

## Section 16. General Yard, Lot Area, and Building Regulations

### **Subdivision**

16.01 Purpose

16.02 Height

16.03 Building Type and Construction

16.04 Yards

16.05 Minimum Floor Area Per Dwelling Unit

16.06 Minimum Floor Area; Commercial and Industrial Structures

16.07 Single Family Dwellings

16.08 Two Family, Townhouse, Quadraminium, Manor Home, Multiple Family Uses

### 16.01 PURPOSE

This section identifies yard, lot area, building size, building type and height requirements in each zoning district.

### 16.02 HEIGHT

- A. Allowable Increases: Building heights more than those standards contained in the district provisions and any other sections of this Ordinance may be allowed through a conditional use permit, provided that:
  - 1. Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the zoning district in which the structure is located.
  - 2. The site can accommodate the increased structure size.
  - 3. The potential increased intensity and size of use does not increase traffic volumes beyond the surrounding streets' capacity.
  - 4. Public utilities and services are adequate.
  - 5. For each additional story over the district limitation or for each additional ten (10) feet above the maximum allowed per district, front and side yard setback requirements shall be increased by ten (10) percent.
  - 6. The construction does not limit solar access to abutting and/or neighboring properties.
  - 7. The provisions of Section 4 of this Ordinance are considered and satisfactorily met.
  
- B. Exceptions: Building height limits established for the respective zoning districts shall not apply to the following:
  - 1. Belfries.
  - 2. Chimneys or flues.
  - 3. Church spires.
  - 4. Cooling towers.
  - 5. Cupolas and domes which do not contain usable floor space.
  - 6. Elevator penthouses.
  - 7. Flag poles.
  - 8. Monuments and statues - public and semi-public only.
  - 9. Parapet walls extending not more than three (3) feet above the limiting height of the building.

10. Poles, towers, and other structures for essential services.
  11. Necessary mechanical and electrical appurtenances.
  12. Farm buildings.
  13. Wind energy conversion system towers as regulated by Section 30 of this Ordinance.
  14. Antennas and antenna support structures as regulated by Section 29 of this Ordinance.
- C. No excluded roof equipment or structure element extending beyond a building's limited height may occupy more than twenty-five (25) percent of the area of such roof nor exceed ten (10) feet unless otherwise noted.

### 16.03 BUILDING TYPE AND CONSTRUCTION

#### A. General Provisions:

1. Metal Buildings. No galvanized or unfinished steel, unfinished galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as Corten steel or engineered designed roofs of less than two/twelve (2/12) pitch shall be permitted in any Residential, Commercial, or Industrial zoning district. Furthermore, no galvanized or unfinished steel, unfinished galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as Corten steel or engineered designed roofs of less than two/twelve (2/12) pitch shall be permitted in any agricultural zoning district on lots less than 2.5 Acres.
2. Quality: Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility and harmony with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties as intended by this Ordinance or adversely impact the public health, safety, and general welfare.
3. Finishes: Exterior building finishes shall consist of materials comparable in grade and quality to the following:
  - a. Brick.
  - b. Natural stone.
  - c. Decorative concrete block.
  - d. Cast in place concrete or pre-cast concrete panels.
  - e. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.
  - f. Curtain wall panels of steel, fiberglass, and aluminum (non-structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
  - g. Glass curtain wall panels.
  - h. Stucco or Efis.
  - i. Vinyl (in agricultural or residential districts only.)
  - j. Other materials as determined by the City Building Official but not including galvanized or unfinished metal unless the galvanized or unfinished metal is within an Agricultural zoning District on a lot greater than 2.5 acres.

B. Business and Industrial Uses and Zoning Districts:

1. For all uses other than those specified in Section 16.03.B.2 within the B-1 and B-2, Zoning Districts, all principal buildings which abut public rights-of-way, residential uses, and/or public areas, shall have a decorative front on such exposure which is comprised of at least fifty (50) percent of materials specified in Section 16.03.A.3.a-e and Section 16.03.A.3.g-h of this Ordinance. Exterior doors and windows shall not be included in the calculation of exterior wall space or materials requirements. Any metal finish used in the building shall be at least twenty-six (26) gauge steel. The roof slope shall be limited to a minimum slope of one-quarter (1/4) inch per foot.
2. Any buildings constructed within the B-1, B-2, and I-1 Districts that are on parcels within three hundred (300) feet of State Highway 15, County Road 7, and County Road 75 shall have exterior wall finishes consisting entirely of materials comparable in grade and quality to the materials specified in Section 16.03.A.3.a-e and Section 16.03.A.3.g-h of this Ordinance. Exterior doors and windows shall not be included in the calculation of exterior wall space or materials requirements.

