

MEMORANDUM

TO: North Mankato Planning Commission
FROM: Matt Lassonde, City Planner
Mike Fischer, Community Development Director
DATE: April 27, 2023
SUBJECT: North Mankato City Code - Chapter 156. Zoning Code Amendments

INTRODUCTION

During the April 2023 Planning Commission Meeting, the Planning Commission tabled proposed amendments to City Code Chapter 156: Zoning Code until the next regular meeting on May 11, 2023 where staff will bring a revised copy of the Code responding to the Commission's concerns. The following outlines concerns expressed by the Commission and staff's revisions.

REVISIONS RESPONDING TO PLANNING COMMISSION CONCERNS

The following lists Planning Commission concerns with Code Amendments along with recommended staff revisions:

1. **§ 156.003 Definitions.**

a. **Landscaping**

- *Planning Commission Concern:* Commissioners asked if sidewalks or walking paths were considered landscaping and/or if they should also be excluded in the definition.
- *Staff Response:* Staff revised the definition of landscaping to ensure that walking paths made of brick or rock are not considered landscaping.

b. **Sport Courts**

- *Planning Commission Concern:* Commissioners were concerned for a lack of a definition of sport courts.
- *Staff Response:* Staff inserted a definition for Sport Courts or Athletic Courts and assigned setbacks and size restrictions in the new accessory use tables.

2. **§ 156.035 Generally.**

a. **Accessory Use Tables**

- *Planning Commission Concern:* There was concern about confusing language regulating accessory structure or building size. The language in question stated, "Floor area not to exceed a combined total of 1,400 sq. ft. for all structures on a given lot." This language raised several questions:
 - i. Does this include all primary and accessory structures?

- ii. Does this include storage or utility sheds?
- iii. Are attached and detached garages included in this calculation?
- iv. Does "Floor Area" mean structure footprint, or combined square footage of all floors in a given structure?
- *Staff Response:* Staff updated this language to reference Chapter 156.035(G)(2) which states:

"Accessory structures or buildings, including attached and detached private garages, accessory recreational buildings, and pool houses/cabanas for one and two-family residential dwellings shall not exceed a total footprint of 1,400 square feet per lot for all structures combined. This excludes storage or utility sheds that are 168 square feet or smaller."

ADDITIONAL AMENDMENTS TO CHAPTER 156. ZONING CODE

Staff recommends additional amendments to Chapter 156. Zoning Code not included in the April 2023 presentation.

Corner lots are unique from typical lots in that more than one side of the property faces the street. The City Code is consistent in requiring that corner lots are subject to two front yard setbacks. This requirement prevents some homeowners from adding hard surface parking areas for campers, ice fishing houses, and other recreational vehicles adjacent to garages that are built to the required 30-foot front yard setback in Upper North (20-foot setback in Lower North).

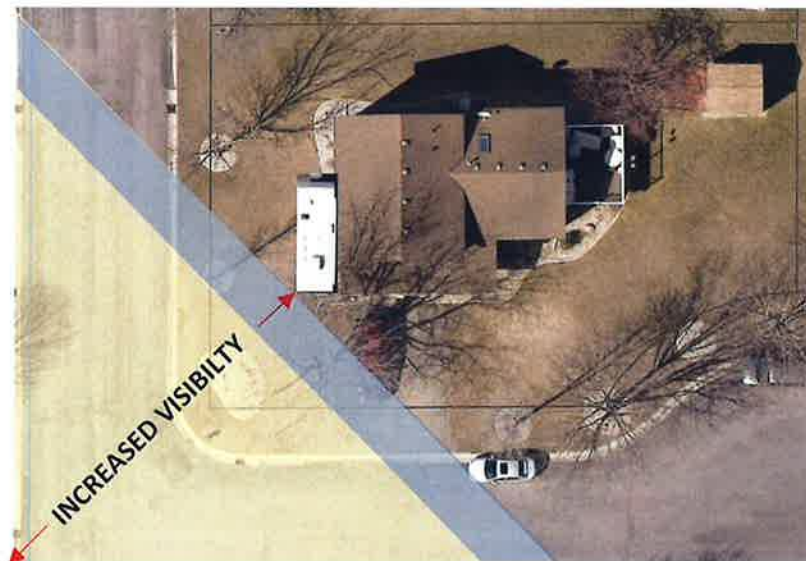
Staff believes the corner lot requirement for two front yard setbacks exists to ensure appropriate visibility is maintained at street intersections. However, driver visibility at street intersections can be worse if recreational vehicles are confined to park on standard driveways in front of homes. The pictures at the end of this memo illustrate this scenario for parking and impacts to visibility.

Alternatively, homeowners are permitted to add a fence in the location where hard surface parking might be located that extends up to six feet from the side of a private garage (not extending past the front of the structure).

Given driver visibility benefits of parking recreational vehicles on the side of garages and given that the City already allows fences in the front yard setback on corner lots, staff recommends the Planning Commission approve amendments to Chapter 156. Zoning Code that permit hard surface parking areas in front yard setbacks adjacent to garages on corner lots.

CONCLUSION

Revisions to Chapter 156. Zoning Code are attached to this document. Upon approval from the Planning Commission, the proposed amendments will be presented to the City Council for review. The revisions presented herein will alleviate issues staff have dealt with pertaining to accessory uses and yard regulations in the code. Proposed amendments will also remove unnecessary parking restrictions on homeowners residing on corner lots.



GENERAL PROVISIONS

§ 156.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY RECREATIONAL BUILDING. An accessory building or accessory portion of the principal building which is intended for and used for relaxation, private interests or hobbies, and/or amusement-type activities of the family or families resident upon the premises but not intended for or used to store private passenger vehicles. Activities undertaken in accessory recreational buildings shall not adversely affect the use and enjoyment of surrounding properties.

ACCESSORY USE, ACCESSORY STRUCTURE, or ACCESSORY BUILDING. A use, structure, building, or portion of a structure or building subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.

AGRICULTURAL. The art or science of cultivating the soil and activities incident thereto; the growing of soil crops in the customary manner on open tracts of land; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way. The term shall include the accessory keeping or raising of animals pursuant to applicable health and safety requirements and particularly in conformity with § [156.036](#).

