

SECTION 60

²⁸ R-C, RESIDENTIAL-RURAL OPEN SPACE CLUSTER DISTRICT

Section

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20-60-1: **PURPOSE:** The purpose of the R-C District is to implement the goals and policies with regard to the Rural Residential Preserve Area as defined within the Comprehensive Plan. Residential development within the Rural Residential Preserve is encouraged to be clustered in a pattern which satisfies the following planning objectives:

- A. Preservation of contiguous common open spaces for scenic enjoyment, recreational use, and rural identity.
- B. Creation of cohesive neighborhoods in order to establish local identity and community interaction.
- C. Physical integration of neighborhoods, open spaces, and places of destination in order to establish municipal identity and community interaction.
- D. The diagrams are provided to demonstrate graphically the purpose of the R-C District, its performance standards and strategies by which the internal development pattern described in this Section may be achieved.
- E. Creative application of this section is encouraged while preserving its purpose and intent.

20-60-2: **PERMITTED USES:** Subject to applicable provisions of this Chapter, the following are permitted uses in the R-C District:

- A. Single family detached dwellings.

- B. Farms, farmsteads, farming and agricultural related buildings and structures subject to Minnesota Pollution Control Standards, but not including animal feedlots or other commercial operations.
- C. Public parks, playgrounds, recreational uses, wildlife areas and game refuges.
- D. Forestry, nurseries, greenhouses, and tree farms excluding retail sales.
- 62 E. Reserved.
- F. Residential care facilities serving six (6) or fewer persons.
- G. Essential services.
- H. Personal wireless service antennas located upon a public structure, as regulated by Section 33 of this Chapter.
- 73 I. Farm wineries with tasting rooms.

20-60-3: **INTERIM USES:** Subject to applicable provisions of this Chapter, the following are interim uses in the R-C District and are governed by Section 5 of this Chapter.

- 58 A. Temporary seasonal sales of products produced on site (farms only) as regulated by Section 20-26-8 of this Chapter.
- B. The keeping of horses and farm animals, not including feedlots, as regulated by Section 20-27-4.B of this Chapter.

20-60-4: **ACCESSORY USES:** Subject to applicable provisions of this Chapter, the following are permitted accessory uses in the R-C District:

- A. Operation and storage of such vehicles, equipment and machinery which are incidental and customary to permitted or conditional uses allowed in this district.
- B. Home occupations as regulated by Section 28 of this Chapter.
- C. Private recreational vehicles and equipment.
- D. Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. Tool houses, sheds and similar buildings for storage of domestic and farm supplies and non-commercial recreational equipment.

- F. Private garages, parking spaces and car ports for licensed and operable passenger cars and trucks.
- G. Fences.
- H. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 33 of this Chapter.

62 I. In home day care serving fourteen (14) or fewer persons in a single family detached dwelling.

20-60-5: **CONDITIONAL USES:** Subject to applicable provisions of this Chapter, the following are conditional uses allowed in an R-C District: (Requires a conditional use permit based upon procedures set forth in and regulated by Section 4 of this Chapter.)

- A. Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:
 - 1. The property is screened and landscaped in compliance with Section 16 of this Chapter.
 - 2. The provisions of Section 20-4-2.F of this Chapter are considered and determined to be satisfied.
- B. Commercial outdoor recreational areas including golf courses and country clubs, swimming pools and similar facilities provided that:
 - 1. The principal use, function or activity is open, outdoor in character.
 - 2. Not more than five (5) percent of the land area up to a maximum of four thousand (4,000) square feet of the site shall be covered by buildings or structures.
 - 3. The use will not negatively impact abutting or neighboring existing or potential residential uses.
 - 4. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Section 16 of this Chapter.
 - 5. The traffic generated by the use can be adequately accommodated (both volume and weight) upon the City streets serving the property upon which the use is located.

6. The provisions of Section 20-4-2.F of this Chapter are considered and determined to be satisfied.

C. Cemeteries, provided that:

1. At minimum, the site accesses on a major collector.
2. The site is landscaped in accordance with Section 16 of this Chapter.
3. The provisions of Section 20-4-2.F of this Chapter are considered and determined to be satisfied.

