

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 1 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 10/07/08)

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 subsection 7.14.5(B) for shoreland lots.

(A) Abutting nonconforming lots that come under common ownership shall not be developed or sold separately. No permits shall be issued for any use or structure on any nonconforming parcel of land that was sold separately after coming under common ownership.

(B) 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 subsection 7.14.5(B) 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 1 residential dwelling on a lot unless otherwise permitted by the Development Code.

(Ord. #431, adopted 10/07/08)

6.1.6 No more than 25 percent of any required minimum lot area may include public water, as defined in Minn. Stat. § 103G.005, subd. 15, as may be amended.

(Ord. #189, adopted 06/20/89)

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, as may be amended.

(Ord. #294, adopted 12/15/98)

6.2 Yard Requirements

6.2.1 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 (2½) feet and 10 feet above the intersecting right-of-way lines, nor within 50 feet of the intersecting right-of-way lines.

6.2.2 Through lots shall have a required front yard on each street or shore line.

6.2.3 Permitted Encroachments on Setback Space

(Ord. #440, adopted 10/20/09)

(A) Belt courses, sills, lintels, and pilasters may project 18 inches into front, rear and side setback spaces.

(B) Cornices, eaves and gutters may project 3 feet into front setback space, 5 feet into rear setback space and 36 inches into side setback space; provided, however, that if the side setback space is less than 5 feet in

width, then such projection shall not exceed one-half of the width of the side setback space.

- (C) Outside stairways may project 5 feet into front setback space, 10 feet into rear setback space and 3 feet into side setback space.
- (D) Unwalled porches, terraces and balconies may extend 5 feet into front and rear setback spaces.
- (E) Chimneys not to exceed 6 feet in width may project 18 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 5 feet into front setback space, 10 feet into rear setback space and 3 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 4 feet above the limiting height of the building except as hereinafter provided and subject to approval by the Minnesota Department of Aeronautics.

6.3 Building Bulk Limitations

- 6.3.1 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 800 square feet.

6.4 Residential Density calculation in the Agricultural and Rural Agricultural District

(Ord. #431, adopted 10/07/08) (Ord. #468, adopted 07/17/18)

- (A) The number of single family dwellings allowed shall be calculated as follows for standard subdivisions in Agricultural District (A):
- (1) The total tract area to be used for calculating density shall be determined as follows. 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, also referred to as a “short quarter quarter section”, that is in common ownership, the tract shall be considered eligible for up to 4 dwelling units per quarter, quarter section. For a short quarter quarter section, 40 acres will be used for the following calculations.
 - (2) First the acreage already deed restricted for density shall be subtracted from the total acreage of the tract.
 - (3) Next, 10 acres shall be subtracted from the result from item (2), above, for each existing dwelling unit (not to include temporary farm dwellings or temporary dwelling for supportive care).
 - (4) The result from item (3), above, shall be divided by 10 acres. This shall be the maximum number of dwelling units allowed on the entire tract.
 - (5) The transfer of dwelling units from one quarter, quarter section to another quarter, quarter section within a contiguous tract of land 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 within a 40 acre tract or short quarter, quarter section provided that the necessary deed restriction is recorded within said tract.
 - (6) Each new dwelling unit shall be retained on a separate lot and meet the minimum lot requirements of the Agricultural District.

- (7) Lots of Record or parcels of land separated by a public road and less than 10 acres in size shall be exempt from items (1) through (3), above, and allowed as a building site, provided such use is permitted in the zoning district and meets the setback requirements in the 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 subsection 7.14.5(B) for shoreland lots, and all sanitary sewer requirements of this Ordinance are complied with.
- (B) The number of single family dwellings allowed shall be calculated as follows for cluster subdivisions in Agricultural District (A):
- (1) The total tract area to be used to calculate density shall be determined as follows. 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) First the acreage already deed restricted for density shall be subtracted from the total acreage of the tract.
 - (3) Next 10 acres shall be subtracted from the result from item (2) above 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.
 - (4) The result from items (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.
 - (5) 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 9.6.
 - (6) Residual land shall be deed restricted against further division or subdivision for residential purposes.

- (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) 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 items (1) and (2), above, shall be divided by 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.
 - (5) Lots of Record or parcels of land separated by a public road and less than 10 acres in size shall be exempt from items (1) through (3), above, and allowed as a building site, provided such use is permitted in the zoning district and meets the setback requirements in the 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 subsection 7.14.5(B) for shoreland lots, and all sanitary sewer requirements of this Ordinance are complied with.