ALLEY. A public right-of-way less than 30 feet in width which provides secondary access to abutting property.

APARTMENT. A part of a building consisting of a room or suite of rooms which is used for a semi-permanent residence for one family or an individual and equipped with cooking facilities, other than a boarding or lodging house, motel or hotel.

APARTMENT BUILDING. Three or more apartments grouped in one building where each apartment is accessed from a common hallway connecting to shared building entrances.

AUTOMOTIVE SERVICE STATION. Any building or premises principally used for the dispensing or sale of automotive fuels (including diesel), lubricating oil, grease, tires, batteries, or minor automotive accessories. Services offered may include minor installations, adjustments or repairs. When sales, service, and repair are offered as the principal use, such premises shall be classified as a public garage. Automotive service stations shall not operate truck, car or trailer rental or an automobile wash without a conditional use permit.

BASEMENT. A portion of a building having $\frac{1}{2}$ or more of its floor to ceiling height below the average grade of the adjoining ground.

BED AND BREAKFAST. An owner-occupied single-family residence which provides lodging and meals to registered guests.

BUILDING. Any structure having a roof which may provide shelter or enclosure of persons or property of any kind.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade along the building edge to the highest point of the roof surface.

BUILDING LINE. A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from the right-of-way line, except that an overhang portion of the roof not exceeding 24 inches may be permitted.

CAMP GROUND. Public or private land or premises used or occupied for compensation by campers.

CAR OR TRUCK WASHOR LAUNDRY. A building, or portion thereof, containing facilities for washing automobiles or trucks.

CONDITIONAL USE. A use having special circumstances pertaining to its location or operation which may be permitted in a district subject to approval by the City Council and is subject to conditions approved by the City Council.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the Construction Inspector or his or her designee shall establish such curb level or its equivalent for the purpose of this chapter.

DEPTH OF LOT. The horizontal distance between the front street right-of-way line and the rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

DISTRICT and **ZONING DISTRICT.** A section of the city for which the regulations governing the use of land and improvements thereon are the same. The word **DISTRICT** shall include the word **ZONING DISTRICT**, and the word **ZONING DISTRICT** shall include the word **DISTRICT** as defined and regulated herein.

DRIVE-IN. Any use providing the opportunity of selling, serving, or offering goods or services directly to customers waiting in vehicles or customers who return to their vehicles to consume or use the goods or services while on the premises of the principal use.

DRIVEWAY. A minor private way used by vehicles and pedestrians on an individual lot or parcel of land.

DWELLING. A building designed or used exclusively for residential occupancy but not including hotels, motels or bed and breakfast.

DWELLING UNIT. One or more rooms in a dwelling or other building designed for occupancy by one family for living purposes and having its own permanently installed cooking, sanitary facilities and separate identifiable access and complying with applicable residential building codes.

DWELLING - ATTACHED. A dwelling joined to other dwellings by a party wall or walls, including but not limited to such common references as townhouse, twin home, and row house.

DWELLING, CONDOMINIUM. A multiple family dwelling in which the dwelling units are separated by a party wall and which dwelling units are designed and intended to be owned separately in fee under the condominium statutes of the state.

DWELLING, DETACHED. A single-family dwelling which is entirely surrounded by open space on the same lot.

DWELLING, MANUFACTURED, MOBILE HOME. A structure, transportable in 1 or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, it is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under M.S. Ch. 327.31, as it may be amended from time to time, and which structure conforms to the requirements of the Manufactured Home Building Code. Any structure which is smaller than the above

dimensional requirements shall be known as a "recreational camping vehicle" pursuant to the definitions of M.S. Ch. 327.14, Subd. 7, as it may be amended from time to time.

DWELLING, MANUFACTURED, MODULAR. A housing unit that is basically fabricated at a factory and transported in sections to a building site where final assembly and installation of such components is completed to permanently affix the module to the site and thereby create a non-mobile housing unit conforming to the Minnesota State Building Code.

DWELLING, MANUFACTURED, PREFABRICATED. A housing unit with the walls, floors and ceilings constructed at a factory and which are transported to a building site where final assembly and installation of such component is completed to permanently affix the unit to the site and thereby create a non-mobile housing unit conforming to the Minnesota State Building Code.

DWELLING, MULTIPLE FAMILY. A dwelling designed for or intended for or containing 3 or more dwelling units, including but not limited to such common references as apartment buildings and condominiums.

DWELLING, SINGLE FAMILY. A dwelling designed for and used for occupancy by one family.

DWELLING, TWIN HOME. Two single family attached dwellings located on individual lots in such a manner that the common party wall is located on the common side lot line.

DWELLING, TWO FAMILY. A dwelling designed or intended exclusively for occupancy by 2 families living independently of each other and commonly referred to as a duplex. Also referring to a single family dwelling plus a single apartment.

DWELLING, ZERO LOT LINE. A single family dwelling attached by party walls with other single family dwellings in such a manner that the common party wall(s) is located on the common lot line(s), including but not limited to such common references as twin homes.

EARTH SHELTERED. Constructed so that 50% or more of the exterior surface is covered or in contact with earth. Exterior surface includes all walls and roof, but excludes garages and other accessory buildings. Earth covering on walls is measured from the floor of the structures lowest level. Earth covering on the roof must be at least 12 inches deep to be included in calculations of earth covering. An **EARTH SHELTERED** building must satisfy the building code standard promulgated pursuant to M.S. § 16B.61, as it may be amended from time to time. Partially completed buildings shall not be considered earth sheltered.

EXTERIOR STORAGE. The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

EXTRACTION AREA. Any non-agricultural artificial excavation of earth exceeding 50 square feet of surface area of 2 feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth, except that public improvement projects shall not be considered extraction areas.

FAMILY. An individual or 2 or more persons related by blood, marriage, or adoption, or a group of not more than 5 unrelated persons, living together as single housekeeping unit within a dwelling unit as distinguished from individuals or a group occupying a hotel, motel, club, lodge, sorority, fraternity, or dormitory.

