

## **SECTION 11: BUILDING REQUIREMENTS**

### **Subdivision 1. COMPLIANCE**

Except as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered for the district in which it is located.
- B. All applicants receiving land use permits for permitted or conditional uses to be located in the Floodway or Flood Fringe Districts shall be required to submit certification by a registered professional engineer or land surveyor, as appropriate, or other qualified person designated by the governing body, that the finished fill and building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance.

### **Subdivision 2. BUILDING REQUIREMENTS**

No building or other structure shall hereafter be erected or altered to exceed in height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, side yards, or other open spaces, than herein required, or in any other manner be contrary to the provisions of this Ordinance.

- A. Premises Identification - Approved numbers or addresses shall be provided for all new buildings.

### **Subdivision 3. AREA REQUIREMENTS**

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except as modified hereinafter.

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

### **Subdivision 4. MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Wherever the requirements of this Ordinance are in variance with the requirements of this Ordinance or are in variance with the requirements of any other lawfully

adopted rules, regulations, ordinances, deed restriction or covenants, the most restrictive or that imposing the higher standards, shall govern.

**Subdivision 5. DWELLING ON ANY LOT OF RECORD**

In any District where single-family dwellings are permitted, a one-family detached dwelling may be erected on any official lot of record existing prior to October 17, 1981, irrespective of its area or width, provided the applicable yard and other open space requirements are satisfied or modified by the Joint Planning Board or County Board as set forth in Section 19 in this Ordinance.

**Subdivision 6. HEIGHT, LIMITATIONS NOT APPLICABLE**

The height limitations stipulated in this Ordinance shall not apply to the following:

**Essential Service Structures, Architectural Features, Etc.:**

Church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, chimneys, smoke stacks, flag poles, radio and television towers, masts and aerials and parapet walls extending not more than four feet above the limiting height of the building.

**Places of Public Assembly:**

Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that they are located on the first floor of such buildings; provided that for each two feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district and further provided that the Joint Planning Board shall find that such additional height will not be materially detrimental to surrounding property.

**Elevator Penthouses, etc.:**

Elevator penthouses (elevator machinery loft), monitors, and scenery lofts, provided no linear dimension of any such structure exceeds fifty percent of the corresponding street lot line frontage. Fire towers, hose towers, cooling towers, grain elevators, industrial process towers, gas holders or other structures, where a manufacturing process requires a greater height shall be excepted.

**Subdivision 7. YARD AND FRONTAGE LIMITATIONS NOT APPLICABLE**

In any district where front yards are required and where forty percent or more of the frontage on one side of a street between two intersecting streets or around the circumference of a cul-de-sac is developed with buildings that have a front yard that is greater or less than the required front yard in the district, no building shall project beyond the average yard so established.



**Subdivision 8. YARD SPACE, GENERAL**

Any building, structure or use hereafter erected altered or established shall comply with the yard space requirements of the district in which it is located, except as specified below. The required yard space for any building, structure, or use shall be contained on the same lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts in which the principal use is permitted. Any required yard space shall be open from thirty (30) inches above the ground to the sky except as specified elsewhere in this Ordinance.

**Subdivision 9. PLACEMENT OF SINGLE-FAMILY RESIDENTIAL STRUCTURES ON LARGE LOTS**

In any Residence District where a single-family residential structure is to be developed on large lots which could later be re-subdivided and still meet the dimensional and area requirements for another lot of the district in which it is situated, such structure must be placed in a manner which would permit such re-subdivision. Accessory uses shall be exempted from this requirement.

**Subdivision 10. YARD SPACE ENCROACHMENTS - PROJECTIONS INTO YARDS:**

The following projections may be permitted into any front, rear or exterior side yard adjoining a street lot line.

- A. Cornices, sills, eaves and other ornamental features to a distance of not more than two (2) feet six (6) inches.
- B. Fire escapes to a distance of not more than four (4) feet six (6) inches.
- C. Decks, in Residence Districts, to a distance of not more than one-half the distance into yards. No easement encroachments permitted.
- D. Bay windows and chimneys and fireplaces to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third the length of the building wall on which they are located.
- E. Retaining walls and landscaping timbers within easements by conditional use permit.