58 D. Reserved.

58 E. Reserved.

F. Planned unit development as regulated by Section 36 of this Chapter.

G. Personal wireless service towers and antennas not located on a public structure as regulated by Section 33 of this Chapter.

47 H. Transfer of development rights to subdivisions within the R-C District, provided that:

1. At its discretion, the City Council may allow an increase of density for the proposed subdivision up to as much as twenty-five (25) percent or a maximum density of fifteen (15) dwellings per forty (40) acres to encourage creative implementation of this district as described by the Comprehensive Plan and Section 20-60-1 of the Zoning Ordinance.
2. The proposed development shall conform to the open space, neighborhood and general development standards of the R-C District.
3. The property from which the development rights are to be transferred shall be located within the rural residential preserve established by the Comprehensive Plan.
4. Not less than one (1) development right shall be retained by the parcel transferring development rights.
5. A deed restriction is recorded on the parcel transferring development rights to prohibit additional subdivision or development unless allowed by the Comprehensive Plan.

³¹ 20-60-6: **DENSITY:** Development within the R-C District shall be limited to a gross density of four (4) units per forty (40) acres, except in cases where the City Council may allow an increase in density, up to as much as twelve (12) units per forty (40) acres, as an incentive

to encourage creative implementation of this district as described by the Comprehensive Plan and Section 20-60-1.

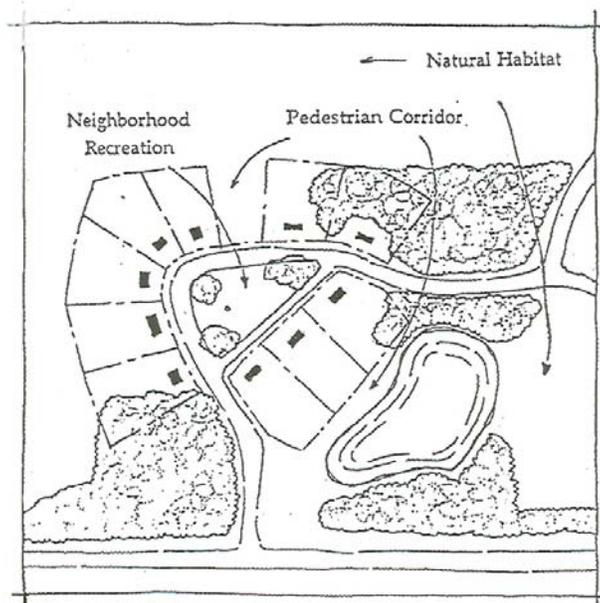
20-60-7: **OPEN SPACE PERFORMANCE STANDARDS:** The proposed development plan for an open space cluster development must provide common open spaces, in addition to park dedication requirements of the City's Subdivision Ordinance, in a site design appropriate to the location of building lots, consistency with the following provisions, subject to review and approval of the City Council.

A. Area Regulations.

1. A minimum of fifty (50) percent of the net buildable land subdivided for development shall be dedicated to open space consisting of natural habitat, neighborhood recreation, and/or pedestrian corridor open space (see Figure 77-A). Land to be dedicated to conform with park dedication requirements of Section 21-7-18 of the Subdivision Ordinance may be taken from the fifty (50) percent of net buildable area referenced above.
2. All designated open space shall be platted as outlot parcels held as open space in perpetuity.
3. Each open space outlot shall be classified as natural habitat, neighborhood recreation, or pedestrian corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification.

FIGURE 60-A

Natural habitat, pedestrian corridor and neighborhood recreation open spaces are located on the development site according to the type of use.