FAMILY - TRADITIONAL. One or more persons related by blood or marriage residing in a single dwelling unit.

FAMILY - FUNCTIONAL. A collective group of unrelated persons residing in a single dwelling unit, limited to not more than 2 adult persons, together with their traditional family members of any age.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of walls, including basements and accessory buildings on the same zoning lot.

FLOOR AREA (LIVABLE). The same as **FLOOR AREA** except its application is limited to dwellings. It is measured from the interior faces of the interior walls and excludes all unoccupied cellars, garages, porches, attics, stairways, basements, storage, utility, heating rooms and similar areas.

GARAGE, PRIVATE. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

GARAGE, PUBLIC. Any premises used for the storage or care of motor vehicles or premises where any such vehicles are equipped for operation, are repaired, or are kept for remuneration, for hire, or for sale. Any sale of gasoline, oil, and accessories are only incidental to the principal use.

GARAGE, TRUCK. A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding 1-1/2 ton capacity.

GRADE, GROUND. The average of the natural ground elevation within a 200-foot radius within the buildable envelope of a lot or lots.

GRADE, STREET. The elevation of the established street in front of the building measured at the center of such front. The Zoning Administrator or his or her designee shall establish such street grade or its equivalent for the purposes of this chapter.

HOME OCCUPATION. Any occupation which is clearly secondary to the main use of the premises as a dwelling and does not substantially change the character thereof or have any substantial exterior evidence of such secondary use.

HOTEL. A building or portion thereof occupied as a lodging place for persons who are lodged with or without meals and in which there are more than 10 sleeping rooms.

LANDSCAPING. The enhancement of the appearance of land by altering its contours, including the planting of trees, shrubs and flowers or installation of rock, brick, or mulch. Rock or brick referenced here include those used as edging for landscaped areas. Patios, walkways, or other paved areas consisting of rock or brick are not considered landscaping under this definition.

LICENSE or PERMIT. A written license or permit issued by the city under the provisions of this chapter.

LOT. One unit of a recorded plat or subdivision of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved access.

LOT AREA. The area of a lot in a horizontal plane bounded by the lot lines.

LOT AREA PER FAMILY. The lot area required by this chapter to be provided for each unit in a dwelling, providing residence for one family.

LOT, CORNER. Any lot situated at the junction of and fronting on 2 or more streets.

LOT COVERAGE. The area of a zoning lot occupied by the principal buildings and accessory buildings measured as a percentage of the total area of the zoning lot.

LOT, DOUBLE FRONTAGE. A lot having frontage on 2 streets.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. The lines bounding a lot as defined herein. When a lot line abuts a street or alley, such lines shall also be street or alley lines.

LOT LINE, FRONT. That boundary of a lot which abuts a public street, and, in the case of a double frontage lot or a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a double frontage lot or a corner lot are equal, the front lot line shall be designated by the owner and filed with the Zoning Administrator.

LOT LINE, REAR. That boundary of a lot which is opposite the front lot line. If the rear line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT WIDTH. The width of a lot is its width measured at the front setback line.

LANDSCAPING. Plantings such as trees, grass, and shrubs.

MOTEL. A combination or group of 2 or more detached, semi-detached or connected permanent buildings that are used for overnight transient living accommodations and are oriented toward travelers parking their automobiles.

NONCONFORMING USE. Any pre-existing structure or previously permitted use of land which is inconsistent with the current provisions of this chapter or any amendment thereto.

NUISANCE.

(1) **PRIVATE NUISANCE.** Any wrongful action, which destroys or deteriorates the property of an individual or interferes with the person's lawful use or enjoyment of the property.

(2) **PUBLIC NUISANCE.** Maintaining a public nuisance by act, or by failure to perform a legal duty, intentionally causing or permitting a condition to exist which injures or endangers the public health, safety or welfare. A miscellaneous and diversified group of minor criminal violations, based on some interference with the interests of the community or the comfort and convenience of the general public may rise to the level of a "public nuisance." To be considered public, the nuisance must affect an interest common to the general public. The activity must be harmful to the public; create an interference in the use of way of travel; prevent the public from the peaceful use of their land and the public streets; or must affect a common interest of the general public.

NURSING HOME. A facility for the care of the aged or disabled.

OFF-STREET LOADING SPACE. A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate 1 vehicle of the type typically used in the particular business.

OFF-STREET PARKING SPACE. A land area exclusive of driveways of such shape and dimensions and so prepared as to be usable for the parking of motor vehicles, trailers, boats, campers and recreational vehicles.

OPEN SALES LOT. Any land used or occupied for the purpose of buying and selling any vehicles, goods, materials or merchandise and for the storing of same under the open sky prior

to sale. The words **OPEN SALES LOT** shall include the words **EXTERIOR STORAGE** as defined herein.

OVERHANG. Portion of a roof which projects beyond the main structure.

PLANNED UNIT DEVELOPMENT or PLANNED DEVELOPMENT. A large lot or tract of land developed as a unit rather than as individual development wherein 2 or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

PREFABRICATED DWELLING. See Dwelling, Manufactured, Prefabricated.

PRINCIPAL STRUCTURE OR USE. The purpose of activity for which the land or structure thereon is designed, arranged or intended, or for which it is actually occupied or maintained.

PUBLIC OPEN SPACE. Any publicly owned open area, including but not limited to the following: parks, playgrounds, school sites, parkways and streets.

RETAINING WALL. A structure made of masonry, stone, brick, concrete or timber that holds back soil, rock or landscaping material from a building, structure or area to prevent downslope movement or erosion and provide support for vertical grade changes.

ROW HOUSE. A group or row of dwellings which are joined by party wall or walls.

SETBACK. The horizontal distance between the property lines of and the allowable building lines as defined by the yard regulations of this chapter.

SOLAR COLLECTOR. Any device that is employed in the collection of solar energy for heating and/or cooling of a structure, building or water.

SOLAR ENERGY. Radiant energy received from the sun.

SOLAR ENERGY SYSTEM. A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes, including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

SPORTS COURT or ATHLETIC COURT. An outdoor area paved with asphalt, concrete, or similar hard surface material (not including driveways, patios, or pools) intended for athletic purposes including, but not limited to, basketball, tennis, handball, and racquetball.

