

Section 6 Table of Content

6.0	Height, Bulk and Area Restrictions and Calculation of Density:	1
6.1	Lot Size Requirements:	1
6.2	Storage Structures R-1, R-2, R-3 and R-S Districts:	2
6.3	Storage Structures Agricultural and R-A Districts:	3
6.4	Yard Requirements	4
6.5	Building Bulk Limitations:	5
6.6	Residential Density calculation in the Agricultural and Rural Agricultural District	6

6.0 Height, Bulk and Area Restrictions and Calculation of Density:

6.1 Lot Size Requirements:

- 6.1.1 No land division or split shall be made which results in one or more substandard sized lots, parcels or tracts of land in the zoning district in which the land is situated. No use shall be established or maintained on a lot, parcel, or tract of land which is substandard in size for the zoning district in which it is located, except as hereinafter provided. In addition to other remedies under the law and this Ordinance, no permit shall be issued for any use or structure on any parcel of land which was illegally subdivided. Existing lots, tracts or parcels of land that were illegally subdivided prior to January 2006 and have a permitted existing dwelling shall be allowed to have permits issued to said property subject to the landowner completing an Administrative Corrective Action on said lot, tract or parcel regardless of the lots size or dimension. (Ord. #431, adopted 10/7/08)
- 6.1.2 A substandard sized Lot of Record or parcel of land, now owned by, or hereafter acquired by, the owner of an abutting tract or parcel of land, shall be deemed to be a part of the abutting tract or parcel of land to the extent necessary to reduce or eliminate the substandard features of the lot for the zoning district in which it is situated except as provided under Section 4.2 and 7S5.20 for shoreland lots. Tracts or parcels of land separated by a public road shall be deemed to be separate and individual lots of record or parcels. (Ord. #440, adopted 10/20/09)
- 6.1.3 Any substandard sized Lot of Record or parcel may be allowed as a building site, provided such use is permitted in the zoning district in which the lot is located, the lot is in separate ownership from abutting lands, except as permitted for nonconforming shoreland lots in Section 4.2 and 7S5.20 for shoreland lots, and all sanitary sewer requirements of this Ordinance are complied with. (Ord. #440, adopted 10/20/09)
- 6.1.4 Public right-of-ways are not part of the buildable lot area and, therefore, shall not be included as part of the minimum lot area required. No public right-of-way shall be considered to be less than 66 feet.
- 6.1.5 There shall be no more than one residential dwelling on a lot unless otherwise permitted by the Development Code. (Ord. #431, adopted 10/7/08)
- 6.1.6 No more than 25% of any required minimum lot area may include public water, as defined in Minnesota Statutes 105.37, Subd. 14 (1984). (Ord. #189 adopted 6/20/89)

6.1.7 No building or structure shall be constructed within 65 feet of any area designated for future road construction on an “official map” as described in Minn. Stat. §394.361. (Ord. #294 adopted 12/15/98)

6.2 Storage Structures R-1, R-2, R-3 and Rural Service Districts:

(Ord. #445, adopted 04/12/11)

6.2.1 A land use permit is not required for any storage or accessory building or structure less than or equal to 120 square feet, however all applicable setbacks shall be met.

6.2.2 No storage structure or accessory use shall be constructed or developed on a lot prior to the time of obtaining a land use permit for the principal building/use and construction of the principal building has commenced. In the case where a manufactured home is the principal building, said manufactured home must be installed prior to the issuance of a land use permit for any storage structure.

6.2.3 On lots less than 10 acres there shall be no more than one storage structure larger than 900 square feet.

6.2.4 Storage structures shall be constructed with a design that conforms to the architecture of the principal structure.

6.2.5 No storage structure shall be located nearer the front lot line than the principal building on that lot. However, storage structures on lots in Shoreland may be placed with a setback two times the required setback from the waterbody regardless of the location of the principal structure.

6.2.6 An alternate septic site shall be designated by a licensed designer prior to the issuance of a land use permit for the accessory structure in a residential district for lots one acre or less in size or less than two acres in the shoreland.