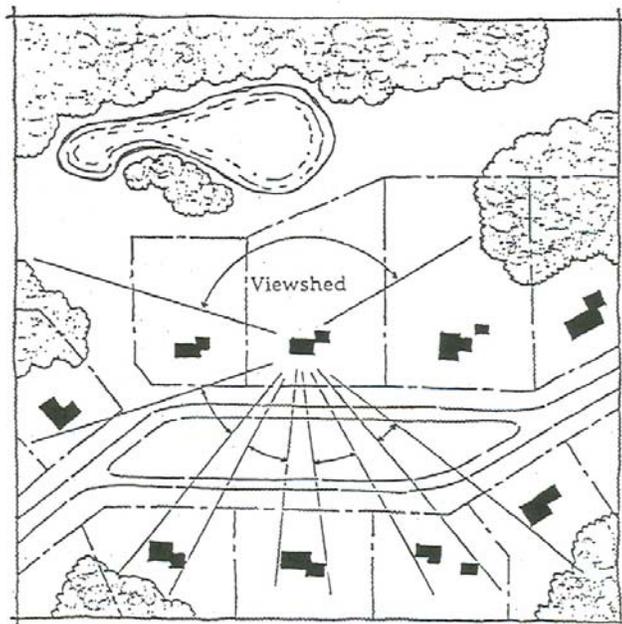


B. Location Criteria. Open space outlots shall be located on the development site according to the following locational criteria:

1. View Sheds. The open space outlots shall preserve the maximum quantity of view shed open space for the anticipated homesite lots on the development tracts (see Figure 77-B).

FIGURE 60-B

View sheds are directional vistas from a homesite between tree stands and other neighborhood structures.



2. Natural Habitat. The development shall preserve the maximum quantity of natural habitat open spaces in a contiguous, connected configuration. Natural agricultural habitat open spaces may include, but are not limited to, fields, pastures, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable view sheds.
3. Pedestrian Corridors. The development shall locate pedestrian corridor open spaces in strategic places such that larger open space outlots and designated places of destination both on the development tract and adjacent tracts are connected with one another. Pedestrian corridor open spaces may include, but are not limited to, established regional trails, local pathways, paved walkways, and shorelines. Pedestrian corridor outlots shall be a minimum of twenty (20) feet in width.

4. Neighborhood Recreation. The development shall locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding homesites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ballfields, gardens, or other recreational areas.
- C. Accessibility. Open spaces shall be accessible to pedestrians at not less than one thousand three hundred twenty (1,320) foot intervals along public streets. Where necessary, pedestrian access corridor outlots between private lots shall be at least twenty (20) feet in width.
- D. Deed Restrictions. Deed restrictions shall be recorded upon all open space outlots at the time of subdivision specifying allowed use of the outlot in conformance with its open space classification. Amendments to the allowed uses of the open space outlots shall be subject to approval of the City Council.
1. Natural habitat open spaces shall be considered conservation easements and are for responsible use and enjoyment as passive open space, pasture or agricultural fields. Construction in these areas shall be limited to trails (paved or unpaved), open air shelters, bridges, benches, bird houses, wood fencing, communal drainfields, and other uses as approved by the City Council.
 2. Neighborhood recreation open spaces shall be used for active or passive recreational purposes, including gardening. Construction in these areas shall be limited to gravel or paved walkways, open air shelters, bird houses, garden storage sheds no larger than one hundred fifty (150) square feet, wood fencing, landscaping planting, play equipment, outdoor furniture, facilities for active recreation, and other uses as approved by the City Council.
 3. Pedestrian corridor open space shall be used for pedestrian or bicycle travel. Motorized vehicles shall be prohibited. Construction in these areas shall be limited to gravel or paved pathways, wood fencing, and landscape planting. Other uses or structures may be allowed by City Council approval.
 4. Habitable structures shall not be permitted in any open space outlot.
- E. Ownership and Management. Each designated open space outlot shall be owned and managed according to one of the following means, subject to City Council approval.

1. Open space may be owned in common by the property owners created through subdivision of the original tract. Management shall be the responsibility of that subdivision's homeowner association. In the case where at least one (1) outlot of open space is held in common ownership, a homeowner association shall be established for that subdivision and membership in the association by all property owners in the subdivision shall be mandatory.
2. Open space may be deeded to an established land trust. Management shall be the responsibility of the land trust. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust.
3. Open space may be deeded to the City of Otsego, subject to acceptance by the City Council. Management shall be the responsibility of the City.