STORAGE or UTILITY SHED. An accessory structure, either freestanding or attached to another structure, that is not classified for human habitation or occupancy and is intended to be used to store personal property.

STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY-HALF. That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least 2 opposite exterior-walls, are not more than 2 feet above the floor of such story.

STREET. A public right-of-way which affords a principal means of access to abutting property and which has been accepted by the city as a public way.

STRUCTURE. Anything constructed, the use of which requires permanent location on the ground; or attached to something having a permanent location on the ground.

STRUCTURAL ALTERATIONS. Any change, other than incidental repairs, which alters bearing walls, columns, beams, girders, foundations or other structural elements.

POOL HOUSE or CABANA. An accessory building located near a private swimming pool which is intended for and used to store pool related accessories including equipment necessary for pool operation, recreational equipment used in the pool, and other similar-type pool-related equipment while also including elements intended for pool-side relaxation, and/or pool related amusement-type activities.

TOWNHOUSE. A single family dwelling attached by party walls with other single family dwellings in such a way that all exits open to the outside.

TRAIL. A private means of access to abutting property.

UNRELATED INDIVIDUALS. Two or more individuals who are not related by blood, marriage, or adoption. For the purposes of this chapter, **RELATED BY BLOOD** shall mean whole or half relation between a common ancestor or descendant, husband, wife, son, daughter, father, mother, brother, sister, uncle, aunt, niece, nephew, stepchildren, legally adopted children, grandmother, grandfather, state assigned foster children, first cousin, or any combination of the above persons.

USE. The purpose for which land, premises or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

USED FOR. Shall include the phrases **ARRANGED FOR, DESIGNED FOR, INTENDED FOR, MAINTAINED FOR,** and **OCCUPIED FOR.**

VARIANCE. A modification or variation of the provisions of this chapter where it is determined that by reason of special and unusual circumstances relating to a specific lot, strict application of the ordinance would cause undue hardship or that strict conformity with the provisions of this chapter would be unreasonable, impractical or unfeasible under the circumstances.

WIND ENERGY CONVERSION SYSTEM (WECS). Any device that converts wind power to another form of energy such as electricity or heat (also referred to by such common names as wind charger, wind turbine, and windmill.)

YARD. An open space unoccupied by structures and exclusive of accessory uses except as may be otherwise permitted by this chapter.

YARD, FRONT. A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest point on the front building setback line. The front yard depth shall be measured from an existing or future street right-of-way line on which the lot fronts.

YARD, REAR. A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the rear building setback line.

YARD, SIDE. A yard between the side line of the lot and the side building setback line.

YARD TRANSITIONAL. A front, rear or side yard that may be required where any lot line coincides with any residential zoning district lot line, or where the extension of a front or side lot line coincides with a front lot line of any residential district lot line. The transitional yards shall be required where such properties are separated by a public street, alley, or highway right-of-way of less than 100 feet in width. Such yards required shall not be less than that which would be required under this chapter for a residential use on the adjacent residential lot.

(1975 Code, § 11.03) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 13, passed 7-6-1981; Am. Ord. 21, passed 4-8-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 29-82, passed 12-6-1982; Am. Ord. 37, passed 8-15-1983; Am. Ord. 214, passed 4-15-2002; Am. Ord. 17, 4th Series, passed 1-17-2008)

ZONING DISTRICTS AND DISTRICT MAP

§ 156.020 DISTRICTS.

(A) The city is divided into zoning districts. The zoning districts established are each separate and distinct and are designed to assist in carrying out the intents and purposes of this chapter.

(B) The districts are established as follows:

- (1) R-A, Residential Agricultural District;
- (2) R-1, One-Family Dwelling District;
- (3) R-1S, One Family Dwelling, small lot;
- (4) R-2, One and Two-Family Dwelling District;
- (5) R-3, Limited Multiple Dwelling District;
- (6) R-4, Multiple Dwelling District;
- (7) B-1, Neighborhood Business District;
- (8) B-2, Community Business District;
- (9) B-3, General Commercial District;
- (10) CBD, Central Business District;
- (11) I-1, Planned Industrial District;
- (12) M-1, Light Industry District;
- (13) M-2, Heavy Industry District;
- (14) TUD, Transitional Unzoned District;
- (15) OR-1, Office-Residential District.
- (16) P-1, Public Use District.

(1975 Code, § 11.04, Subd. 1) (Am. Ord. 213, passed 3-18-2002)

§ 156.021 ZONING DISTRICT MAP.

The location and boundaries of the districts established by this chapter are set forth on the Zoning Map and the map is made a part of this chapter. The map shall be known as the "City of North Mankato Zoning Map." The map and all notations, references, and data shown thereon are incorporated by reference into this chapter and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain the map and amendments thereto. The Official Zoning Map shall be publicly displayed in the City Hall. All amendments to the Zoning Map are generally described in the Table of Special Ordinances, see [Table I](#).

(1975 Code, § 11.04, Subd. 2)

§ 156.022 DISTRICT BOUNDARIES.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets or alleys or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated. Boundaries indicated as following shore

line shall follow the low water shore lines, and in the event of change in shore line shall move with the actual shore line; boundaries indicated as following the center lines of streams, rivers, canals, lakes, or other bodies of water shall follow such center lines. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.

(1975 Code, § 11.04, Subd. 3)

§ 156.023 FUTURE ANNEXATION.

Any land annexed to the city on or after the effective date of this chapter shall upon annexation and without formal zoning action be placed in a transitional unzoned district until otherwise zoned in accordance herewith.

(1975 Code, § 11.05)

DISTRICT REGULATIONS

§ 156.035 GENERALLY.

The regulations of this chapter within each district shall be minimum regulations and shall apply uniformly within each district, except as may be permitted or provided by this chapter.

(A) *District conformance.* No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(B) *Alterations.* No building or other structure shall hereafter be erected or altered to exceed the 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, front yards, side yards, or other open spaces than herein required, or allowed to be erected or altered in any other manner contrary to the provisions of this chapter.

