

## CHAPTER 58

### R-4, DOWNTOWN AREA RESIDENTIAL DISTRICT

#### SECTION:

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**01-58-1: PURPOSE:** The purpose of the R-4, Downtown Area Residential District is to provide regulations which accommodate the unique and desired development character of residential uses in the downtown area of the City, as defined by the City's Comprehensive Plan.

**01-58-2: PERMITTED USES:** In addition to other permitted uses in this District identified elsewhere in this Article, the following are permitted uses in an R-4 District:

- A. Parks, trails, playfields, playgrounds, and directly related buildings and structures; City of Howard Lake only.
- B. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- C. Single-family detached dwellings.
- D. Two family dwelling units.

**01-58-3: PERMITTED ACCESSORY USES:** In addition to other permitted accessory uses in this District identified elsewhere in this Article, the following are permitted accessory uses in an R-4 District:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this Article.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.

- C. Boarding or renting of rooms to not more than two (2) individuals within a single family detached dwelling.
- D. Daycare facilities serving twelve (12) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by Chapter 20 of this Article.
- F. Home offices.
- G. Keeping of animals subject to Chapter 22 of this Article.
- H. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- I. Private garages and off-street parking and off-street loading as regulated by Chapter 19 of this Article.
- J. Recreational vehicles and equipment parking and storage as regulated by Chapter 16 of this Article.
- K. Secondary or accessory use antennas as regulated by Chapter 23 of this Article.
- L. Signs as regulated by Chapter 24 of this Article.
- M. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.

**01-58-4: CONDITIONAL USES:** In addition to other conditional uses in this District identified elsewhere in this Article, the following are conditional uses in an R-4 District and require a conditional use permit based upon procedures set forth in and regulated by Chapter 5 of this Article. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in Sections 01-5-3 and 01-5-4 of this Article.

- A. Bed and breakfast establishments, provided that:
  - 1. A maximum of four (4) bed and breakfast units may be established in a structure.

2. The facility shall have a State license (hotel and food), and comply with building and fire codes as may be required or applicable.
  3. The facility shall be owner or manager occupied.
  4. The principal structure shall have a minimum size of one thousand five hundred (1,500) gross square feet and shall be located on a lot which meets the minimum lot size of the district in which it is located.
  5. All bed and breakfast units shall be established within the principal structure.
  6. Not more than the equivalent of one full time person shall be employed by the bed and breakfast facility who is not a resident of the structure.
  7. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.
  8. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit. Parking areas shall be screened and landscaped pursuant to Section 01-20-5 of this Article.
  9. Not more than one (1) identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally illuminated or lighted between ten o'clock (10:00) PM and six o'clock (6:00) AM.
  10. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.
- B. Commercial recreation, outdoor such as golf course, swimming pools, etc.
- C. Daycare facilities as a principal or an accessory use, except as provided for by this Chapter, provided that the use complies with the provisions of Chapter 25 of this Article.
- D. Essential services involving transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, as regulated by Chapter 26 of this Article.
- E. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and

senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that the minimum side yards shall be double that required for the district, but no greater than thirty feet (30').

F. Manufactured home parks, provided that:

1. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
2. The following minimum lot requirements within the manufactured home park are:
  - a. Minimum Lot Area: Ten thousand five hundred (10,500) square feet.
  - b. Minimum Lot Width: Eighty-five feet (85').
  - c. Minimum Lot Depth: One hundred twenty-five feet (125').
  - d. Maximum Impervious Surface: Thirty-five percent (35%).
3. The following principal structure setbacks are satisfactorily met:
  - a. Front Yard: Thirty feet (30').
  - b. Rear Yard: Twenty-five feet (25') or thirty feet (30') for double frontage lots abutting a public right-of-way.
  - c. Side Yard: Ten feet (10') on each side, or thirty feet (30') on the side yard abutting a public right-of-way.
4. Accessory buildings, uses and equipment comply with the applicable provisions of Chapter 18 of this Article.
5. All residences are limited to a maximum height of one (1) story.
6. The public improvements within manufactured home parks are developed in accordance with the City's Subdivision Ordinance, which include:
  - a. Street and storm sewer improvements.
  - b. Sanitary sewer improvements.
  - c. Water improvements
  - d. Public utilities (telephone, cable, electric and/or gas service).