20-60-8: **NEIGHBORHOOD PERFORMANCE STANDARDS:** The proposed development plan for an open space cluster development is intended to promote neighborhoods that offer a variety of lot sizes and configurations. Review and approval of the subdivision by the City Council shall be based upon an evaluation that the proposed development plan provides a cohesive neighborhood(s) in a site design appropriate to the location of common open spaces consistent with the following provisions:

A. Neighborhood Configuration.

1. To establish a cohesive neighborhood unit, residential lots shall be located in a neighborhood cluster. A neighborhood cluster shall include a minimum of five (5) lots or twenty-five (25) percent of the allowable number of lots on the parcel to be subdivided, whichever is greater. An efficiency of land utilization and community development should be encouraged by maximizing the number of lots in any one cluster development, while adhering to the underlying density and open space requirements of this Chapter (see Figure 77-C). Development of neighborhood clusters is encouraged in locations which minimize the visual impact of the development on the landscape to the greatest extent reasonably possible.

FIGURE 60-C.1

An example of a neighborhood cluster development pattern encouraged by this section.

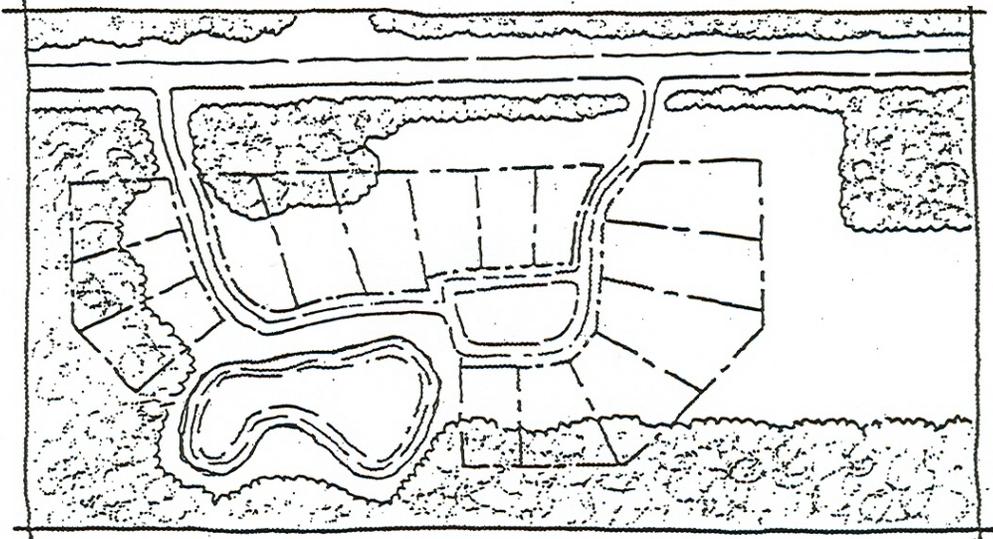
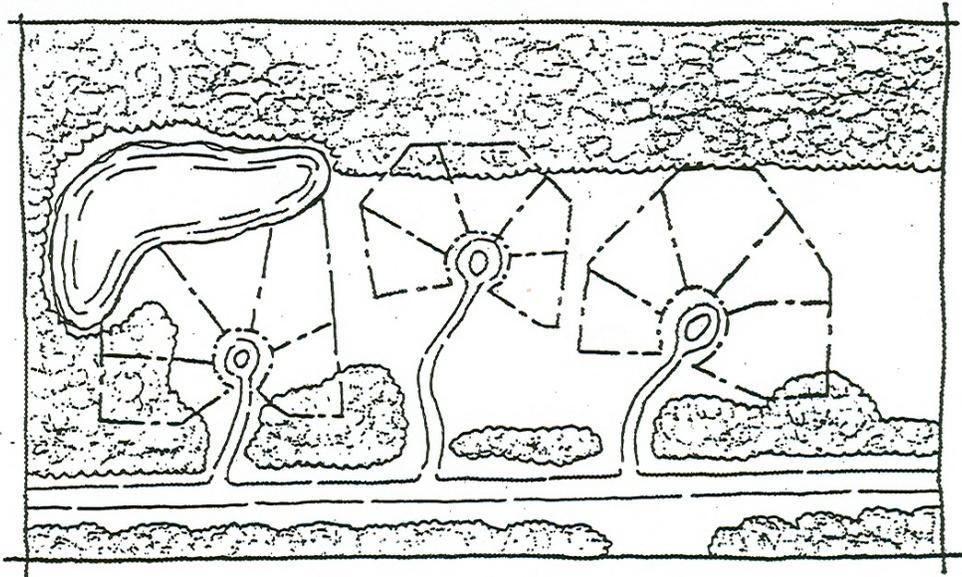


FIGURE 60-C.2

Example of a cul-de-sac development pattern that is discouraged by this section.



