Ordinance No. ____


The Common Council of the City of Rochester do ordain:

Section 1. Sections 62.233, 62.234 and 62.235 are hereby added as follows:

### 62.233 R-2x low density residential extra district

This article lists the standards applicable to uses allowed in the R-2x, Low Density Residential Extra 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.

<table>
<thead>
<tr>
<th>Category of Standards</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>Density Factor</th>
<th>Floor Area Ratio</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>Required Off-Street Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.260</td>
<td>Primarily found in Par. 62.263</td>
<td>TYPE III DEVELOPMENT APPROVED THROUGH REGS OF SECTION 62.260</td>
<td>For Permitted Uses</td>
<td>For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 60</td>
<td>General Regulations, Sec. 63.130</td>
<td>General Regulations, Sec. 63.140</td>
<td>Exceptions to Standard Par. 60.424</td>
<td>Regulations for Off-street parking in Section 63.400</td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>1</td>
<td>62.265(1)</td>
<td>3000(L)</td>
<td>40%</td>
<td>35</td>
<td>Minimum 1 Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Attached</td>
<td>1</td>
<td>62.265(1)</td>
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<td>40%</td>
<td>35</td>
<td>Minimum 1 Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Apartment</td>
<td>1</td>
<td>62.270(3)</td>
<td>62.265(1)</td>
<td>NA</td>
<td>35</td>
<td>Minimum 1 Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>1</td>
<td>62.270(3)</td>
<td>62.265(1)</td>
<td>NA</td>
<td>35</td>
<td>Minimum 1 Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>1</td>
<td>62.265(1)</td>
<td>4000(L)</td>
<td>40%</td>
<td>35</td>
<td>Minimum 1 Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached Dwelling</td>
<td>1</td>
<td>62.265(1)</td>
<td>3000(L)</td>
<td>30%</td>
<td>35</td>
<td>Minimum 1 Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottage Development</td>
<td>1</td>
<td>62.265(1)</td>
<td>15000(L)</td>
<td>35%</td>
<td>35</td>
<td>Minimum 1 Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### PRIMARY REFERENCE

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>Density Factor</th>
<th>Floor Area Ratio</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>Required Off-Street Parking</th>
</tr>
</thead>
</table>

### NOTES

- Description of each use category found in Section 62.140
- Regulations found in Section 62.200
- Primarily found in Par. 62.260
- Type III Development
- Approved Through Req of Section 62.800
- For Permitted Uses
- For Incentive Development
- Definition of Lot & Site in Chapter 60
- General Regulations Sec. 63.100
- General Regulations Sec. 63.140
- Exceptions to Standard Par. 60.324
- Regulations for Off-street parking in Section 63.400

### Performance Residential

- VAR
- 62.281
- 62.265(1)(a)
- 900 – 10,000 – 21,781
- 5000 L
- 20%
- 20%
- 35

### Multi-Family Residential

- I
- 62.263(5)
- 62.265(1)(b)(3)
- 62.126
- 4500 L
- 38%
- 45 (3)

### Group Residential Use

- VAR
- 62.263(2)
- 62.265(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%
- 62.263(3)(b)
- 35

### Live/Work Dwelling

- I
- 62.265(3)
- 62.265(1)
- 4000 L
- 40%
- 35 (1)

### Retail Trade

- 62.264(6)
- 5000 L
- 40%
- 24 (2)

### Offices

- I
- 62.264(3)
- 40%
- 24 (2)

### Personal Service

- I
- 62.264(3)
- 40%
- 24 (2)

### Medical Facilities

- II or III
- 62.263 (3)
- 24 (2)

### Nursing and Personal Care

- II or III
- 62.263(3)
- 24 (2)

### Funeral Homes

- II or III
- 40%
- 24 (2)

### Substantial Land Alteration

- III, Phase II
- 20

### Land or Gravel Excavation

- III, Phase II
- 20

### Agricultural Operations

- I
- 62.264(1)(3)
- 62.263(2)
- 62.265(1)
- 20

### Area Accessory Development

- I or II
- 62.263(2)
- 62.265(2)
- 40%
- 35

### Offender Transitional Housing

- II Phase I
- 62.940-62.945
- 62.263(2)
- 62.265(1)