6.2.7 The size of a storage structures shall be based on the size of the lot as indicated below:

Lot Size* (in Acres)	Maximum Accessory Building Size	Maximum Building Height
0-0.49	900 Square feet	15 feet
0.5<=1.00	1,200 Square feet	20 feet
>1.01-2.49	1,800 Square feet	25 feet
2.50-4.99	2,500 Square feet	35 feet
5.0-9.9	4,000 Square feet	40 feet or 35 feet in shoreland
10 or greater	Unlimited	Unlimited or 35 ft in Shoreland

* Only land above the Ordinary High Water level shall be used to calculate lot size.

- 6.2.8 A storage structure may be constructed or placed on lots zoned R-1, R-2, R-3, R-S without a single family dwelling or other principal building, provided a conditional use permit for said structure is obtained.
- 6.2.9 A conditional use permit for a storage structure may only be issued if and when the Planning Commission finds:
- a. The storage structure shall conform to all of the requirements of Section 6.2.7; and
 - b. That the storage structure will not be used for commercial purposes, except as otherwise allowed with a home occupation or home extended business; and
 - c. That the storage structure shall not be used for temporary or permanent residence; and
 - d. That there is land suitable for the construction of a residence and septic system without the need for variances. The septic verification shall require soil borings to be provided to demonstrate compliance with Section 9.6 for new construction; or
 - e. That the storage structure will serve the residents of a single family dwelling located on a lot adjacent and abutting to, or separated by a street or road from, the lot upon which the storage structure will be placed.

6.3 Storage Structures Agricultural and Rural Agricultural Districts:

(Ord. #445, adopted 04/12/11)

- 6.3.1 A land use permit is not required for any storage or accessory building or structure less than or equal to 120 square feet, however all applicable setbacks shall be met.
- 6.3.2 On lots less than five acres there shall be no more than one storage structure larger than 900 square feet.
- 6.3.3 Storage structures shall be based on the size of the agricultural district lot (A or R-A), see chart below:

Lot Size* (in Acres)	Maximum Accessory Building Size	Maximum Building Height
0-0.49	900 Square feet	15 feet
0.5-1.0	1,200 Square feet	20 feet
1.01-1.99	1,800 Square feet	25 feet
2.0-4.99	2,500 Square feet	35 feet
5.0-9.9	5,000 Square feet	40 feet or 35 feet in shoreland
10	Unlimited	Unlimited or 35 feet in shoreland

* Only land above the Ordinary High Water level shall be used to calculate lot size.

** Storage buildings size and height may be further limited by the Planning Commission.

- 6.3.4 No storage structure in a cluster development shall be located nearer the front lot line than the principal building on that lot.
- 6.3.5 A storage structure may be constructed or placed on lots less than 10 acres without a single family dwelling or other principal building, provided a conditional use permit for said structure is obtained.
- 6.3.6 A conditional use permit for a storage structure may only be issued if and when the Planning Commission finds:
- a. The storage building conforms to all of the requirements of Section 6.3.3 of the Development Code; and
 - b. That the storage structure will not be used for commercial purposes; and
 - c. That the storage structure will not be used for temporary or permanent residence; and
 - d. That there is land suitable for the construction of a residence and septic system without the need for variances. The septic verification shall require soil borings to be provided to demonstrate compliance with Section 9.6 for new construction.

6.4 Yard Requirements:

- 6.4.1 On a corner lot in a subdivision, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the intersecting right-of-way lines, nor within fifty (50) feet of the intersecting right-of-way lines.
- 6.4.2 Through lots shall have a required front yard on each street or shore line.
- 6.4.3 Permitted Encroachments on Setback Space: (Ord. #440, adopted 10/20/09)
- a. Belt courses, sills, lintels, and pilasters may project eighteen inches into front, rear and side setback spaces.
 - b. Cornices, eaves and gutters may project three feet into front setback space, five feet into rear setback space and thirty-six inches into side setback space; provided, however, that if the side setback space is less than five feet in width, then such projection shall not exceed one-half of the width of the side setback space.
 - c. Outside stairways may project five feet into front setback space, ten feet into rear setback space and three feet into side setback space.
 - d. Unwalled porches, terraces and balconies may extend five feet into front and rear setback spaces.