By resolution, the City Council may approve buildings that vary from these specific requirements up to 50% of all exterior walls, provided that the City finds that the applicant has made alternative improvements to the site and/or building that result in a project which meets or exceeds the intent of this ordinance, including, but not limited to:

- a. Substantial use of natural stone and/or brick on the exterior surfaces of the building; and
  - b. Substantial improvements to the landscaping of the site beyond that normally required for the zoning district; and
  - c. Improved architectural detailing to building walls, roof, entranceways, and other portions of the building; and
  - d. Other architectural or site planning enhancements as approved by the City Council; and
  - e. The overall site design is suitable for the neighborhood and within the character of other buildings in the area.
3. Any buildings within the B-1, B-2, and I-1 Districts that have frontage onto an arterial roadway not specified in Section 16.03.B.2, including those buildings with double frontage or buildings located on a corner lot or arterial street, as defined within the Subdivision Ordinance, shall be required to have a minimum of fifty (50) percent materials specified in Section 16.03.A.3.a-e and Section 16.03.A.3.g-h of this Ordinance on all sides of the building that abut the arterial roadway. Exterior doors and windows shall not be included in the calculation of exterior wall space or materials requirements.
  4. All principal buildings within the I-1 Industrial District which abut public rights-of-way, residential uses, and/or public areas shall have a decorative front on such exposure which is comprised of at least fifty (50) percent of materials specified in Section

16.03.A.3.a-e and Section 16.03.A.3.g-h of this Ordinance, unless otherwise specified in Section 16.02.B.2 of this Ordinance. Exterior doors and windows shall not be included in the calculation of exterior wall space or materials requirements.

5. All roofs over one and one half-twelve (1.5/12) pitch shall have a minimum twenty-four (24") overhang with soffit.
  6. The City shall require architectural plans within the B-1, B-2, and I-1 Districts prior to building and site plan approval. The architectural plans shall comprise the following:
    - a. Date of plan preparation and dates of any subsequent revisions.
    - b. Architectural elevations, in color, of all principal and accessory buildings and structures (type, color, and materials used in all exterior surfaces).
    - c. Typical floor plan and typical room plan drawn to scale with a summary of square footage by use or activity.
  7. The City may grant a deferment to the requirements of Sections 16.03.B.2 and 16.03.B.3 of this Ordinance when a building or building addition is constructed in more than one (1) phase. Any such deferment shall be processed as a conditional use permit pursuant to Section 4 of this Ordinance and shall be subject to the following:
    - a. The deferment shall be until the completion of construction or five (5) years, whichever is less.
    - b. Property owner shall provide the City with an irrevocable letter of credit for an amount one and one-half (1 ½ ) the City Building Official's estimated cost of the required exterior wall treatment. The bank and letter of credit shall be subject to the approval of the City Council. The letter of credit shall assure compliance with this section of this Ordinance.
- C. Exceptions to the provisions of Subd. 16.03 of this Ordinance may be granted as a conditional use permit pursuant to Section 4 of this Ordinance, provided that:
1. The proposed building maintains the quality and value intended by the Ordinance.
  2. The proposed building is compatible and in harmony with other existing structures within the district and immediate geographic area.
  3. The provisions of Section 4 of this Ordinance are considered and determined to be satisfied.

## 16.04 YARDS

No lot, yard or other open space shall be reduced in area or dimension to make such lot, yard, or open space less than the minimum required by this Ordinance. No required open space provided for any building or structure shall be included as part of any open space required for another structure.

- A. The following shall not be considered as encroachments on yard setback requirements:
1. Cantilevers up to ten (10) feet in width, and chimneys, window wells and covers, flues, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two and one-half (2-1/2) feet into a required yard setback.
  2. Terraces, steps, decks, uncovered porches, stoops, or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a

distance less than five (5) feet from a side or rear lot line. No encroachment shall be permitted in existing or required drainage and utility easements.

3. In rear yards, recreational equipment (non-vehicular), laundry drying equipment, arbors, and trellises, detached outdoor living rooms and gazebos not exceeding five hundred (500) square feet, and air conditioning or heating equipment not exceeding established state noise levels, provided they are at a distance not less than ten (10) feet from any lot line. No encroachment shall be permitted in existing or required drainage and utility easements.

- B. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be no less than the average setback of the two (2) adjacent principal structures. If only one (1) adjacent lot is occupied by a structure, the minimum front yard shall be the average of the adjacent principal structure and the district minimum setback, but in no case shall a setback greater than the minimum established for the respective zoning district be required.

#### 16.05 MINIMUM FLOOR AREA PER DWELLING UNIT

Except as otherwise specified in the zoning district provisions or allowed as a conditional use permit, single family homes as classified below shall have the following minimum floor areas per unit.

