to the effective date of these standards, shall be in compliance with this section by September 1, 2017.

515-57-5: Conditional Uses.

- A. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues provided that:
 1. Side yards shall be double that required for the district.

2. Screening from abutting residential uses in accordance with Section 20 of this Ordinance.
 3. Off-street parking and access must be provided on the site or on lots directly abutting or across the street from the principal use subject to the provisions of Section 22 of this Ordinance.
 4. Off-street loading and service entrances subject to Section 23 of this Ordinance.
- B. Nursing homes and similar group housing, not including hospitals, provided that:
1. Side yards are double the minimum requirements established for the district.
 2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic that will be generated from the site.
 3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.
 4. Off-street parking is provided in compliance with Section 22 of this Ordinance.
 5. Off-street loading areas are provided in compliance with Section 23 of this Ordinance.
- C. Senior housing provided that:
1. Not more than twenty (20) percent of the occupants may be persons fifty-five (55) years of age or younger.
 2. To continue to qualify for the senior housing classification, the owner or agency shall annually file with the City Clerk and/or the Zoning Administrator a certified copy of a monthly resume of occupants, listing the number of tenants by age and clearly identifying all occupants age fifty-five (55) or under.
 3. Off-street parking in compliance with Section 22 of this Ordinance.
 4. Off-street loading space in compliance with Section 23 of this Ordinance.
 5. Parking areas shall be screened and landscaped from view of surrounding and abutting residential districts in compliance with Section 20 of this Ordinance.
 6. Elevator service shall be provided to each floor of the building.
 7. Usable open space shall be at a minimum of twenty (20) percent of gross lot area.
- D. Residential Planned Unit Developments: townhomes and quadraminiums as regulated by Section 11 of this Ordinance.

- E. Government and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community provided that when abutting a residential use in a residential use district, the property is screened and landscaped in accordance with Section 20 of this Ordinance.
- F. Personal wireless service towers and antennas as regulated by Section 35 of this Ordinance.
- G. Places of Worship and related buildings provided that:
 - 1. Side yards shall be thirty (30) feet.
 - 2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
 - 3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
 - 4. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.
- H. State Licensed Residential Care Facilities serving seven (7) to sixteen (16) persons provided that:
 - 1. The facility is licensed by the State and the operator of the facility provides documentation of compliance with all applicable Federal, State and County regulations.
 - 2. The entrance of the facility is located within four hundred (400) feet of a public transit route and transit stop, pedestrian access is available, or the operators provide a transportation/access plan which is found acceptable by the City Council.
- I. Public and private schools provided that:
 - 1. The site accesses a major collector.
 - 2. The site is landscaped in accordance with Section 20 of this Ordinance.
 - 3. Off-street parking is provided in accordance with Section 22 of this Ordinance.

4. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.

5. Emergency vehicle access is provided to and within the site.

J. Senior center provided that:

1. Off-street parking is provided in accordance with Section 22 of this Ordinance.

2. Off-street loading is provided in accordance with Section 23 of this Ordinance.

3. The site is landscaped as regulated by Section 20 of this Ordinance.

4. The entrance to the senior center is located within four hundred (400) feet of a public transit route and transit stop, pedestrian access is available, or the operators provide a transportation/access plan which is found to be acceptable by the City Council.

K. Boarding Houses provided that:

1. Adequate off-street parking and access is provided.

2. Landscaping and screening are provided in accordance with Section 20 of this Ordinance.

L. Bed and Breakfast subject to provisions of Section 31 of this Ordinance.

M. Dwellings greater than five hundred (500) square feet and less than seven hundred (700) square feet on nonconforming lots created prior to 1989 subject to Section 515-54-11 Design Standards.

515-57-6: Uses by Administrative Permit.

A. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-57-7: Minimum Lot Area and Setback Requirements.

A. Lot Area Per Unit for lots created after June 15, 2009:

- | | |
|------------------------------|--|
| 1. Single Family: | Seven Thousand (7,000) square feet |
| 2. Two Family: | Three thousand (3,000) square feet |
| 3. Multiple Family: | Two thousand (2,000) square feet |
| 4. Multiple Family (senior): | One thousand one hundred (1,100) square feet |

A lot of record existing prior to June 15, 2009 is not required to meet minimum lot area requirements.