(C) *Requirement computations.* No part of a yard or other open space, or off-street parking required for or in connection with any building for the purpose of complying with this chapter, 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 may be permitted by this chapter. Regulations requiring the use of numerical computations shall utilize the method provided by this chapter. Where no method has been provided by this chapter, it shall be the duty of the Zoning Administrator to determine appropriate uniform means of computation. In the event fractional sums, differences, products or quotients are determined in the application of this chapter, these values shall be "rounded off" to the applicable unit of measurement.

(D) *Yard or lot reductions.*

(1) No yard or lot existing at the time of the passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein except detached dwellings located on lots contained in plats recorded prior to the year 1958 which shall not be less than the following:

- (a) Front yards: 20 feet;
- (b) Side yards: 5 feet;
- (c) Rear yards: 20 feet;
- (d) Lot width: 50 feet.

(2) Yards or lots created after the effective date of this chapter shall not be less than the minimum requirements established by this chapter.

(E) *Accessory uses.* Accessory uses or structures shall not be located in any required front, side, rear or transitional yard except as may be permitted in this section.

(1) The following are the minimum residential building setbacks for permitted accessory uses for properties platted prior to 1958:

Accessory Use	Side Yard Setback	Rear Yard Setback	Front Yard Setback	Accessory Structure or Building Size Restrictions
Decks or Elevated Platform ⁽¹⁾	5 Feet	15 Feet	20 Feet	N/A
Patios or Paved Area ⁽²⁾	5 Feet	15 Feet	20 Feet	N/A
Parking Areas (must be hard surfaced)	5 Feet	15 Feet	Limited to Permitted Driveway ⁽³⁾	Minimum 20 feet in length
Utility Building/Shed	5 Feet	5 Feet	Not Permitted	Floor area not to exceed 168 sq. ft.
Private Garage: Vehicle Entry Doors Face Adjacent Alley	5 Feet	20 Feet	N/A	See § 156.035(G)(2)
Private Garage: Vehicle Entry Doors Face Side Property Line	5 Feet	5 Feet	N/A	See § 156.035(G)(2)
Private Garage: Vehicle Entry Doors Face Adjacent Street ⁽⁴⁾	5 Feet	5 Feet	20 Feet	See § 156.035(G)(2)
Accessory Recreational Building	5 Feet	5 Feet	20 Feet	See § 156.035(G)(2)
Sports Court or Athletic Court	5 Feet	15 Feet	Not Permitted	Included in calculated ground coverage. See § 156.037(I) and § 156.038(H)
Private Swimming Pool: <u>All Types</u> ; Non-Ravine Lot ⁽⁵⁾	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>In-Ground</u> Ravine Lot ⁽⁵⁾⁽⁶⁾	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>Above-Ground</u> Ravine Lot ⁽⁵⁾⁽⁶⁾	5 Feet	25 Feet	20 Feet	N/A
Pool House/Cabana	5 Feet	5 Feet	20 Feet	See § 156.035(G)(2)

1. Either attached to a dwelling or free standing, with no roof or overhead structure of any type.

2. Level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.
 3. A hard surfaced parking area is permitted in a front yard setback of a corner lot if it adjoins to the side of a private garage, does not exceed 10-feet in width, and does not extend past the rear of the garage it adjoins.
 4. Corner Lots are subject to two front yard setbacks.
 5. Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.
 6. The ravine breakline shall be established by the Building or Construction Inspector prior to pool construction. City staff can require a setback of up to 25 feet from any identified ravine breakline at their discretion, regardless of proximity to any property line; Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.
- (1) The following are the minimum residential building setbacks for permitted accessory uses for properties platted after 1958:

Accessory Use	Side Yard Setback	Rear Yard Setback	Front Yard Setback	Accessory Structure or Building Size Restrictions
Decks or Elevated Platform ⁽¹⁾	10 Feet	15 Feet	30 Feet	N/A
Patios or Paved Area ⁽²⁾	10 Feet	15 Feet	30 Feet	N/A
Parking Areas (must be hard surfaced)	10 Feet	15 Feet	Limited to Permitted Driveway ⁽³⁾	Minimum 20 feet in length
Utility Building/Shed	5 Feet	5 Feet	Not Permitted	Floor area not to exceed 168 sq. ft.
Private Garage	10 Feet	25 Feet	30 Feet	See § 156.035(G)(2)
Accessory Recreational Building	10 Feet	25 Feet	30 Feet	See § 156.035(G)(2)
Sports Court or Athletic Court	10 Feet	15 Feet	N/A	Included in calculated ground coverage. See § 156.037(I) and § 156.038(H)
Private Swimming Pool: <u>All Types</u> ; Non-Ravine Lot ⁽⁴⁾	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>In-Ground</u> ; Ravine Lot ⁽⁴⁾⁽⁵⁾	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>Above-Ground</u> ; Ravine Lot ⁽⁴⁾⁽⁵⁾	5 Feet	25 Feet	20 Feet	N/A
Pool House/Cabana	10 Feet	25 Feet	30 Feet	See § 156.035(G)(2)

1. Either attached to a dwelling or free standing, with no roof or overhead structure of any type.

2. *Level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.*
3. *A hard surfaced parking area is permitted in a front yard setback of a corner lot if it adjoins to the side of a private garage, does not exceed 10-feet in width, and does not extend past the rear of the garage it adjoins.*
4. *Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.*
5. *The ravine breakline shall be established by the Building or Construction Inspector prior to pool construction. City staff can require a setback of up to 25 feet from any identified ravine breakline at their discretion, regardless of proximity to any property line. Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.*

(F) *Height exceptions.* The building height limits established herein for districts shall not apply to belfries, cupolas, domes, spires, monuments, radio towers, flag poles, chimneys, water tanks, towers, solar collectors, wind energy conversion systems and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending above the roof of any building and not occupying more than 10% of the area of such roof. Building height limit exceptions shall conform to all structural design standards specified by the Minnesota State Building Code, as amended. In no event shall this section be construed to allow the construction or continued maintenance of structures constituting a hazard to the abutting property or the public at large. Where the average slope of lot is greater than 1 foot rise or fall in 7 feet of horizontal distance from the established street elevation at the property line, 1 story 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.