**Subdivision 11. YARD SPACE EXCEPTION, STEEP SLOPES:**

In any Residence District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of twelve percent or less to a private garage conforming to the requirements of this Ordinance, such garage may be located within such front yard, but not in any case closer than twelve feet to the street line.

**Subdivision 12. MORE THAN ONE PRINCIPAL BUILDING ON A LOT:**

Not more than one principal building shall be located on a lot in Residence District R-1 except as provided in Section 4.

**Subdivision 13. HOUSING PROJECTS UTILIZING THE "ZERO LOT LINE" CONCEPT:**

Every development proposal which is designed or later modified so as to place the principal structure abutting a side property line in order to have only one open side yard or less, must file with the Zoning Administrator a signed copy of the recorded Covenant with filing information assuring access through the adjacent yard for purposes of repairs and general maintenance and/or common wall construction. Such covenant is mandatory and the issuance of any Certificate of Occupancy shall be contingent on the filing. In some cases, the side yard could be the rear yard.

**Subdivision 14. ACCESSORY BUILDINGS IN THE "R-1" DISTRICT:**

- A. No accessory buildings shall be erected or located within any required side yard setback except as provided for in the R-1 Districts.
- B. Utility buildings in Residential Districts shall not exceed 12 x 16 feet and shall be 6 feet or more from all lot lines of adjoining lots, and shall not be located within a utility easement.
- C. No accessory building or garage per single family homes shall occupy more than 25 percent of a rear yard, nor exceed 1,000 square feet of floor area. Garages which exceed the aforesaid maximum may be allowed with a Conditional Use Permit.
- D. No permit shall be issued for the construction of more than one accessory detached private garage structure for each dwelling.
- E. No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory, except by Conditional Use Permit.
- F. Accessory buildings in Residential District "R-1" shall be located to the rear of the principal building.
- G. No accessory building in a Commercial or Industry District shall exceed the height of the principal building except by Conditional Use Permit.
- H. Utility sheds in Residential District "R-1" which have floor areas greater than 10' x 12' shall have a floating concrete slab. Only one utility shed per home is permitted.
- I. Pole buildings shall be permitted in Residential District "R-1" by Conditional Use Permit only.



- J. Unattached garages require direct access by public-way or in cases of interior lots, a side yard drive setback dimension no less than 10 feet between the property line and the principal structure.
- K. No structures shall be constructed in dedicated utility and drainage easements in platted areas.

**Subdivision 15. MOVING A STRUCTURE ONTO A LOT**

A conditional use permit is required when moving a structure larger than 12' x 16' onto a lot in the Joint Planning Area.

**Subdivision 16. RULES FOR MANUFACTURED HOMES IN R-1 DISTRICTS**

All manufactured homes as defined by M.S. 327.31-327.35 shall be anchored in accordance with the Minnesota Code of Agency Rules, Building Code Division, Section 2; MCAR 1.904.50, "Stabilizing System for Mobile Homes."

Any newly installed manufactured home older than 15 years from time of the Building Permit will require an inspection to confirm the following life safety criteria.

All relocated manufactured homes pre-June 14, 1976, require a conditional use permit. Approval may be granted, provided the following criteria are met:

- 1) Smoke detectors are required in each bedroom and in the corridor.
- 2) The windows must be double glaze. Minimum
- 3) One egress window is required from each bedroom.
- 4) Gas piping installation must be retested, reinspected and approved by the City Building Inspector. Hutch Utilities provides 7 inch water column.
- 5) The electrical service must be a minimum of 100 amp circuit breaker type with ground fault interruption. ALL electrical must be intact and safe. (i.e. no exposed wiring)
- 6) A land use permit is required after approval of the conditional use permit.
- 7) Compliance with MN Statutes 327.32 and 327.34 and other applicable building codes and standards and regulations.
- 8) Common sense items including but not limited to: no broken windows, handrails, guardrails, safe heating appliances, and water heaters, no holes in floors, no exposed wiring, a shower/bathtub, functional water closets, etc.