

**CHAPTER 918 INTERPRETATION, ENCROACHMENT AND MEASUREMENT**

918.010 General Rules for Interpretation ..... 918-1  
918.020 Common District Requirements ..... 918-2  
918.030 Lot and Parcel Controls ..... 918-3  
918.040 Encroachments Allowed into Required Setback Areas ..... 918-5  
918.050 Heights Limits and Exceptions ..... 918-5  
918.060 Rules of Measurement ..... 918-6

**918.010 General Rules for Interpretation**

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this ordinance shall be interpreted in accordance with the general purposes set forth in Chapter 902, General Provisions, and the specific purpose statements set forth throughout this ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this article, the specific section’s meaning and application of the term shall control.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the City. References to days are calendar days unless otherwise stated.

E. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

F. Delegation of Authority

Any act authorized by this ordinance to be carried out by a specific official or department of the City may be carried out by a professional-level designee of such official or department.

G. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. The words “business” and “commercial” may be used interchangeably.

H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Little Canada, unless otherwise indicated.

I. Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items, conditions, provisions or events apply; and
2. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

K. Tenses, Plurals, and Gender

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
3. Words used in the masculine gender include the feminine gender, and vice versa.

L. Terms Not Defined

If a term used in this Ordinance is not defined in this Chapter, the Community Development Department shall have the authority to provide a definition based upon the definitions used in accepted sources including but not limited to: A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms: A Survey of Zoning Definitions, or any standard dictionary.

**918.020 Common District Requirements**

The following regulations shall apply in all base zoning districts.

A. Building within Public Easements Prohibited

No permanent structure shall be built in an easement dedicated for a public purpose unless authorized by an amendment to the easement or a license agreement issued by the Community Development Department.

B. Protection of Future Streets

No building shall be so placed so that it obstructs 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.

C. Outlots

No building permit or grading permit can be issued for a parcel of land designated in a plat as an outlot unless specifically authorized by the City Council.

D. Principal Buildings on a Parcel

Normally, only one principal building is allowed on each land parcel. However, more than one principal building may be allowed on a platted lot if:

1. The buildings are closely equivalent in size and importance and
2. They are all approved and remain under the same ownership or
3. The parcel is platted as a Common Interest Community per MS 515B.2-1101.
4. The parcel is platted as a planned-unit development.

**918.030 Lot and Parcel Controls**

A. Survey Required

Any person desiring to improve property shall submit to the Building Official a survey of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to insure conformance to City Codes.

B. Zoning Lots

No part of an existing zoning lot shall be used as a separate zoning lot or for the use of another zoning lot, except as otherwise provided in this ordinance.

C. Minimum Lot Area

Lot area requirements shall be as specified in the applicable zoning district in which a zoning lot is located. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements identified within this ordinance.

D. Street Frontage

Each lot shall have frontage on a public street at a width satisfying the requirements specified for each zoning district. In the case of a condominium, unified shopping center, or planned unit development, the entire site shall be considered one zoning lot.

E. Common Yard and Height Requirements

1. In General

- a. Unless otherwise authorized by variance, administrative adjustment or PUD, no lot, yard, or open space shall be reduced in area or dimension so as to make such lot, yard, or open space less than the minimum required by this ordinance; and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

- b. A yard or other open area required about a building shall not be included as part of a yard or other open space for another building.

F. Division of a Zoning Lot

No zoning lot shall be divided into two (2) or more zoning lots unless all zoning lots resulting from such division conform to all applicable regulations of this ordinance.

G. Existing Lots

1. A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the Office of the County Recorder or Registrar of Titles on or before the date of adoption of this chapter may be used for single-family detached dwelling purposes provided the area and width are within 66 percent of the minimum requirements of this chapter and provided that it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve the permanent dwelling.
2. In the Shoreland Overlay Zoning District, lots of record in the Office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Chapter 910, Shoreland Overlay District, may be allowed as building sites without variances from lot size requirements provided:
  - a. The use is permitted in the zoning district;
  - b. The lot has been in separate ownership from abutting lands at all times since it became substandard;
  - c. The lot was created compliant with official controls in effect at the time;
  - d. Sewage treatment and setback requirements of this chapter are met;
  - e. Impervious surface coverage does not exceed 25 percent of the lot.
3. In the Shoreland Overlay Zoning District, a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
  - a. The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minn. Rules, Ch. 6120;
  - b. The lot must be connected to safe and adequate sewage treatment;
  - c. Impervious surface coverage must not exceed 25 percent of each lot; and
  - d. Development of the lot must be consistent with an adopted comprehensive plan.
4. A lot subject to sub-section (C), above, not meeting the requirements of sub-section (C) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
5. Notwithstanding sub-section (C), contiguous non-conforming lots of record in shoreland areas under a common ownership must be able to be sold individually if each lot contained a habitable dwelling at the time the lots came under common ownership and the lots are connected to safe and adequate sewage treatment.
6. In the Shoreland Overlay Zoning District, when evaluating variances, zoning and building permit applications or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff,

impervious surfaces, increased setback, wetland restoration, vegetative buffers, sewage treatment and water supply, and other conservation actions.

7. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

#### H. Corner Lots

On a corner lot, one of the lot lines that abuts the street shall be considered a front lot line and the other shall be considered a corner side lot line. Establishment of the front lot line shall be based on the orientation of the existing or proposed building.

#### I. Through Lots

On a through lot, both lot lines that abut the street shall be considered front lot lines. The required front setback shall be provided and maintained along each front lot line.

### **918.040 Encroachments Allowed into Required Setback Areas**

The following shall be considered as permitted encroachments on setback and height requirements except as provided in this chapter.

#### A. In Any Yard

Off-street open parking spaces, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, patios and open terraces that do not rise more than 1 foot above the ground, service station pump islands, open canopies between principal and accessory buildings, steps, access ramps for handicapped persons, chimneys, antennas mounted on buildings, flag poles, posts, mail boxes, "Little Free Libraries," ornamental features, open fire escapes, sidewalks and fences and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended.

#### B. Front Porches

A covered front porch or a covered front stoop, with a lateral enclosure of not more than a balustrade, may encroach into the front yard by up to 6 feet.

#### C. Features Taller than 1 Foot above Grade

Extensions of decks more than 1 foot above grade, balconies and eaves and shall not extend over minimum side or rear setback lines or over driveways, however, encroachments on the front and rear yard setbacks are permitted as follows:

1. Front yard setback: An encroachment into the front yard setback equal to 10 percent of the minimum front setback required for the underlying zoning district.
2. Rear yard setback: These features must be located at least 20 feet from the rear property line.

### **918.050 Height Limits and Exceptions**

#### A. In General

The total height of any structure shall not exceed the maximum height limit established for the applicable zoning district unless expressly stated otherwise in this ordinance.

#### B. Exceptions

Height limits shall not apply to chimneys, church spires, belfries, cooling towers, cupolas

and domes which do not contain useable space, elevator penthouses, fire escapes or roof access stairways, flag poles, mechanical equipment required to operate and maintain the building, monuments, parapet walls extending not more than 3 feet above the limiting height of the building, rooftop dish antennas, skylights, water towers, wind electrical generators, telecommunication towers or similar appurtenances, provided:

1. The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
2. The appurtenance does not extend more than 25 feet above the maximum permitted building height, except as specifically allowed by this ordinance;
3. The appurtenance does not exceed a maximum height of 200 feet above grade;
4. The appurtenance is not constructed for the purpose of providing additional floor area in the building; and
5. The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this ordinance.

#### **918.060 Rules of Measurement**

##### **A. Measurements, Generally**

###### **1. Purpose**

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this ordinance. These standards may be modified by other applicable sections of this ordinance.

###### **2. Distance Measurements, Generally**

Unless stated otherwise, all distances are in feet or square feet. Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

###### **3. Lots**

###### **a. Average Lot Size:**

The mean lot size for all lots being platted.

###### **b. Average Lot Width:**

The mean lot width for all lots being platted.

###### **c. Lot Area:**

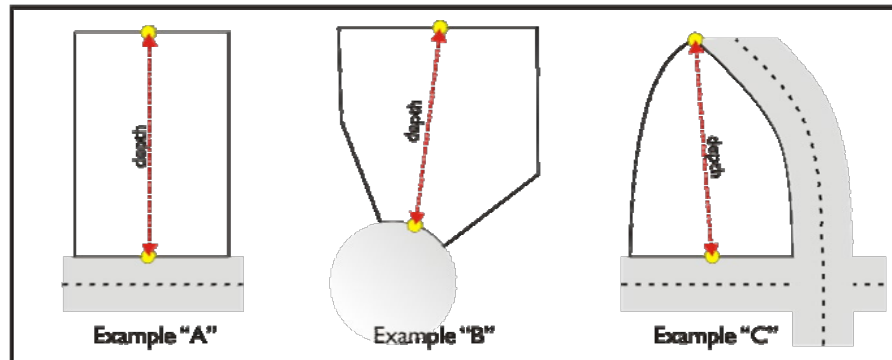
The amount of land area, measured horizontally, included within the lines of a lot. Lands located within any private easements shall be included within the lot area. Public rights-of-way and areas below the ordinary high-water (OHW) mark for water features are not to be included in calculating lot area, except where specifically allowed by this ordinance. The terms "lot size" and "lot area" shall be interchangeable.