### Medical Stay Dwelling Unit

- I
- 62.141(11)
- 62.263(8)
- 62.265(1)

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**FOOTNOTES:**

1. RETAIL TRADE MAY BE LOCATED ON THE GROUND FLOOR OF MULTI-FAMILY RESIDENTIAL UP TO 45 FT, IN HEIGHT.
2. OFFICE, PERSONAL SERVICES, MEDICAL FACILITY, OR FUNERAL HOME WITHIN 200 FT OF TDD DISTRICT: MAX HEIGHT = 35 FT
3. BUILDINGS ON A LOT SUBDIVIDED R1, R1x, R2, AND R2x ZONING DISTRICT ANY PORTION OF A BUILDING ABOVE 35 FEET IN HEIGHT, UP TO A MAXIMUM OF 45 FEET IN HEIGHT, IS REQUIRED TO BE STEPPED BACK A MINIMUM OF 10 FEET IN ALL DIRECTIONS FROM THE EXTERIOR WALLS OF THE BUILDING. CORNER LOTS ARE EXEMPT FROM THE TOP FLOOR SET BACK ON THE SIDES OF THE BUILDING WITH STREET FRONTAGE.
# 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.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td></td>
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<tr>
<td>PARAGRAPH 62.111</td>
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<td>PARAGRAPH 63.110(1)</td>
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<td></td>
</tr>
<tr>
<td>PARAGRAPH 63.110(2)</td>
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</tr>
<tr>
<td>PARAGRAPH 63.110(3)</td>
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<td></td>
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<tr>
<td>PARAGRAPH 62.123</td>
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<tr>
<td>NOTES</td>
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</tr>
<tr>
<td>General Yard Requirements in 63.100 How Yards can be used in 63.120</td>
<td></td>
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<tr>
<td>Description of each category found in Section 62.140</td>
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<td></td>
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<tr>
<td><strong>Single Family Detached</strong> [2]</td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>30</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Single Family Attached</strong></td>
<td>20</td>
<td>10[1]</td>
<td>20</td>
<td>30</td>
<td>NA</td>
<td>R</td>
</tr>
<tr>
<td><strong>Accessory Apartment</strong></td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>30</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Accessory Dwelling Unit</strong></td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>30</td>
<td>NA</td>
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<tr>
<td><strong>Duplex[2]</strong></td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>40</td>
<td>NA</td>
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<tr>
<td><strong>Attached Dwelling[2]</strong></td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>30</td>
<td>NA</td>
<td>R</td>
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<tr>
<td><strong>Cottage Development</strong></td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>60</td>
<td>R</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Performance Residential</strong></td>
<td>SEE PARAGRAPHS 62.263-62.265 FOR SETBACK REQ</td>
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<td></td>
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<tr>
<td><strong>Multi-Family Residential</strong></td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>50</td>
<td>R</td>
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<tr>
<td><strong>Group Residential Care</strong></td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>A</td>
<td>R</td>
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<tr>
<td><strong>Manufactured Home Park</strong></td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>R</td>
<td>R</td>
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<tr>
<td><strong>Manufactured Home Lot [3]</strong></td>
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<td>5</td>
<td>10</td>
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<tr>
<td><strong>Live/Work Dwelling</strong></td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>30</td>
<td>R</td>
</tr>
<tr>
<td><strong>Retail Trade</strong></td>
<td>20</td>
<td>8</td>
<td>15</td>
<td>6AM-9PM</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td><strong>Offices</strong></td>
<td>20</td>
<td>8</td>
<td>15</td>
<td>6AM-9PM</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td><strong>Personal Service</strong></td>
<td>20</td>
<td>8</td>
<td>15</td>
<td>6AM-9PM</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td><strong>Medical Facilities</strong></td>
<td>20</td>
<td>10</td>
<td>15</td>
<td>R</td>
<td>A</td>
<td>15.5</td>
</tr>
<tr>
<td><strong>Nursing &amp; Personal Care</strong></td>
<td>20</td>
<td>10</td>
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<td>R</td>
<td>A</td>
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<tr>
<td><strong>Funeral Homes</strong></td>
<td>20</td>
<td>10</td>
<td>15</td>
<td>7AM-11PM</td>
<td>A</td>
<td>A</td>
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<tr>
<td><strong>Substantial Land Alteration</strong></td>
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<td></td>
<td></td>
<td>A,B</td>
</tr>
<tr>
<td><strong>Sand or Gravel Excavation</strong></td>
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<td></td>
<td></td>
<td>A,B</td>
</tr>
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<td><strong>Agricultural Operations</strong></td>
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<td></td>
<td>R</td>
</tr>
</tbody>
</table>