(G) *Accessory structures or buildings.* If an accessory **structure or building** is attached to the main building, it shall be made a structural part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building. An accessory **structure or building**, unless attached to and made a part of the main building, shall not be closer than 5 feet to the main building or another accessory **structure or building**. In no event shall an accessory **structure or building** be permitted on a vacant lot or when not subordinate to and serving the principal use structure on the same lot.

(1) An accessory **structure or building** larger than 168 square feet **and intended to be used to store private passenger vehicles** shall be accessible by a hard-surfaced driveway which meets all applicable setback regulations. **Accessory recreational buildings and pool houses/cabanas are permitted to be larger than 168 square feet but cannot be used to store private passenger vehicles.**

(2) **Accessory structures or buildings, including attached and detached private garages, accessory recreational buildings, and pool houses/cabanas** for one and two-family residential dwellings shall not exceed a total **footprint** of 1,400 square feet per lot for all structures combined. **This excludes storage or utility sheds that are 168 square feet or smaller.**

(3) No pole barn type construction is permitted for any residential private garage.

(4) Detached residential garage roofs must have a hipped or gable design. No barn-type roofs are permitted on detached garages.

(H) *Earth sheltered buildings.*

(1) Where an earth sheltered building substantially alters the natural watershed of the lot, computations for yard area shall be based on measurements from the surrounding cover of

earth. In cases where the earth sheltered building has been made part of the natural terrain, computations for yard area shall be made from the exterior surface of the building.

(2) All applications for building permits for earth sheltered buildings shall be accompanied by a drainage plan.

(l) *Wind energy conversion systems (WECS).*

(1) The location, design, maintenance and removal of WECS shall be governed as follows. WECS shall be considered a conditional use in all zoning districts. All appropriate regulations within each zoning district must be complied with in addition to regulations outlined below;

(2) Applicants requesting a building permit for a WECS shall furnish such scale drawings and information as the city deems necessary. This information may include, but is not limited to the following: a plot plan of the premises involved showing lot lines, the accurate location of all buildings or structures on the premises and on each adjacent plot and the location of proposed tower and all guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.

(3) The permitted maximum height of a WECS shall be determined in one of two ways:

(a) A ratio of 1 to 1 between the distance from the closest property line to any part of the WECS to the height of the tower;

(b) A maximum of 100 feet in agricultural and industrial districts and 60 feet in residential and commercial districts. The shortest height of the two above-mentioned methods shall be used in determining maximum height. Height shall be measured from the surrounding grade to the rotor hub or top of the tower, whichever is higher.

(4) No part of a WECS shall be located within or above any required front, side or rear setback area.

(5) All WECS shall be designed to meet the following minimum standards:

(a) An automatic braking device capable of halting operation in high winds (40 m.p.h. or greater) shall be incorporated;

(b) The WECS shall be designed, constructed and operated so as to not cause radio and television interference;

(c) The WECS shall be operated and maintained in a condition which will not cause unreasonable noise emissions;

(d) The WECS shall be placed on the property in a position which will not unreasonably obstruct the view from neighboring properties;

(e) The WECS shall be guarded against unauthorized climbing. The first 12 feet of the tower shall be unclimbable by design or be enclosed by a 6 foot high, nonclimbable fence with a secured access;

(f) The WECS shall be designed and installed to withstand natural lightning strikes;

(g) The WECS electrical equipment and connections shall adhere to all state and local government, as well as power company rules and regulations and standards.

(6) Any WECS which fails to comply with this chapter shall be brought into compliance within 90 days after notice by the city, or be dismantled. Any WECS not in operation for 12 months shall be dismantled.

(7) WECS existing at the date of adoption of this chapter or existing at the time of annexation, shall be brought into compliance within 12 months or be dismantled.

(8) The owner of a WECS which is to be dismantled must accomplish such act within 30 days or the city is empowered to dismantle such WECS and assess the costs against the property.

(9) WECS that are by nature ornamental, rather than functional, shall be exempt from this chapter if total height is less than 25 feet.

(10) The city requires liability insurance to be maintained on the WECS by its owner.

(11) In order to insure adequate wind access, the city does encourage the use of private easements and restrictive covenants as a means to protect wind access.

(J) *Minimum structural requirements.* The following shall be minimum structural requirements in all residential districts:

(1) All structures used for residential occupancy shall have a minimum width of 24 feet and shall be affixed to a continuous permanent foundation constructed of concrete block, poured concrete or wood.

(2) A private attached or unattached garage having a minimum floor area of 280 square feet shall be required to be built concurrent with each dwelling constructed.

(3) Roof systems must have a 2-12 minimum pitch. Hip, gable, mansard, gambrel or shed roof designs are allowable. Flat roofs are not recommended and will require engineering drawings and snow load certification.

(4) The provisions of this subdivision shall apply to all structures used for residential occupancy except structures controlled by the provisions of Ch. 152.

(5) A residential structure shall have a minimum width of 24 feet at its narrowest point and a minimum depth of 32 feet with a minimum floor area of 800 square feet on the main floor.

(6) Residential structures shall be placed upon and affixed to a permanent foundation consisting of concrete block, concrete, or treated wood. The foundation shall be solid for the complete circumference of the structure except for necessary doors or windows. The foundation shall align vertically with the outer walls of such structure for its complete circumference and shall, as well, provide such other support for the structure as is required pursuant to the Minnesota State Building Code.

(K) *Residential driveways.*

(1) The maximum allowable driveway width measured at the front property line on residential property having a width of less than 80 feet shall not exceed 24 feet. The maximum allowable driveway width measured at the front property line on a residential property having a width of 80 feet or more shall not exceed 30 feet. There shall be a minimum of 20 feet of hard surfaced driveway located perpendicular from the face of any garage stall to the street. All driveways shall conform to the required side yard building setbacks for the district it is within.

(2) *Circular drives.* The maximum allowable driveway width measured at the property line on residential property shall not exceed 14 feet.