###### **d. Lot Coverage:**

Lot coverage shall be calculated as the total horizontal surface area of impervious surface on a given lot.

## e. Lot Depth:

Lot depth shall be determined by a straight line connecting the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot when there is no rear lot line (see Figure 918-1 for examples).



**Figure 918-1** depicts the midpoints of the front and rear lot lines in three instances. Lot depth is measured by connecting a straight line between the midpoints of the front and rear lot lines, as shown. When there is no rear lot line, as in Example "C," the depth is measured to the rear-most point of the lot from the front lot line.

## f. Lot or Street Frontage:

In the case of a building lot abutting upon only one street, the frontage line is the line parallel to and common with the right-of-way. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street shall be considered the frontage line. For the purpose of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as required in this ordinance.

## g. Lot Line

## 1. Corner Side Lot Line

The corner side lot line is a side lot line that abuts a street or other right-of-way.

## 2. Front Lot Line

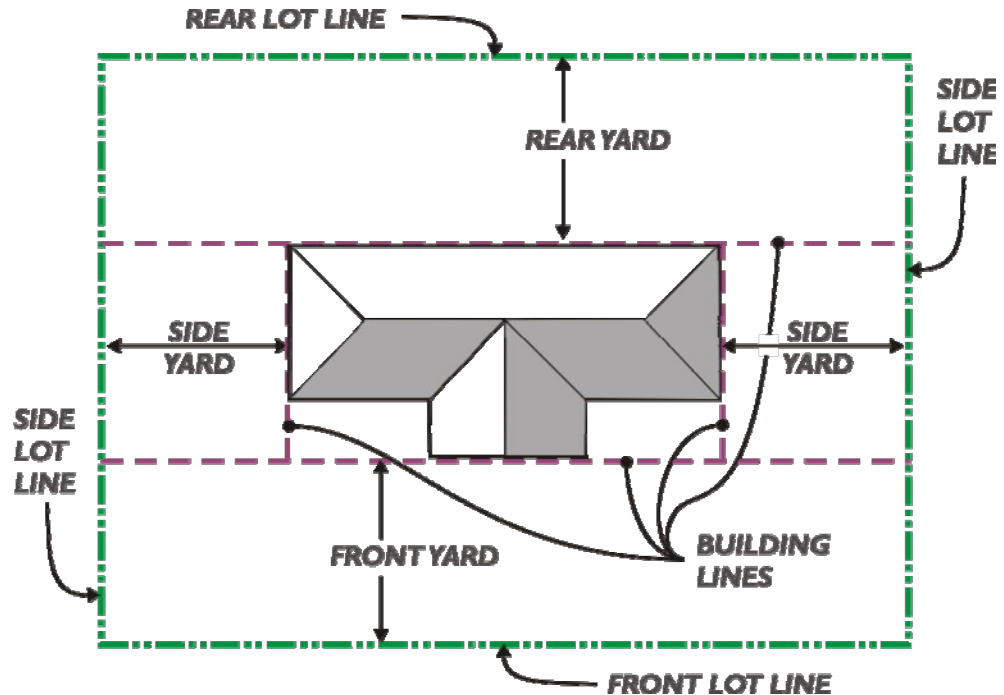
The front lot line is the line connecting the two side lot lines along the edge of the street that provides a lot's street address or that opposes the primary entrance of a building.

## 3. Rear Lot Line

The rear lot line is the line connecting the two side lot lines along the edge of the lot opposite from the front line.

## 4. Side Lot Line

The side lot line is the lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.



**Figure 918-2:** Yards, Lot Lines and Building Lines

#### h. Lot Types

##### 1. Base Lot

A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose. References to “lot” within this ordinance are synonymous with “base lot.”

##### 2. Corner Lot

A lot located at the intersection of two or more streets (other than alleys), regardless of whether or not such streets intersect at right angles.

##### 3. Cul-de-Sac Lot

A lot located on the head or turn around of a cul-de-sac with side lot lines on a tangent to the arc of the right-of-way.

##### 4. Double Frontage Lot

A lot other than a corner lot with frontage on more than one street other than an alley.

##### 5. Flag Lot

An “L-shaped” lot on which the front lot line is narrower than the minimum required and is narrower than the portion of the lot that does not abut the public street. Flag lots are not allowed except by variance, administrative adjustment or planned-unit development.