2. A neighborhood cluster shall be oriented toward an identifiable feature which all residential units share in common (see Figure 77-D). Neighborhood identity may be established by one or more of the following features:
- a. View Shed. The lots of a neighborhood may be arranged such that a majority of the principle structures will take visual advantage of a field, wetlands, woods, lake, stream, or other open space which could be described as a view shed.
 - b. Physical Amenity. The lots of a neighborhood may be arranged such that a majority of the principle structures will face a green, playground, ballfield, rock outcropping, stand of trees, church, school, or other physical feature unique to that particular neighborhood.
 - c. Streetscape. The lots may be arranged such that the principle structures face a street space enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the City's street design standards.

FIGURE 60-D.1

An example neighborhood cluster oriented toward a view shed or a physical amenity.

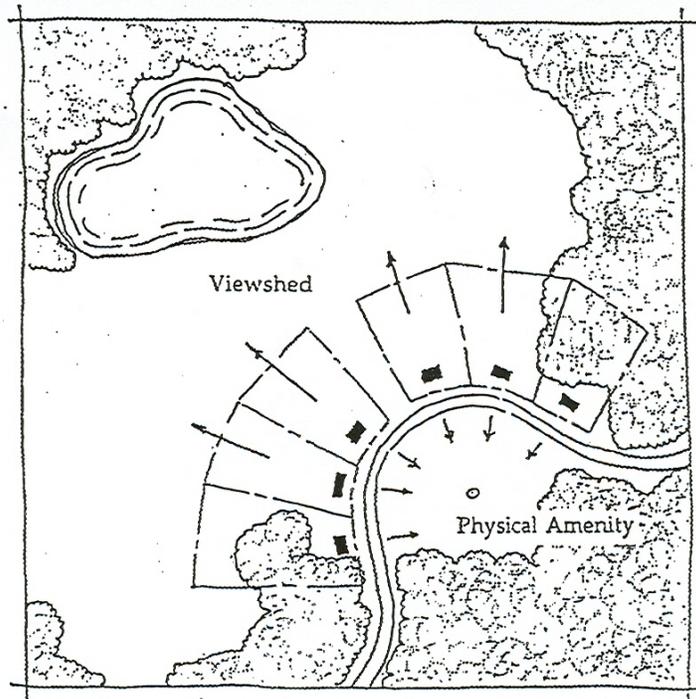


FIGURE 60-D.2

An example neighborhood cluster oriented toward a corner park or green streetscape.

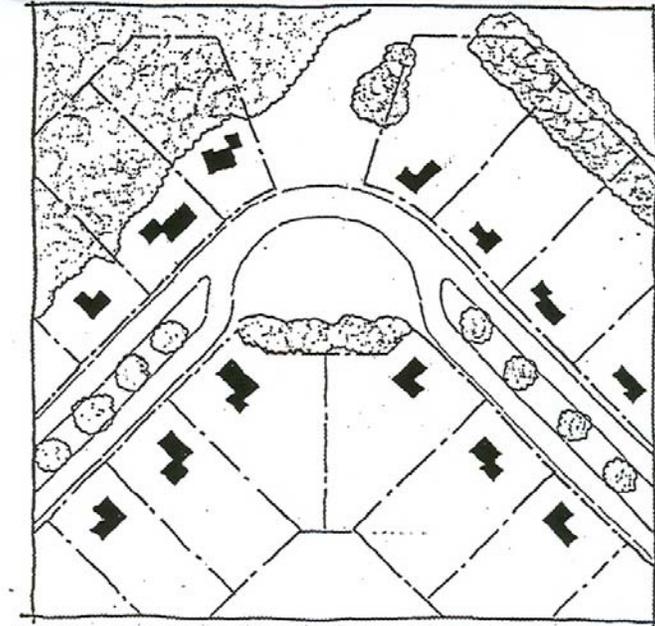


FIGURE 60-D.3

An example neighborhood cluster oriented toward a park or green area at an intersection.