- G. Parks and recreational areas owned or operated by public bodies; other than the City of Howard Lake.
- H. Personal wireless service antennas not located on a public structure, or existing tower as regulated by Chapter 23 of this Article.
- I. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).
- J. Townhouses (with no more than six (6) dwelling units per structure if in a row or no more than eight (8) dwelling units if back-to-back), three and four-plex multiple family units, quadraminiums, manor homes, provided that:
  - 1. The location of the use is consistent with the Downtown Area Plan, defined by the Comprehensive Plan.
  - 2. The use shall be subject to the design and construction standards outlined in Sections 01-60-8 and 01-60-9 of this Article.
  - 3. The use shall observe the following minimum requirements:
    - a. Minimum Lot Area Per Unit: Four thousand five hundred (4,500) square feet.
    - b. Minimum Lot Area:
      - 1) Base Lot: Fifteen thousand (15,000) square feet.
      - 2) Unit Lot: Sufficient area to include the living area, garages, decks, patios, or porches of the individual dwelling unit.
    - c. Lot Width:
      - 1) Base Lot: None.
      - 2) Unit Lot:
        - a) Two Family: Fifty feet (50').
        - b) Quadraminium: Fifty feet (50').
        - c) Townhome: Twenty-five feet (25').
    - d. Setbacks:

- 1) Base Lot: Thirty feet (30') at the perimeter of the base lot.
- 2) Building setbacks for developments that include more than one (1) principal structure on a base lot shall conform to the following internal setbacks:
  - a) Setback between buildings within the same base lot shall maintain a minimum separation of twenty feet (20').
  - b) Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives, guest parking areas, and public rights-of-way.
  - c) Buildings shall be set back a minimum of thirty-three feet (33') from the designated wetland boundary.

**01-58-5: INTERIM USES:** In addition to other interim uses in this District identified elsewhere in this Article, and subject to applicable provisions of this Article, the following are interim uses in the R-4 District and are governed by Chapter 6 of this Article:

- A. Satellite TVROs greater than one meter (1 m) in diameter as regulated by Chapter 23 of this Article.
- B. Special home occupations within a single or two-family dwelling as regulated by Chapter 21 of this Article.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS, as regulated by Chapter 29 of this Article.

**01-58-6: USES BY ADMINISTRATIVE PERMIT:** In addition to other uses allowed by administrative permit in this District identified elsewhere in this Article, and subject to applicable provisions of this Section, performance standards established by this Chapter, and processing requirements of Chapter 8 of this Article, the following are uses allowed in an R-4 District by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, as regulated by Chapter 26 of this Article.
- B. Home occupations, as regulated by Chapter 21 of this Article.
- C. Model homes as regulated by Section 17 of this Article.

- D. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by Chapter 23 of this Article.
- E. Temporary structures as regulated by Chapter 17 of this Article.

**01-58-7: LOT REQUIREMENTS AND SETBACKS:** The following minimum requirements shall be observed in an R-4 District subject to additional requirements, exceptions and modifications set forth in this Article:

- A. Minimum Lot Area: Nine thousand five hundred (9,500) square feet.
- B. Minimum Lot Width: Sixty-five feet (65').
- C. Minimum Lot Depth: One hundred twenty-five feet (125').
- D. Maximum Impervious Surface: Thirty-five percent (35%).
- E. Minimum Setbacks:
  - 1. Front: Twenty feet (20').
  - 2. Side: Six feet (6') or twenty feet (20') on the side yard abutting a public right-of-way.
  - 3. Rear: Fifteen feet (15') or twenty feet (20') on double frontage lots abutting a public right-of-way.