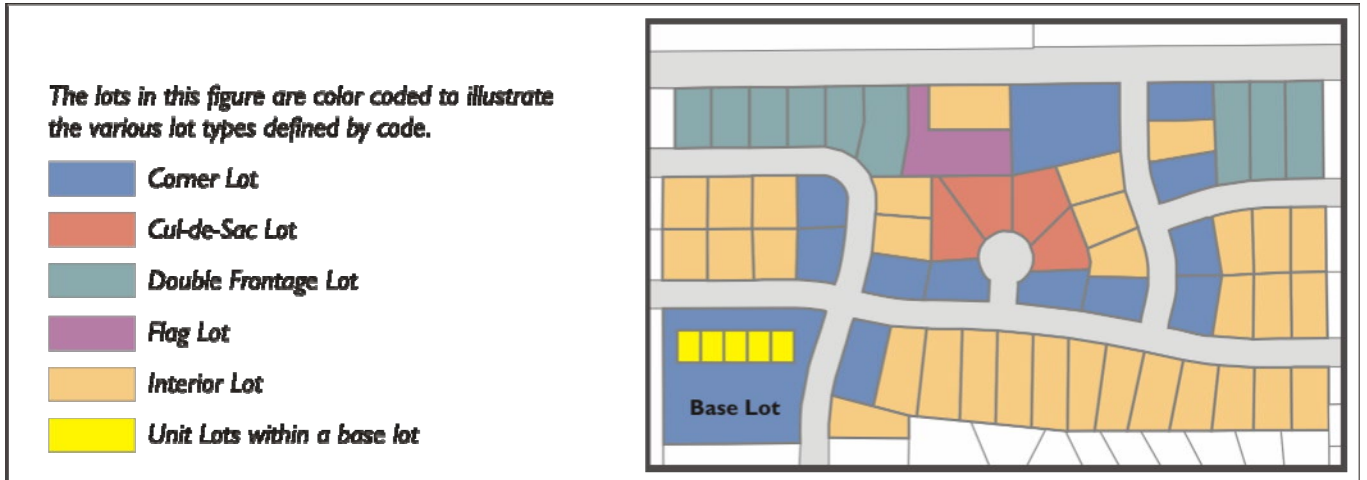


6. Interior Lot

A lot other than a corner lot with only one frontage on a street other than an alley.

7. Unit Lot

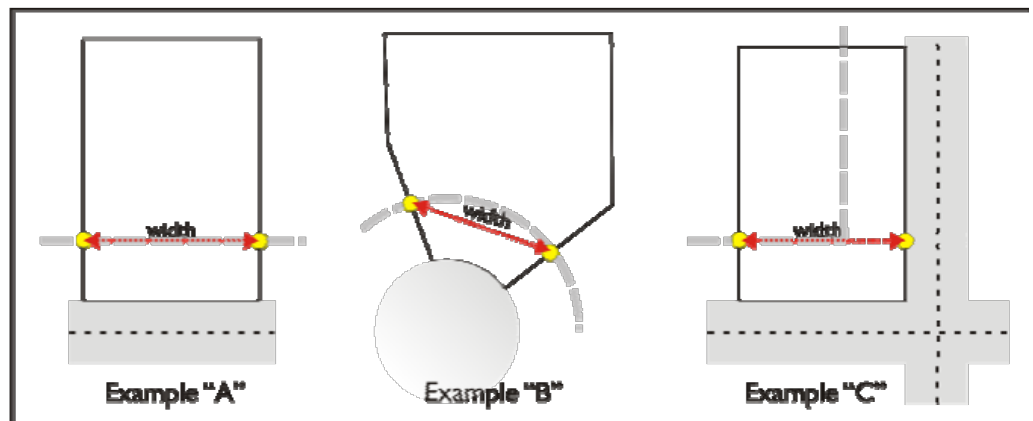
A specialized lot created within a base lot simply for the purpose of defining ownership for certain multi family dwelling types.



**Figure 918-3:** Types of Lots

i. Lot Width

1. Lot width shall be determined by a straight line connecting the end points determined by the intersection of the side lot lines and the required front yard setback.
2. The width of a corner lot shall be calculated from the side with the least frontage on a right-of-way.



**Figure 918-4:** The gray lines in Figure 918-4 run along the required front yard setbacks. The width of a lot is determined by a straight line connecting the points where the front setback line intersects the side lot lines. In the case of Example C, a corner lot with a front and a corner-side setback, the width is measured along the narrower street because the front lot is defined as being along the narrower side.