- A. Single Family Dwelling Units: Except as otherwise specified in the zoning district provisions or allowed as a conditional use permit, single family homes as classified below shall have the following minimum floor areas per unit.

One Bedroom	720 square feet
Two Bedroom	
Three Bedroom	

- B. Multiple Dwelling Units: Except for elderly housing or as allowed by conditional use permit, living units classified as multiple dwelling shall have the following minimum floor areas per unit:

Efficiency Units	500 square feet
One Bedroom Units	700 square feet
More than one bedroom units	an additional 80 square feet for each additional bedroom

- C. Elderly (Senior Citizen) Housing: Living units classified as elderly (senior citizen) housing units, except as allowed by conditional use permit, shall have the following minimum floor areas per unit:

Efficiency Units	440 square feet
One Bedroom	520 square feet

- D. Two Family Dwellings, Quadrominiums, Townhouses and Manor Homes: Except as otherwise specified in the zoning district provisions or allowed as a conditional use permit, two family dwellings, quadrominiums and townhouses, as classified below, shall have the minimum floor area per one bedroom unit:

Two Family Dwellings	650 square feet first floor above grade, plus 100 additional square feet for each additional bedroom
Quadrominiums, Townhouses and Manor Homes	600 square feet first floor above grade, plus 100 additional square feet for each additional bedroom

- E. Efficiency Apartments: Except for elderly (senior citizen) housing, the number of efficiency apartments in a multiple dwelling shall not exceed ten (10) percent of the total number of apartments. In the case of elderly (senior citizen) housing, efficiency apartments shall not exceed thirty (30) percent of the total number of apartments, except by conditional use permit.

#### 16.06 MINIMUM FLOOR AREA; COMMERCIAL AND INDUSTRIAL STRUCTURES

Commercial and industrial buildings (principal structure) which are to be less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 4 of this Ordinance.

#### 16.07 SINGLE FAMILY DWELLINGS

All single family detached homes shall:

- A. Be built on a continuous perimeter foundation that meets the State Uniform Building Code requirements.
- B. Not be less than thirty (30) feet in length and not less than twenty-four (24) feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwellings shall also meet the minimum floor area requirements as set out in this Ordinance. No room, hallway, breezeway, or other similar attachment to a dwelling less than ten (10) feet in width and connected to an accessory building or garage may be greater than sixteen (16) feet in length. No such room, hallway, breezeway, or other similar attachment to a dwelling that is connected to an accessory building or garage may be narrower than six (6) feet in width.
- C. Have a minimum roof overhang of one (1) foot.
- D. Have an earth covered, composition, shingled or tiled roof or other comparable quality materials determined to be appropriate by the City Building Official.
- E. Receive a building permit. The application for a building permit and other information required shall indicate the height, size, design, and appearance of all elevations of the proposed building and a description of the construction materials proposed to be used. The exterior architectural

design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to cause a significant depreciation in the property values of the neighborhood or adversely affect the public health, safety or general welfare.

F. Meet the requirements of the State Uniform Building Code.

#### 16.08 TWO FAMILY, TOWNHOUSE, QUADRAMINIUM, MANOR HOME, MULTIPLE FAMILY USES

A. No single townhouse structure shall contain more than eight (8) dwelling units.

B. Minimum unit lot frontage for townhouses shall not be less than twenty (20) feet.

C. Subdivision of Two-Family Double Bungalows, Townhouse or Quadrominium Lots: The subdivision of base lots containing two-family dwellings, townhouses, or quadrominiums to permit individual private ownership of a single dwelling within such a structure is acceptable upon the approval of a conditional use permit, provided that:

1. Two family, townhouses, and quadrominiums intended for owner occupancy shall be subdivided on an individual unit lot basis subject to approval of a conditional use permit.
2. Prior to subdivision, such units shall fully comply with applicable provisions of the Uniform Building Code.
3. Prior to a two-family double bungalow dwelling, townhouse, or quadrominium subdivision, the base lot must meet all the requirements of the zoning district.
4. Permitted accessory uses as defined by the zoning districts are acceptable provided, they meet all the zoning requirements.
5. A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for review and subject to the Attorney's approval. The agreement shall ensure the maintenance and upkeep of the structure and lots to meet minimum City standards. The agreement is to be filed with the County Recorder's Office as a deed restriction against the title of each unit lot.
6. A separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.
7. The subdivision is to be platted and recorded conforming to the City's Subdivision Ordinance.

D. Subdivision of multiple family, two family duplex dwellings, manor homes and other such units:

1. The subdivision is to be platted and recorded in conformance with the requirements of the Subdivision Ordinance of the City as applicable.

The subdivision shall comply with applicable cooperative or condominium laws of the State of Minnesota.