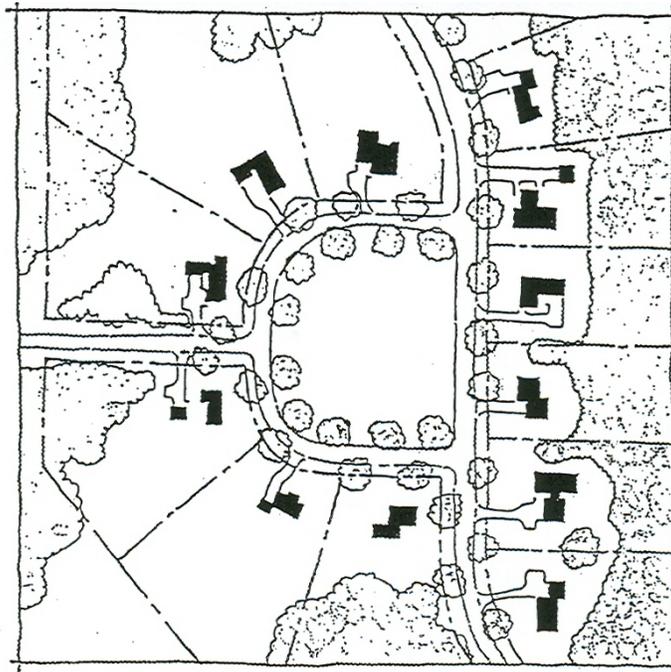


FIGURE 60-D.4

An example neighborhood cluster oriented toward a park or green streetscape.

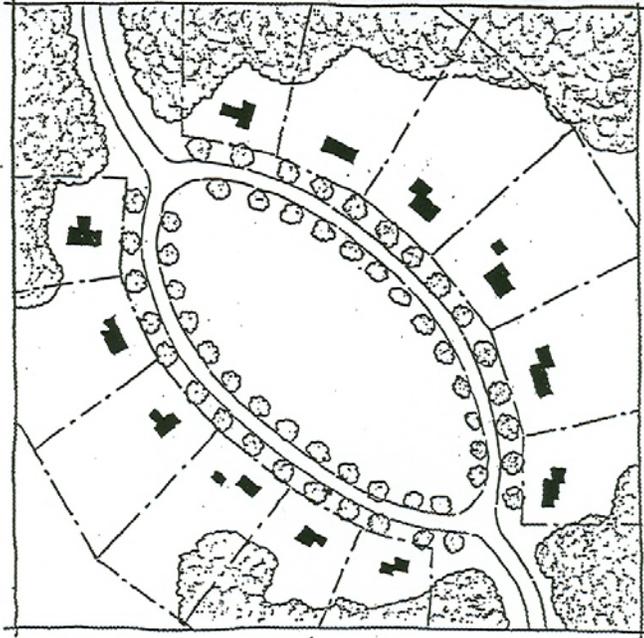
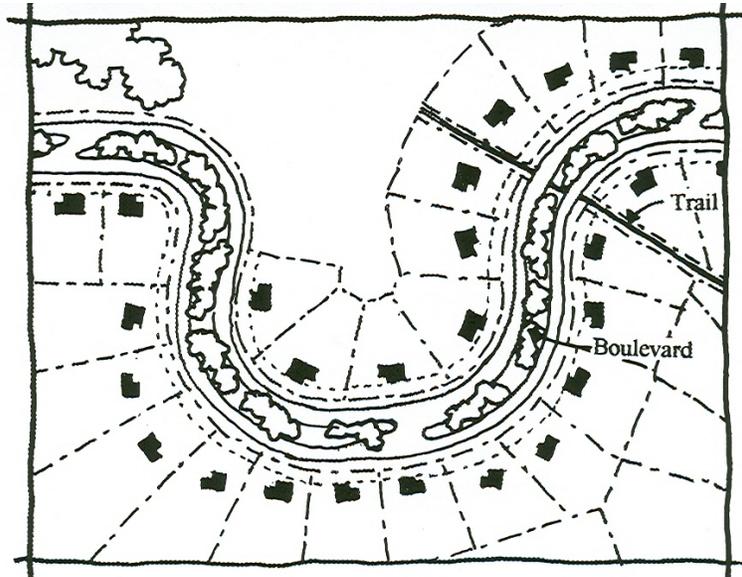


FIGURE 60-D.5

An example of a neighborhood cluster oriented toward a streetscape and illustrating subdivision design based on “coving” principals.



