

## **Subd. B. Lot and Yard Provisions.**

1. **Purpose.** This section identifies minimum yard spaces, exceptions, and areas to be provided for in each zoning district.
2. **Detailed Data Required.** All applications for building permit in which new structures or building foot print expansion of existing structures are proposed, with the exception of Section 51.03, Subd. B.2.a below, shall be accompanied with a registered certificate of survey including all the information contained in Section 51.03, Subd. B.2.b below.
  - a. **Exemptions.** The following shall be exempt from Section 51.03, Subd. B.2, above:
    - 1) Structures that are constructed to allow for the passage of storm water, and does not change site topography or drainage patterns, including but not limited to decks, gazebos, and driveways, provided all required setbacks are met.
    - 2) Building additions provided the following:
      - a) The project does not change site topography.
      - b) The project does not change drainage patterns.
      - c) The project does not increase drainage onto adjoining properties.
      - d) The site is not located within the 100 year floodplain.
      - e) The building addition complies with all zoning district setbacks, and easements of record. In the case of a non-conforming structure, the building addition does not increase the non-conformity of the structure, or obstruct access to or from adjacent property.
      - f) In place of a registered survey, a detailed site plan must be submitted to include the following items:
        - (1) Scale of drawing, north arrow, and a legal description of the property.
        - (2) Dimensions of all lot lines, and all easements of record.
        - (3) Names of all abutting streets.

- (4) Location of all existing and proposed buildings, accessory additions, and future garage and deck locations on the lot.
- (5) Outside dimensions of proposed structure, including decks, porches, stairways, fireplaces, bay and bow windows.
- (6) If necessary, should the proposed structure or addition be set close to an apparent lot line, and the Building Official and/or Zoning Administrator is not able to determine the setback, the applicant is responsible (via a registered surveyor) to locate the lot line stakes to provide the exact location of the existing lot line, and that the structure will not encroach within the required setback area.

b. Survey Requirements.

- 1) All surveys must be certified by a Minnesota Registered Land Surveyor. Civic engineers may certify topographic surveys.
- 2) Scale of drawing, north arrow, and a legal description of the property.
- 3) Dimensions of all lot lines and all easements of record.
- 4) Location of all utilities as shown on recorded plats.
- 5) Names of all abutting streets.
- 6) Location of all existing and proposed buildings, accessory additions, and future garage and deck locations on the lot.
- 7) Outside dimensions of proposed structure, including decks, porches, stairways, fireplaces, bay and bow windows.
- 8) Location of stakes established by the surveyor along each side lot line. The maintenance of these stakes, once established by the surveyor, shall be the responsibility of the building permit applicant.
- 9) Grade elevations of the following points:
  - a) Each lot corner (both existing and proposed).

- b) Center of existing or proposed street at each lot line extended and at the driveway.
- c) Proposed grades around buildings, driveway, and walkout if included.
- d) Proposed floor elevations, basement, top of foundation, and garage.

Such elevations may be based on assumed data but shall be tied by the surveyor to a specified benchmark, if there is a known N.G.V.D. within a one-half (1/2) mile distance. In either case, benchmark description shall be given on the drawing.

- 10) The proposed disposal of drainage and surface water, indicating direction of surface water drainage by arrows. This must concur with any existing subdivision drainage plan.
- 11) The garage must be noted along with the driveway position.
- 12) Any existing wetlands, ponds, streams and lakes. For ponds and lakes, the normal water level and the 100 year flood elevation must be indicated on the survey.
- 13) Location of sewer and water connections.
  - a) In the case of private septic systems and wells, location of each shall be shown as appropriate and septic system drainfield laid out on the plan with proposed elevations.
  - b) If stubs for City water and sewer are available from City records, the location, size, and elevations shall be shown on the survey.
  - c) If stubs are not available, survey to determine elevation of inverts to nearest manholes up and down stream of the proposed building and show proposed location.

### 3. **Minimum Lot Area Requirements.**

- a. The minimum lot area shall conform to the standards of the applicable zoning district. No lot, yard, or other open space shall be reduced in area

or dimensions so as to make such lot, yard, or open space less than the minimum required by this Ordinance, and if an existing yard or other open space is less than the minimum required, it shall not be further reduced. No required open space provided about any building or structure shall be included as a part of any open space required for another structure.

- b. **Buildable Area.** The required minimum lot area shall be buildable land, as defined in Section 51.02 of this Ordinance and exclusive of utility transmission easements.
- c. **Open Space.** Each multiple family dwelling site of more than four (4) units shall contain at least five hundred (500) square feet of usable open space, as defined in Section 51.02 of this Ordinance, for each dwelling unit contained thereon.

#### **4. Building Placement and Multiple Structures.**

- a. **Street Obstructions.** All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.
- b. **Principal Buildings.** Except in an approved planned unit development that specifically allows it, as provided for in Section 2, Subd. 10 of this Ordinance, not more than one (1) principal building shall be located on a lot.