B. Principal Building Setbacks:

1. Single Family and Two Family:

- A. Front Yard: Twenty-five (25) feet
- B. Side Yard: Five (5) feet
- C. Side Yard (corner): Fifteen (15) feet
- D. Rear Yard: Twenty-five (25) feet

2. Multiple Family:

- A. Front Yard: Thirty (30) feet
- B. Side Yard: Fifteen (15) feet
- C. Side Yard (corner): Twenty (20) feet
- D. Rear Yard: Twenty-five (25) feet

C. Accessory building and structure setbacks:

1. Single Family and Two Family:

- a. Front Yard: Thirty (30) feet
- b. Side Yard: Three (3) feet
- c. Rear Yard: Three (3) feet

2. Multiple Family and Multiple Family (senior):

- a. Front Yard: Thirty (30) feet
- b. Side Yard: Fifteen (15) feet
- c. Side Yard (corner): Twenty (20) feet
- d. Rear Yard: Fifteen (15) feet

Lots created after June 15, 2009 require four thousand five hundred (4,500) square feet per unit up to two units and three thousand (3,000) square feet per unit for more than two units up to four units.

D. Lot Width Per Unit:

- 1. Single Family: Fifty (50) feet
- 2. Two-Family: Five (5) feet
- 3. Multiple Family: One hundred (100) feet

E. Principal Building Setbacks:

1. Single Family and Two Family:
 - a. Front Yard: Twenty-five (25) feet
 - b. Side Yard: Five (5) feet
 - c. Side Yard (corner): Fifteen (15) feet
 - d. Rear Yard: Twenty-five (25) feet

F. Accessory Building and Structure Setbacks:

1. Single Family and Two Family:
 - a. Front Yard: Twenty-five (25) feet
 - b. Side Yard: Three (3) feet
 - c. Rear Yard: Three (3) feet

515-57-8: Building Height.

- A. Single-family and two-family dwellings shall not exceed thirty-five (35) feet in height. Multi family dwellings, permitted non-residential uses and conditional uses taller than thirty-five (35) feet shall require a Conditional Use Permit.
- B. Accessory building and structure height shall be governed by Section 17 of this Ordinance.

515-57-9: Building Performance Standards.

A. Minimum Floor Area per Multi-Family Dwelling Unit:

1. Efficiency: Four hundred (400) square feet.
2. One bedroom: Five hundred (500) square feet.
3. Two bedroom: Six hundred fifty (650) square feet.
4. For each additional bedroom after two, six hundred fifty (650) square feet plus one hundred (100) square feet per bedroom in excess of two.

B. Minimum Floor Area per Dwelling Unit (Conforming Lots)

1. Single Family: Seven hundred fifty (750) square feet.
2. Two-Family: Seven hundred fifty (750) square feet.

C. Minimum Width/Length per Dwelling Unit (Non-Conforming Lots):

None

- D. Single family dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet and two-family dwellings greater than five hundred (500) square feet and less than six hundred fifty (650) square feet are permitted to be less than twenty-two (22) feet wide.
- E. Minimum width/length for a dwelling less than seven hundred fifty (750) square feet on nonconforming lots: Eighteen (18) feet.

515-57-10: Lot Coverage.

- A. Residential Uses. Impervious surface lot coverage shall not exceed sixty (60) percent of the total lot area.
- B. Non-Residential Uses. Impervious surface lot coverage shall not exceed fifty (50) percent of the total lot area unless otherwise allowed by a grading and drainage plan approved by the City Engineer.

515-57-11: Design Requirements.

- A. All dwellings shall adhere to the following design requirements. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.
- B. Dwellings shall meet the following design criteria, as defined by the predominant character of the existing residential block front. The block front shall consist of all residential properties along both sides of the public or private right-of-way on which the development fronts. The block front shall be measured from intersection to intersection, to the road end, or two hundred (200) feet in either direction from the development site, whichever is nearest.
 - 1. Building orientation on lots shall match the predominant orientation of other buildings along the block front.
 - 2. Access and location of off-street parking on lots shall be similar to the predominant character of existing development along the block front. Primary vehicular access shall be through rear alleys where such rear of proposed structures, insofar as this is consistent with the predominant character of the block front.
 - 3. Roofs on proposed residential structures shall be similar in slope and style to existing development and shall incorporate any or all of the following features, insofar as such features are compatible with existing development in the block front:
 - a. Dormers;

- b. Gabled or hipped roofs;
 - c. Pitched roofs;
 - d. Parapets or cornices.
- 4. Unless it is the predominant existing style on the block front, flat roofs shall not be allowed.
- 5. Horizontal facades longer than twenty-five (25) feet shall be treated to reduce buildings mass and visual bulk using at least one of the following techniques:
 - a. Bays or recesses (minimum depth of eighteen (18) inches);
 - b. Window patterns;
 - c. Contrasting materials or colors;
 - d. Upper story setbacks;
 - e. Balconies.
- C. The applicant shall demonstrate that the selected techniques are either currently present on the block front or are not substantially incompatible with existing development.