

Sec. 86-161. - Height modifications.

~~(a) Where the average slope of a lot is greater than one foot rise or fall in seven feet of horizontal distance from the established street elevation at the property line, one floor in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.~~

(ab) Height limitations set forth elsewhere in this chapter may be increased by 100 percent when applied to the following:

- (1) Church spires, belfries or domes which do not contain usable space.
- (2) Monuments.
- (3) Water towers.
- (4) Flagpoles.
- (5) Chimneys or smokestacks.
- (6) Cooling towers.

(b) Height limitations set forth elsewhere in this chapter may be increased by 25 percent when applied to the following:

- (17) Elevator and mechanical penthouses
- (2) Clearstories and other above roof structures with a footprint less than 10 percent of the roof area.

(Code 1976, § 11.19(4)(A); Ord. No. 466, § 2, 10-15-2001)

Sec. 86-162. - Yard modifications.

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- (1) Cornices, ~~canopies, awnings, marquees,~~ or eaves may extend into the required front yard a distance not exceeding four feet, six inches, and the required side yard distance not exceeding two feet, ~~six inches. Cornices, canopies or eaves may have a maximum projection of more than four feet, six inches, but not greater than 25 percent of the required or observed front yard setback, by recommendation for adjustment by the board of zoning adjustment and approval of the city council after notice of a public hearing has been given to the owners of lands within 200 feet of the affected property, and such notice has been officially published. The application form and fees shall be the same as for a variance procedure.~~
- (2) Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches. Basement egress window wells may extend into required front and side yards a distance not to exceed three feet.
- (3) A landing place, deck or uncovered porch may extend into the required front yard to a distance not exceeding eight feet, if the landing place or porch has its floor no higher than the entrance floor of the building, except a landing place installed at the main entrance of existing residential structure and projecting no more than 4 feet from the structure may extend 15 feet into required front yard. A four foot square landing, not including stair, or a five foot square landing serving a ramp, shall always be permitted at the main entrance of existing residential structures if replacing an existing landing; An open railing no higher than three feet, ~~six inches,~~ may be placed around such place.
- (4) A bay window having a bow, or angled sides, with windows on all faces projecting no more than two feet from the building wall may extend 20 feet into required front yard.

(b) Accessory buildings shall comply with the following regulations in addition to other requirements of this chapter:

- (1) An accessory building must not be placed on a lot where there is no permitted use main building except in a case when such lot is not substandard and is adjacent to the lot where a permitted use main building is located, provided both lots have the same owner(s), and the owner(s) sign and record an agreement prohibiting the sales or transfer of individual lots unless a new main structure is built on a lot where a standalone accessory building, compliant with the city ordinance ~~[this chapter]~~, is located or said accessory building is removed. If such accessory structure is allowed under above conditions, the city ordinance ~~[this chapter]~~ shall be applied as if two adjacent lots are combined into one.
- (2) An accessory building must not be placed less than five feet from the main building or another accessory building.
- (3) An accessory building must not be placed in a required front yard or side yard, or less than 12 feet to the rear property line except one accessory building less than 200 square feet in area and less than ten feet in height may be placed not less than five feet to the side or rear property line. For accessory buildings over 1,000 square feet or over ten feet in height, the distance to the rear property line shall be increased by one-foot for every 100 square feet area increase over 1,000 square feet and every one-foot height increase over ten feet until ordinance required rear yard depth is reached.
- (4) An accessory building must not exceed 1,000 square feet in area in the R-1 one-family residence district, nor exceed 600 square feet in area per dwelling unit in residential structures in any other residential district, nor exceed ~~80~~ 60 percent of the footprint area of the main use building when its footprint exceeds 1,200 square feet in all classes of residential and business districts, except an accessory building size may be increased 50 percent if located on lots of more than seven-tenths of an acre in the R-1 one-family residence district and the R-2 one- to four-family residence district. In all classes of residential and business districts, all accessory buildings combined must not exceed the area of the main building nor occupy more than 25 percent of the area of a rear or front yard.
- (5) In all classes of residential and business districts an accessory building must not be more than one-story or greater than 15 feet in actual height ~~on lots of less than seven-tenths of an acre~~. An accessory building located 25 feet or more from all property lines on a lot of seven-tenths of an acre or more must not be more than one and one-half stories, nor more than 18 feet in actual height. Accessory buildings must not be greater in height than the main building.
- (6) In the R-1 one-family residence district and the R-2 one- to four-family residence district, an accessory building must not be located a lesser distance to a front property line than the main building except an open gazebo under 200 square feet in area and 12 feet in height may be placed in front of the main building on lots of more than seven-tenths of an acre, provided the house front yard depth is at least two times greater than the required front yard. On double frontage lots one accessory building may be permitted on the side opposite to the lot access point provided it meets applicable front yard requirements and matches the main structure in appearance. In all classes of residential and business districts, accessory buildings located in the front yard shall be finished to match the main use building.
- (7) In the R-1 one-family residence district and the R-2 one- to four-family residence district there must not be more than two accessory buildings placed on a lot of less than seven-tenths of an acre ~~(30,492 square feet)~~, nor more than three accessory buildings placed on a lot of more than seven-tenths of an acre. An open gazebo under ~~200~~ 120 square feet in area and 12 feet in height may be built in addition to the number of accessory building limitations indicated above.
- (8) All accessory buildings must be constructed to comply with all requirements of the building code including structural requirements.
- (9) No accessory building shall be used, permanently or temporarily, for human habitation; any building containing provisions for human habitation shall be considered a main use. In the R-1