#### **5. Yards and Setbacks.**

- a. **Setbacks.**
  - 1) **Reductions.** No setback, yard or other open space shall be reduced in area or dimension so as to make such setback, yard or other open space less than the minimum required by this Ordinance, and if the existing setback, yard or other open space as existing is less than the minimum required, it shall not be further reduced.
  - 2) **Front Setback Exception.** Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the required front yard setback exceed that required minimum established within the districts of this Ordinance.

3) Traffic Visibility Setback. On corner lots in all districts, no structure or planting in excess of thirty (30) inches above the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected property lines of two (2) intersecting streets, thence twenty (20) feet along the property line, thence diagonally to a point twenty (20) feet from the point of beginning.

b. Permitted Yard Encroachments. The following structural elements or equipment shall not be considered as encroachments on setback requirements subject to other conditions provided herein:

- 1) All Yards.
  - a) Flag poles, sidewalks, wheelchair ramps, name plate signs, trees, shrubs, plants, yard lights, mailboxes, floodlights, or other sources of light illuminating authorized illuminated signs, or light standards for illuminating yards for safety and security reasons, provided the direct source of light complies with Section 51.03, Subd. D.2 of this Ordinance. These uses may be permitted in any yard provided they are not located in any easement.
  - b) Flues, belt course, bay windows, leaders, sills, pilaster, eaves, gutters, awnings, open terraces, open canopies, chimneys, ornamental features, open fire escapes extending from the principal structure, provided they do not project more than two (2) feet into a required setback.
  - c) In rear yards, laundry drying equipment, recreational equipment (non-vehicular), trellises, open arbors, detached outdoor living rooms not to exceed five hundred (500) square feet provided they maintain a five (5) foot setback from the side and rear lot lines. No encroachment shall be permitted within existing drainage or utility easements.
  - d) Terraces, steps, uncovered porches, deck stoops, landings, or other similar features that do not extend above the entrance floor of the building may extend into the required front yard setback no more than five (5) feet.
  - e) Uncovered porches, decks, balconies, and/or similar features may extend into a required side yard abutting a street setback or required rear yard setback provided the structure does not extend more than ten (10) feet into the

required setback and maintains not less than twenty (20) foot setback from the side lot line abutting the street or rear lot line.

- f) In the case of a residential lot in an R-E, R-1, R-2, or R-3 District backing onto a railroad, a public park, trail, wetland or other such similar permanently reserved open space, the required rear yard setback for terraces, elevated decks, ground level uncovered porches, stoops, landings or similar features may extend into a required rear yard setback, to a distance not less than ten (10) feet from a rear lot line. No encroachment shall be permitted in existing or required drainage and utility easements.
- g) Accessory buildings or equipment including: detached accessory buildings, air conditioners, accessory antennas, sport courts, swimming pools, and trash enclosures as regulated by Section 51.03, Subd. C.7 of this Ordinance.
- h) Fencing and landscaping as regulated by Section 51.03, Subd. D.10 of this Ordinance.

c. B-4 Zoning District Right-of-Way Permitted Encroachments.

- 1) Awnings and marquees provided that:
  - a) No encroachment over the public right-of-way shall project more than six (6) feet from the building or closer than two (2) feet from the curb line or street surface, whichever is least.
  - b) No encroachment may interfere with existing street lighting, or overhead power lines.
  - c) All portions of the marquee or awning framing extending over a public right-of-way shall be at least seven (7) feet above the ground or pavement.
  - d) Maximum thickness of a marquee measured from its lowest to highest point shall not exceed four (4) feet.
  - e) The marquee or awning shall be constructed with a design and materials consistent with the general character of the principal structure and the Central Business District.
- 2) Projection signs as regulated by Section 51.03, Subd. N of this Ordinance.

d. Zero Lot Line Subdivisions.

- 1) Townhomes and Apartments. If existing townhouses or apartment units not on separate unit lots are to be subdivided on an individual unit or condominium basis for owner occupancy, it shall require a planned unit development according to the provisions of Section 2, Subd. 10 of this Ordinance.
- 2) Subdivision of Two Family or Quadraminium Lots. The subdivision of base lots containing two family dwellings or quadraminiums to permit individual private ownership of a single dwelling within such a structure is acceptable subject to City Council approval. Approval is further contingent upon the following requirements:
  - a) Prior to a two family dwelling or a quadraminium subdivision, the base lot shall meet all the requirements of the zoning district.
  - b) There shall be no more than one (1) principal structure on a base lot in all residential districts. The principal structure on a unit lot created in a two family or quadraminium subdivision will be the portion of the attached dwelling existing or constructed on the platted base lots.
  - c) Permitted accessory uses as defined by the zoning districts are acceptable provided they meet all the zoning requirements.
  - d) A property maintenance agreement shall be arranged by the applicant and submitted to the City Attorney for review and subject to approval. The agreement shall ensure the maintenance and upkeep of the structure including but not limited to siding, roofing (type and color), fencing, driveways, maintenance, etc. and the lots to meet minimum City standards. The agreement is to be filed with the Wright County Recorder's office as a deed restriction against the title of each unit lot.
  - e) Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.
  - f) The subdivision is to be platted and recorded in conformance to requirements of the Delano Subdivision Ordinance.