**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:**

Stand is the abbreviation for "Standards"
<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
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<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
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<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH 62.111</td>
<td>PARAGRAPH 63.110(1)</td>
<td>PARAGRAPH 63.110(2)</td>
<td>PARAGRAPH 62.122</td>
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<tr>
<td>NOTES</td>
<td>Description of each category found in Section 62.140</td>
<td>General Yard Requirements in 63.100 How Yards can be used in 63.120</td>
<td>Section 62.120</td>
<td>Section 62.134</td>
<td>Section 63.250</td>
<td>Section 63.260</td>
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<td>Area Accessory</td>
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<td>15.5</td>
<td>T</td>
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<td>Development</td>
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<td></td>
<td>A</td>
<td>H</td>
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<td>5</td>
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<td>R</td>
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<td>Medical Stay Dwelling</td>
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<td>5</td>
<td>10</td>
<td>20</td>
<td>30</td>
<td>A,R,NA,T,R</td>
</tr>
</tbody>
</table>

FOOTNOTES:
1. The size yard for single family attached may be reduced to 8 feet when Garage is attached in front of dwelling.
2. Yard reduction may be utilized for single family detached dwellings and duplexes.
3. See Residential Lot Development Standards.
Section 2. Sections 60.200, 60.310, 60.320, 60.605, 61.220, 62.126, 62.140, 62.260, 62.263, 62.264, 62.273, 62.278, 62.284, 63.137, 63.264, 63.265, 63.441, 63.426, 62.933, and 62.936 are hereby amended as follows:

60.200

ACCESSORY APARTMENT DWELLING UNIT, ATTACHED: A subordinate, second dwelling unit permitted as an accessory use that contains one kitchen and one bathroom as defined by the adopted building code that is created within or added on to a single-family detached dwelling.

ACCESSORY DWELLING UNIT, DETACHED: A subordinate, second dwelling unit that contains one kitchen and one bathroom as defined by the adopted building code, that is detached from a single-family detached dwelling, but located on the same lot or parcel as the single-family detached dwelling.

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.

62.310

<table>
<thead>
<tr>
<th>PERFORMANCE DISTRICTS</th>
</tr>
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<tbody>
<tr>
<td>SYMBOL</td>
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<tr>
<td>D</td>
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<td>CDC</td>
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<td>*CN</td>
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</table>

<table>
<thead>
<tr>
<th>ESTABLISHED DISTRICTS</th>
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</thead>
<tbody>
<tr>
<td>*R-Sa</td>
</tr>
<tr>
<td>*R-1</td>
</tr>
<tr>
<td>*R-1x</td>
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<tr>
<td>*R-2</td>
</tr>
<tr>
<td>*R-2x</td>
</tr>
<tr>
<td>*R-3</td>
</tr>
<tr>
<td>*R-4</td>
</tr>
<tr>
<td>B-1</td>
</tr>
<tr>
<td>B-2</td>
</tr>
</tbody>
</table>
B-4 General Commercial
B-5 Residential Commercial
M-1 Mixed Commercial-Industrial
M-2 Industrial
M-3 Low Intensity Mixed Commercial Industrial
TOD Node Mixed use
TOD Corridor Mixed use
AG Agricultural
MRD Mixed Redevelopment
FF Flood Fringe
FW Floodway
FP Flood Prone
PUD Planned Unit Development
SD Special District
H Holding Zone
I Interim Zone

*Indicates residential zoning district

60.320

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;
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.
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.