one-family residence district and the R-2 one- to four-family residence district, one travel trailer, camper, motor-home or recreational vehicle may be used as a temporary guest residence for no more than ten days per calendar year ~~provided it complies with all applicable requirements of this section except as may be allowed by a conditional use permit. If placed in the front yard, it shall not project into public right of way or visibility triangles. The 10 days limit may be extended to 30 days by an interim use permit.~~

- (10) Trailers, semi-trailers, and storage containers (including, but not limited to, cargo and shipping container and PODS or any structures made of the above components) must not be used as accessory buildings in all classes of residential or business zoning districts. A single unit as described above may be utilized for temporary storage for no more than 30 consecutive days in a calendar year. The 30 days limit may be extended to 180 days by applying for an interim use temporary structure building permit and complying with all requirements of the city and building codes.
- (11) Any accessory building exceeding 300 400 square feet, ~~shall have a floor structure or be installed over a floating concrete slab and, if~~ capable of storing street legal motorized vehicles, shall be provided with a street driveway access to the public right of way in a form of a driveway that shall be paved complying with section 86-206 from the street through the required front yard. No driveway shall be required for secondary garages, provided a minimum double garage is attached to the house; however, if such driveway is installed, it shall be paved within the public right-of-way.
- (12) Accessory buildings, ~~including any projections,~~ must not be located within any utility easements. Overhangs and eaves may extend into such easement not more than two feet with written approval of the City Engineer.
- (13) In all classes of residential and business districts accessory buildings, ~~(including carports)~~ but excluding temporary structures installed for less than 90 days, must not use cloth, canvas, plastic sheathing, tarps, or similar materials as finish building materials.
- (14) Temporary Family Health Care Dwellings are not permitted~~Opt-out of Minn. Stat. § 462.3593, pursuant to authority granted by Minn. Stat. § 462.3593, Subd. 9.~~

(Code 1976, § 11.19(4)(C); Ord. No. 574, § 1, 6-4-2007; Ord. No. 614, § 1, 10-13-2009; Ord. No. 681 2nd series, § 1, 9-24-2013; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 711 2nd series, § 1 8-8-2016)

#### Sec. 86-164. - Accessory equipment.

- (a) In all the classes of residential districts, accessory equipment shall be subject to the following qualifications:
  - (1) Accessory equipment, except a single basketball hoop, shall not be located in any required front yard, side yard, or be located within 12 feet of any rear lot line except accessory equipment cumulatively less than 200 five square feet in area and less than eight four feet in height, ~~children playgrounds,~~ and sport courts may be placed not less than five feet to the side or rear property line.
  - (2) Accessory equipment shall not exceed 12 feet in height when measured from the lowest point of the finished surface of the ground within five feet of the support structure to the top of the equipment, ~~;~~ except that eEquipment mounted on the roof of the main building shall not project beyond the highest portion of the pitched roof structure of the building nor exceed four feet above the flat roof structure.
  - (3) When the accessory equipment is attached structurally and not just electrically to the main building, it shall comply in all respects with the requirements of this chapter as applicable to the main building and also to the requirements of the building code.

- (4) Accessory equipment must not be placed on a lot where there is no permitted use main building except in a case when such lot is not substandard and is adjacent to the lot where a permitted use main building is located, provided both lots have the same owner(s), and the owner(s) sign and record an agreement prohibiting the sales or transfer of individual lots unless a new main structure is built on a lot where accessory equipment, compliant with the city ordinance ~~[this chapter]~~, is located or said accessory equipment is removed. If such accessory equipment is allowed under above conditions, the city ordinance ~~[this chapter]~~ shall be applied as if two adjacent lots are combined into one, except a sports court may be located at a lesser distance to a front property line than the main building.
- (5) In the R-1 one-family residence district and the R-2 one- to four-family residence district accessory equipment must not be located a lesser distance to a front property line than the main building except accessory equipment less than six five square feet in area and less than four feet in height or (unless fully screened from public right-of-way by solid fence). On double frontage lots accessory equipment may be permitted on the side opposite to the lot access point provided it meets applicable front yard requirements.
- (6) Accessory equipment, including any projections, must not be located within any utility easements.
- (b) In all the classes of business ~~and industrial~~ districts, accessory equipment shall be subject to subsections (a)(1), (2), (3) and (6).
- (c) In all the classes of industrial districts, accessory equipment shall be subject to subsections (a)(1), (3) and (6).

(Code 1976, § 11.19(4)(D); Ord. No. 681 2nd series, § 1, 9-24-2013)