B. Lot Area Requirements. The following minimum requirements shall be observed in an R-C District, subject to additional requirements, exceptions and modifications set forth in this Chapter.

1. Lot Area: Not less than one (1) acre net buildable area (excluding wetlands, floodplain, steep slopes, etc.) and not greater than two and one-half (2-1/2) acres net buildable area.
2. Lot Width: Not less than one hundred (100) feet.
3. Lot Depth: Not less than one hundred fifty (150) feet.

C. Building Envelope Regulations.

77

1. Principal Structure Setbacks.

a. Front Yard:

	<u>Setbacks From Centerline</u>	<u>Setbacks From Right of-Way Lines</u>
(1) Arterial/Major Collector Street:	130 feet	65 feet
(2) Local Street:	65 feet	35 feet

b. Side Yard:

- (1) Interior: Fifteen (15) feet.
- (2) Corner: As required for front yard.

c. Rear Yard:

- (1) Interior: Fifty (50) feet.
- (2) Through lot: As required for front yard.

2. Accessory structure setbacks as regulated by Section 16 of this Chapter, except as provided for below:

a. All detached accessory buildings shall be:

- (1) Located behind the rear most building line of the principal structure.

- (2) Structures larger than one hundred fifty (150) square feet shall be within the side and rear setbacks required in Section 20-60-8.C.1 above.
 - (3) Within an area one hundred fifty (150) feet from the rear most building line of the principal structure.
- D. Building Height. The following minimum requirements shall be observed in an R-C District, subject to additional requirements, exceptions and modifications set forth in this Chapter:
 1. The maximum height of principal buildings shall not exceed two and one-half (2-1/2) stories or forty-five (45) feet.
 2. Accessory structures shall be governed by Section 20-16-4 of this Chapter.
- E. Building Design. Attached garages having doors facing the lot front shall not represent more than forty (40) percent of the principal structure facade facing the lot front.
- F. Landscaping.
 1. Homesite lots shall be prepared according to the tree preservation measures described in this Chapter.

20-60-9: **GENERAL DEVELOPMENT STANDARDS:**

- A. Streets. The design and construction of all streets within the R-C District shall be consistent with the provisions of the City's Subdivision Ordinance with the following additions:
 1. Local streets should be so planned as to discourage their use for regional traffic. Streets shall connect with one another or be terminated by other streets. Dead-end streets are prohibited, and cul-de-sacs shall be permitted only where topography or other physical conditions necessitate their use.
- B. Storm Water Management. Storm water management techniques shall be consistent with the City's Subdivision Ordinance, with the following additions:
 1. All retention basins shall resemble natural ponds to the maximum extent possible.
 2. Retention basin landscaping shall include indigenous plants and landscaping materials.

- C. Property Owners Association. The development contract for a project developed under the provisions of the R-C District shall contain provisions to assure the continued maintenance of open space outlots and other commonly owned facilities within the project to a pre-determined reasonable standard, subject to approval of the City Council in conformance with the following conditions:
1. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts or common area, a declaration of covenants, conditions and restrictions or an equivalent document or document such as specified by Laws 1963, Section 457, Section 11 and a set of floor plans such as specified by Laws 1963, Section 457, Section 13 shall be filed with the City, said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of Wright County, Minnesota.
 2. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
 3. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
 4. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the City incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each assessment is made.
 5. Membership must be mandatory for each owner and all successors or assigns.
 6. The open space restrictions must be permanent and not for a given period

of years.

7. The Association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it.
8. Property owners must pay a prorate share of the cost of the Association by means of an assessment to be levied by the Association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
9. The Association must be able to adjust the assessment to meet changed needs.
10. The by-laws and rules of the Association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final plat.