60.605

Subd. 1. Development Informational Meetings Required.

A) Prior to the submission of an application for general development plans, zoning district map amendments, land use map amendments, and Type III conditional use permits, the applicant shall hold a Development Informational Meeting. This includes all Incentive and Restricted Development preliminary plan applications. It also includes an Incentive or Restricted Development final plan application that is received by the Planning Department more than 24 months after the Common Council’s approval of that Development’s preliminary plan. Multiple applications reviewed concurrently by the Council require a single Development Informational Meeting.

B) Prior to the submission of an application for Type I site development plans for all non-residential uses and residential uses of 4 or more units in the R2x district the applicant shall hold a Development Informational Meeting.

61.220

61.222 Procedure Type: All applications for a land subdivision permit shall be processed through either a Type I, II or III review procedure according to the following requirements.

B. A single re-subdivision and rearrangement of a single parcel or group of parcels in an R-Sa, R-1, R-1x, or R-2, or R2x district so as to create no more than one additional lot or parcel, where the dedication of a street easement necessary to provide access is not involved. The need for general utility easements, drainage easements or access easements shall be resolved prior to subdivision approval. This procedure may be used only once per parcel. The re-subdivision of any lot or parcel which was subdivided or modified through a Type I Land Subdivision after January 1, 1992 shall be subject to the Type II land subdivision process established in Section 61.222, subd. 2;

61.126

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.
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, 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.

Subd. 15 **Accessory Use:** Accessory use is defined as a building, structure or use located or conducted upon the same lot (or on a contiguous lot in the same ownership) as the principal building, structure or use to which it is related, which is 1) clearly incidental to, and customarily found in connection with, such principal building or use and 2) is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot. See 62.278 for detailed list of accessory use regulations.

62.260

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:

7. **Attached Dwellings in the R2x zone must have vehicular access to either an alley or private street.**

62.263 Other Residential Uses: Subdivision 1. This section describes other residential uses.

**Subd. 7 Attached Dwelling:** The following regulations apply to attached dwelling:

1. **Unless developed under the performance residential standards of Section 62.261, Subd. 2.C.6, attached dwellings in the R2x zone:**
   a. **Must have vehicular access to either an alley or private street; and**
   b. **The maximum length of the building containing the attached dwellings is 150 feet.**

**Subd. 8 Cottage Development:** The following regulations apply to cottage development:

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 landscaped area 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 6 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.

Subd. 9 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, firearms, tobacco, or related goods. Sales of goods is limited to (a) goods produced on the premises, and (b) incidental resale 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.

62.263

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 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 facade facing any public street shall be limited to 150 feet.

C. In the R-2x district, each facade 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 facade of the building, or insets into the building facade, that divide the facade 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.

3. Where the side or rear of any primary building faces a residentially zoned property, the primary materials used on the sides and the rear of the building shall be similar in durability and appearance, and the levels of articulation on the sides and rear of the building shall be similar in appearance, to those used on the street-facing facades of the building.

62.264  

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, 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.
62.273

The following general regulations apply to garages, accessory buildings, and structures in residential districts, provided that, if these standards conflict with the provisions of Section 62.XXX applicable to accessory dwelling units in detached structures in residential districts, the standards in Section 62.XXX shall apply.

62.284

<table>
<thead>
<tr>
<th>CATEGORY OF REQUIREMENT</th>
<th>R-Sa</th>
<th>ESTABLISHED DISTRICTS</th>
<th>DEVELOPING LOW DENSITY DESIGNATION</th>
<th>MIXED REDEVELOPMENT MRD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>R-1 &amp; R-1x</td>
<td>R-2 &amp; R-2x</td>
<td>R-3</td>
</tr>
</tbody>
</table>

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).