(3) For garages with access from the alley there shall be a minimum of 20 feet of hard-surfaced driveway, located perpendicular from the face of any garage stall to the alley or side property line, depending on the position of the garage doors. In no event shall a driveway encroach into a side yard building setback.

(L) *Ravine setbacks.* For all uses permitted there shall be a setback of no less than 25 feet, measured from the breakline of an adjacent ravine to any permanent structure, including but not limited to: dwellings, garages, decks, and above-ground patios. Gazebos exceeding 144 square feet in size are subject to a 25-foot ravine breakline setback. The breakline shall be established by the Building or Construction Inspector prior to construction.

(M) *Cul de sac lot provisions.*

(1) *Lot width.* The minimum lot width measured at the front property line on platted cul de sac lots shall be a minimum of 50 feet.

(2) *Driveways.* The maximum allowable driveway width measured at the property line on cul de sac lots shall not exceed 24 feet. Beginning at the front property line, the driveway width may be enlarged at an angle not greater than 45 degrees to a point not closer than 10 feet to any side property line.

(N) *Carports.* Permitted within any zoning district subject to applicable setback regulations within each zoning regulation.

(O) *Amateur radio towers.* Permitted within any zoning district subject to applicable setback and building height requirements.

(P) *Storage or utility sheds.* Permitted in any residential zoning district subject to the following:

- (1) Maximum floor area shall not exceed 168 square feet.
- (2) Minimum setback is 5 feet from any rear or side property line.
- (3) Located a minimum of 5 feet from any main or accessory building.
- (4) Shall not be located within any front yard.
- (5) Maximum height shall not exceed 14 feet.
- (6) Overhangs shall not exceed 2 feet.
- (7) Access door shall not exceed 6 feet in width.
- (8) No more than 1 storage shed or utility shed is permitted on any lot.
- (9) Minimum setback is 5 feet from any ravine breakline.

(R) *Foundation drainage.* All residential and commercial foundation drains shall be connected to a sump pump or directed into an adjacent ravine with the discharge line located at the bottom of the ravine. Beginning at a distance of 3 feet from the foundation wall, a drainage pipe shall be non-perforated.

(S) *Land preparation.* The initial stripping of land for any development requires the removal of all organic material and soil to a depth of at least 12 inches. Professional soil engineer or building inspector findings may require the removal of more than 12 inches of soil.

(T) *Minimum distance between buildings.* The minimum distance between privately owned primary or accessory buildings shall be 5 feet.

(U) *Foundation elevations.* The following standards apply for all new residential construction:

(1) Finished grade elevations shall have a minimum of 5% slope up to a maximum of 8% slope, from the back top of curb to the finished grade elevation adjacent to the foundation wall. This applies to the minimum front yard setback requirements for valley and hilltop locations. Any

variations are subject to be reviewed for approval by the City Building Official. Criteria for determining setback elevations beyond minimum setbacks are subject to the following:

- (a) Required setbacks.
- (b) Surface contours.
- (c) Elevations of adjacent properties.
- (d) Distance from top back of curb.
- (e) Drainage.

(2) The City Building Official shall establish the final floor elevation for all new residential, commercial or industrial buildings.

(3) Window well casings shall be constructed a minimum of 6 inches above finished grade.

(4) Residential property drainage. Drainage resulting from new home construction must conform to the topography of the land and be directed so as to not adversely affect neighboring property. Drainage plans are subject to Building Inspector approval.

(V) *Driveway paving.* Driveway paving shall occur within 1 year after a building permit is issued for a garage and/or driveway having access to a public street or alley. The driveway shall be hard surfaced.

(W) *Stormwater drainage plan.* On-site stormwater detention is required for any new parking lot. Prior to issuance of a building permit, a stormwater drainage plan shall be submitted and approved by the City's Construction Inspector (refer to standards).

(X) *Stormwater detention pond.* For any residential, commercial or industrial development utilizing more than 1 acre of land, an on-site stormwater detention pond is required. Prior to issuance of a building permit, a Stormwater Drainage Plan shall be submitted and approved by the Building Inspector. Setbacks for storm water ponds, rain gardens or other storm water retention areas shall be a minimum of 10 feet from any property line.

(Y) *Address identification numbers.* Any residential dwelling unit or Commercial/Industrial building shall display address identification numbers on the dwelling or building that shall be visible from the nearest public street and be of a contrasting color from the dwelling or building. The height of the numbers shall be no less than 4 inches.

(Z) *Property corners.* Prior to construction of any new residential dwelling, dwelling addition, garage, garage addition or commercial/industrial building, it is the responsibility of the property owner to establish or display all property corners. For any other type of project that requires a building permit, it may be necessary for the property owner to display property corners at the request of the Building Official or Assistant Building Inspector. Property corners shall be located by the property owner or a registered land surveyor.

(AA) *Underground systems.* Underground invisible pet fencing shall be located a minimum of 3 feet from any sidewalk or street. Any underground sprinkler system installed within any public right-of-way is at risk from damage as a result of street or utility maintenance or any other public improvement project. The city accepts no responsibility for underground sprinkler system or invisible pet fencing damage in any public right-of-way.

(BB) *Home occupations.* Home occupations are permitted uses in residential districts and shall conform to the following standards:

(1) Such use shall be operated entirely within the primary living dwelling. The use of an attached or detached accessory building or garage for such use is prohibited.

- (2) Such use shall not employ any person not residing on the premises.
- (3) Such use shall not exceed 1/3 of the main floor space of a dwelling.
- (4) Only 1 home occupation shall be operated within a dwelling.
- (5) There shall be no outside storage of materials, goods, supplies, or equipment of any kind related to the home occupation.
- (6) No traffic or parking demand shall be generated by such use in greater volumes than would normally be expected in a residential neighborhood.
- (7) Any occupation shall be clearly secondary to the main use of the premises as a residential dwelling.
- (8) The owner of the building shall be the operator of the home occupation.

(CC) *Outside storage of materials in Business or Commercial districts.* Where outside storage of materials, equipment and product is permitted in a Business or Commercial district, such outside storage shall conform to the following provisions.