- e. Chimneys not to exceed six feet in width may project eighteen inches into front, rear and side setback spaces.
- f. Building accessories designed and intended to control light entering a building, and being a permanent part of such building, may project five feet into front setback space, ten feet into rear setback space and three feet into side setback space.
- g. Building accessories designed and intended to control light entering a building, and not being a permanent part of such building by being removable therefrom, and by not being attached to a load-bearing member thereof, may project any distance into any setback space.
- h. Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
- i. Height limitations shall not apply to barns, silos and other structures on farms; to church spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles, public utility facilities; transmission towers of commercial and private radio broadcasting stations; television antennae, and parapet walls extending not more than four feet above the limiting height of the building except as hereinafter provided and subject to approval by the Minnesota Department of Aeronautics.

6.5 Building Bulk Limitations:

- 6.51 Except as otherwise provided, in Residential and Rural Service Districts each single family dwelling shall be at least 20 feet in width at its narrowest point, and shall have a ground floor space of at least eight-hundred square feet.
- 6.5.2 Deleted with Ord. 440, adopted 10/20/09

6.6

Residential Density calculation in the Agricultural and Rural Agricultural District (Ord. #431, adopted 10/7/08)

- a. The number of single family dwellings allowed shall be calculated as follows for standard subdivisions in Agricultural District (A):
 - 1. The total acreage of the tract within a quarter, quarter section shall be calculated subtracting any acreage deed restricted for density. The tract acreage shall include areas located in easements and land previously or proposed to be dedicated for right-of-way, if the right-of-way was a part of the original tract. If the tract contains less than 40 acres but is described by the rectangular survey system as a quarter, quarter section, in common ownership, the tract shall be considered eligible for up to 4 dwelling units per quarter, quarter section.
 - 2. Ten acres shall be subtracted from this total for each existing dwelling unit (not to include temporary farm dwellings or temporary dwelling for supportive care).
 - 3. The result from 1 and 2 above shall be divided by ten acres. This shall be the maximum number of dwelling units allowed on the entire tract.
 - 4. The transfer of dwelling units from one quarter, quarter section to another quarter, quarter section within the tract may be allowed by Conditional Use, provided that the density to be transferred is buildable and not created by wetland mitigation. The transfer may allow up to 8 units in the quarter, quarter section provided that the necessary deed restriction is recorded within said tract.
 - 5. Each new dwelling unit shall be retained on a separate lot and meet the minimum lot requirements of the Agricultural District.

- b. The number of single family dwellings allowed shall be calculated as follows for cluster subdivisions in Agricultural District (A):
 - 1. The total acreage of the tract shall be calculated subtracting any acreage deed restricted for density. The tract acreage shall include areas located in easements and land previously or proposed to be dedicated for right-of-way, if the right-of-way was a part of the original tract. If the tract contains less than 40 acres but is described by the rectangular survey system as a quarter, quarter

section, in common ownership, the tract shall be considered eligible for up to 6 dwelling units per quarter, quarter section.

2. Ten (10) acres shall be subtracted from this total for each existing dwelling unit that is not part of the cluster or 6.5 acres if the existing lot is a part of the cluster subdivision. Existing dwellings are not to include temporary farm dwellings or temporary dwelling for supportive care.
 3. The result from 1 and 2 above shall be divided by 6.5 acres. This shall be the maximum number of additional dwelling units allowed on the entire tract as part of a cluster subdivision.
 4. Each new dwelling unit shall be retained on a separate lot and meet the minimum lot requirements of the cluster subdivision in accordance with Section 9.18.
- c. The number of single family dwellings allowed shall be calculated as follows for the Rural Agricultural District (R-A):
1. The total acreage of the tract shall be calculated subtracting any acreage deed restricted for density. The tract acreage shall include areas located in easements and land previously or proposed to be dedicated for right-of-way, if the right-of-way was a part of the original tract.
 2. Five (5) acres shall be subtracted from this total for each existing dwelling unit (not to include temporary farm dwellings or temporary dwelling for supportive care)
 3. The result from 1 and 2 above shall be divided by five (5) acres. This shall be the maximum number of additional dwelling units allowed on the entire tract.
 4. Each new dwelling unit shall be retained on a separate lot and meet the minimum lot requirements of the Agricultural District.