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

63.137

63.137 Permissible Types of Landscaped Areas: Subdivision 1. Landscaped areas include:
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 of active recreation at ground level and natural areas such as
   lakes, ponds, wetlands or grassed waterways.

63.264

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

<table>
<thead>
<tr>
<th>BUFFERYARD INDICATOR</th>
<th>PROPOSED LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I</td>
</tr>
<tr>
<td>Adjacent Developed Land</td>
<td>I</td>
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<tr>
<td>II</td>
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<td>III</td>
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<td>IV</td>
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<td>VII</td>
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<tr>
<td>VIII</td>
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</tbody>
</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.

<table>
<thead>
<tr>
<th>Bufferyard Indicator</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>VII</th>
<th>VIII</th>
<th>IX</th>
<th>X</th>
<th>XI</th>
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<table>
<thead>
<tr>
<th>Zoning or Land Use Plan</th>
<th>Proposed Land Use</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>VII</th>
<th>VIII</th>
<th>IX</th>
<th>X</th>
<th>XI</th>
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</thead>
<tbody>
<tr>
<td>R-1, CN-NR, R-1x, or R-2 District or Low Density Residential Designation</td>
<td>*</td>
<td>B</td>
<td>C</td>
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<tr>
<td>R-2x or R-3 District or Medium Density Residential Designation</td>
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<td>A</td>
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<td>R-4 District or Permanent Public Open Space</td>
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<td>B-1 or B-5 District</td>
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<td>MRD District</td>
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<tr>
<td>M-1, M-3, or B-4 District or Commercial or Light Industrial Designation</td>
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<td>M-2 District or Industrial Designation</td>
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</tbody>
</table>

**NOTE:** Where two bufferyard requirements are listed both apply.

**The standard does not apply to Freeways.**

### Section 63.265

**63.265 Definition of Bufferyard Types:**

<table>
<thead>
<tr>
<th>Adjacent Road Classification</th>
<th>S1</th>
<th>S1/D</th>
<th>S1/C</th>
<th>S1/B</th>
<th>S1</th>
<th>S1</th>
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</thead>
<tbody>
<tr>
<td>Freeway or Expressway</td>
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<td>S1</td>
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<tr>
<td>Arterial</td>
<td>S1</td>
<td>S1/D</td>
<td>S1/C</td>
<td>S1/B</td>
<td>S1</td>
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<tr>
<td>Collector or Non-Res. Local</td>
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<td>Residential Major Local</td>
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<td>S1/B</td>
<td>S1/C</td>
<td>S1/D</td>
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<tr>
<td>Res. Local or Limited Local</td>
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<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1/B</td>
<td>S1/C</td>
<td>S1/D</td>
<td>S1/E</td>
<td>S1/F</td>
</tr>
</tbody>
</table>
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.

63.441

63.441 Commercial Parking Extension. Subdivision 1. Required off-street parking for uses in the Central Development Core of any nonresidential district may extend into adjacent land zoned R2, R2x, R3, R4 as a type III Conditional Use Review subject to the regulations found in subdivision 2.

63.426

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.

63.933

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 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.

Section 3. Section 62.278 is hereby repealed and replaced as follows:

62.278

Subd. 3 Accessory Dwelling Unit, Attached or Detached: An accessory dwelling unit, subject to the following standards:

1. There shall be no more than one accessory dwelling unit on a lot.

2. If the accessory dwelling unit is located in a district that only allows a single principal dwelling unit on the lot, 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 must:
   a. Not contain more than 600 square feet of gross floor area.
   b. Not have more than two bedrooms.

4. An attached dwelling unit created after the effective date of this amendment shall 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, and shall not have a primary entrance to the accessory dwelling unit located on the front façade of the primary structure.

5. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.

6. 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.

Section 4. This ordinance shall become effective as of the date of its publication.
PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 15th DAY OF April, 2019.

Randy Staver
PRESIDENT OF SAID COMMON COUNCIL

ATTEST:  

CITY CLERK

APPROVED THIS 19th DAY OF April, 2019.

Kim Norton
MAYOR OF SAID CITY

Ord15/82.R2X1