- (1) Outside storage shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 6 feet in height.
- (2) Outside storage areas shall be hard surfaced using concrete or asphalt material.
- (3) Outside storage areas shall not be located within setback areas.
- (4) All materials stored outside shall be directly associated with the business.

(DD) *Outside storage in Industrial districts.* Where outside storage of materials, equipment and product is permitted in an Industrial district, such outside storage shall conform to the following provisions.

- (1) Outside storage areas shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 8 feet in height.
- (2) Outside storage areas shall be hard surfaced using concrete or asphalt material.
- (3) Outside storage areas shall not be located within setback areas.
- (4) All materials stored outside shall be directly associated with the industry.

(EE) *Outside storage of materials in Residential districts.* In any Residential zoning district, it is unlawful for any person to discard, place, accumulate, maintain or store out of doors, the following:

- (1) (a) Unlicensed, unregistered or inoperable motor vehicles, recreational vehicle, boats, campers, snowmobiles, trailers or similar equipment.
- (b) In the event a licensed motor vehicle parked or stored out of doors on private property has not been moved within a consecutive 30-day time period, the Zoning Administrator may, by written letter to the property owner, request that the vehicle owner demonstrate the vehicle is operable by starting and driving the vehicle a distance of not less than 500 feet. The operation to be observed by the Zoning Administrator or his or her designee.
- (2) Motor vehicle bodies, frames, parts, tires, rims or other machinery or equipment.
- (3) Household furnishings or appliances.

- (4) Lumber or construction materials.
- (5) Non-residential vehicles including but not limited to: tractors, buses, skid loaders and commercial trucks.
- (6) Lawnmowers, snowblowers and other lawn and garden equipment.
- (7) Garbage, litter and other debris which is considered to be a public nuisance by the Zoning Administrator.
- (8) The outside storage of materials shall not be located within any building setback area.
- (FF) *Outside storage of vehicles in Residential districts.* In any Residential district, the off-street parking of vehicles shall conform to the following provisions.
- (1) The off-street parking on any automobile, trailer, camper, boat, or recreational vehicle shall be on a lawfully permitted hard-surfaced area constructed of concrete or asphalt.
- (2) The off-street parking of any automobile, trailer, camper, boat, or recreational vehicle shall not be within any building setback area unless on a lawfully constructed parking area adjacent to an alley.
- (3) Any automobile, trailer, camper, boat or recreational vehicle stored on private property shall be licensed and registered to the property owner or tenant.
- (4) Any automobile, trailer, camper, boat, recreational vehicle stored on private property shall not be used to store materials or equipment.
- (GG) *Driveways and curb openings.* The following standards shall apply for each use.

	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
Single Family Interior Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot utilizing circular drive	14 feet	2	20 feet	10 feet
Single Family Cul-de-Sac Lot	24 feet	1	20 feet	10 feet
Multi-Family (2-8Units)	24 feet	1	20 feet	10 feet
Multi-Family (Over 8 Units)	24 feet	2	20 feet	10 feet
Commercial/Business	36 feet	2	20 feet	10 feet
Industrial	50 feet	4	20 feet	10 feet

(HH) *Residential occupancies.* Residential occupancies of single and two family dwellings in the R-1, R-1S and R-2 Districts shall be limited to family-functional and family-traditional as defined by § 156.003. A family-traditional or family-functional may have 1 additional person

residing with them for non-rental purposes or for the purposes of providing a housekeeping or personal service for the resident(s) therein.

(II) For every new attached or detached residential dwelling unit constructed, an individual water service and shut-off shall be installed for each dwelling unit. Multi-unit rental apartment buildings are not subject to this provision.

(JJ) *Landscaping.* In conjunction with any new residential dwelling, commercial or industrial building, landscaping, including seeded or sodding, shall occur within 1 year after a building permit is issued.

(KK) *Pergolas and dog kennels.*

(1) Building setbacks for pergolas and dog kennels are as follows:

Valley	Hilltop
Side yard - 5 feet	Side yard - 10 feet
Rear yard - 5 feet	Rear yard - 10 feet

(2) Pergolas and dog kennels shall not be located within any front yard building setback.

(LL) *Playhouses.* Permitted in any residential zoning district, subject to the following:

- (1) Maximum floor area shall not exceed 60 square feet.
- (2) Maximum height shall not exceed 5 feet.
- (3) Minimum setback is 5 feet from any rear or side property line.
- (4) Shall not be located within any front yard.
- (5) No more than 1 playhouse permitted on any lot.
- (6) Minimum setback is 5 feet from any ravine breakline.
- (7) Shall be located a minimum of 5 feet from any main, accessory or utility building.

(MM) *Garage and yard sales.* Permitted in all residential districts and the Central Business District subject to the following:

- (1) Events shall not exceed 3 days in length with no more the 4 events allowed in any 12-month period.
- (2) No items related to the event shall be stored out-of-doors overnight.
- (3) No items or materials shall be located in any boulevard or public right-of-way area.

(1975 Code, § 11.06) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 21, passed 4-9-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 36, passed 8-15-1983; Am. Ord. 114, passed 5-7-1990; Am. Ord. 146, passed 3-6-1995; Am. Ord. 193, passed 7-24-2000; Am. Ord. 194, passed 7-24-2000; Am. Ord. 206, passed 4-16-2001; Am. Ord. 233, passed 12-1-2003; Am. Ord. 235, passed 1-20-2004; Am. Ord. 8, 4th Series, passed 1-16-2007; Am. Ord. 17, 4th Series, passed 1-17-2008; Am. Ord. 21, 4th Series, passed 1-20-2009; Am. Ord. 34, 4th Series, passed 1-18-2011; Am. Ord. 48, 4th Series, passed 1-22-2013; Am. Ord. 63, 4th Series, passed 1-5-2015; Am. Ord. 86, 4th Series, passed 4-3-2017; Am. Ord. 102, 4th Series, passed 4-2-2018; Am. Ord. 112, 4th Series, passed

1-22-2019; Am. Ord. 114, 4th Series, passed 5-6-2019; Am. Ord. 125, 4th Series, passed 2-18-2020)