**B. General Lot Requirements****1. Construction of More Than One Principal Structure on a Platted Lot**

Whenever any land is subdivided, a building permit for the construction of a building or other principal structure (excluding buildings under common ownership or unified control) shall not be issued unless the land is subdivided in accordance with the procedures and standards of this Ordinance.

**2. Any newly annexed, unplatted property shall be platted in accordance with the provisions and standards of this Ordinance before it is developed.**

For the purposes of this chapter, the term “developed” is defined as any construction activity requiring the installation of public improvements or any construction activity requiring a building permit except for: decks, driveways, fences, accessory structures less than 700 square feet in area, residential additions greater than 1,500 square feet in floor area, and commercial or industrial expansion less than 10,000 square feet in floor area.

**3. Lots Divided by Zoning District Lines**

Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

**C. Required Yards****1. Definitions that Pertain to Measurements****a. Accessory Structure Yard**

The minimum yard requirement between a lot line and an allowable accessory structure.

**b. Building Line**

A line formed by the face of a building which is used to establish the yards around a building or structure.

**c. Build-to Line**

A line with which the majority of an exterior wall of a building is required to coincide.

**d. Right-of-Way (ROW)**

Land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the dedicated purpose.

**e. Setback Line**

A line located at the inside edge of a required front, side, or rear yard. Exterior building walls may not encroach into the required yard beyond the building setback line. Portions of a building, (e.g., an overhang, eave, entry stairs, bay windows, foundation planters, etc.) may encroach into a required yard as allowed in Allowable Yard Encroachments.

## f. Yard

A required open area unoccupied and unobstructed by any building or by any structure or portion of a structure except as allowed by this ordinance. Fences, walls, and incidental structures (e.g., flagpoles, birdhouses or feeders, clothesline posts, etc.) may be permitted within a yard provided the structures do not interfere with corner visibility.

## g. Yard Types

## 1. Corner Side Yard

A side yard extending between the front and rear lot lines parallel to an abutting street or right-of-way.

## 2. Front Yard

A yard extending between side lot lines across the front of a lot between the front lot line and the front building line.

## 3. Rear Yard

A yard extending across the rear of the lot between the rear lot line and the rear building line. In the case of double frontage lots, there is no rear yard, and the requirements for the front yard shall apply to the front and rear.

## 4. Side Yard

A yard extending from the front building line to rear building line. In the case of double frontage lots, the side yard extends from the front building line to the opposing building line associated with the other yard.

## 5. Zero Side Lot Line

A condition where no side yard is provided between two or more distinct dwelling units sharing a party wall (e.g., townhouse, duplex, attached residential, etc.).

## D. Front Setback in the R-1 and R-2 Districts

The front setback in the R-1 and R-2 Districts shall be a build-to line. All other setbacks shall be minimum setbacks.

## E. Bulk

## 1. Building Coverage

Building coverage is a measure of intensity of a use of land that represents the portion of a site that is covered by building footprint, as well as attached porches, decks, and balconies. Building coverage does not include driveways, streets, sidewalks, and any other areas covered by an impervious surface material, including areas of outdoor storage.

## 2. Building Size

Building size is the total floor area located inside exterior walls and covered by a roof.

## 3. District Size

The minimum size, in acres, of a base or overlay zoning district, including streets, rights-of-way, and open space areas, but excluding unbuildable lands.

#### 4. Floor Area

The sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, and excluding the following:

- a. Attic areas with a headroom of less than seven feet;
- b. Unenclosed stairs or fire escapes;
- c. Elevator structures;
- d. Cooling towers;
- e. Areas devoted to machinery and equipment for air conditioning, ventilation, heating, and other similar building service needs;
- f. Structured parking; and
- g. Basement space not used for retailing activities, the production or processing of goods, or for business or professional offices.

#### F. Height

##### 1. Building Height

The vertical distance from the natural grade measured either at the curb level or at a point 10 feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or to the uppermost point of all other roof types.

##### 2. Building Story

- a. The space between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it. Typically, story height in a residential structure is nine feet per story, and story height in a non-residential structure is twelve feet per story.
- b. If the finished floor level directly above a basement or cellar or unused under-floor space is more than six (6) feet above the grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused under-floor space shall be considered as a story.

##### 3. Fence and Wall Height

Fence and wall heights are to be measured from the adjoining average grade. In the case of grade separation such as the division of properties by a retaining wall, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.

##### 4. Garage Side Wall Height. The height of a garage side wall is measured from the top of the concrete slab to the top of the top plate.

##### 5. Grade

Grade means the level of the finished ground surface immediately adjacent to the exterior walls of a building.