

ARTICLE IV: LOT SIZE AND BULK REGULATIONS

Section 401. Minimum Lot Size Requirements and Bulk Requirements

The following requirements shall apply to all lots existing at the time of the adoption of this Ordinance. No new lot shall be created that does not meet the minimum dimensional standards of the encompassing zoning district. Except in the case of a planned unit development, each lot shall have access directly onto an abutting public street. PUD developments are designed with flexibility in mind.

An exception to this access requirement may be allowed where the parcel without direct street access, and the adjacent parcel which affords access, both contain a minimum of two (2) acres and a minimum lot width of two hundred (200) feet. In such cases, a permanent minimum thirty-three (33) foot wide private access easement shall be recorded against the adjacent parcel in favor of the restricted access parcel; which shall not be included in the calculation of the minimum lot width requirement (must be over and above minimum).

A. Private Roads and Driveways

The Joint Planning Board and applicable Road Authorities do not assume any responsibility for private roads or private easements providing ingress and egress to parcels of land. The responsibility for maintenance of such private road(s) falls solely upon the property owners utilizing the private road, including the responsibility to ensure that private roads are properly maintained to ensure adequate service by emergency vehicles. No public funding is or will be available to improve or maintain any private roads. Any road must be developed in accordance with the standards of the local road authority to be eligible for road maintenance. It is recommended that landowners using private roads enter into private road maintenance agreements with other road users to formally address maintenance and the allocation of corresponding expenses.

Any division creating a new parcel to be accessed by a private road shall contain the following statement on the Certificate of Survey creating the parcel(s) approved for recording:

“The improvement and maintenance of any private access driveway or road constructed within the easement for ingress and egress conveyed herein shall be the sole responsibility of the property owner or owners benefiting from the use thereof, and is not the responsibility of the public or any public road authority.”

B. General Development Requirements

Whenever a standard specified within a particular zoning district and that within an overlay district conflict, the stricter standard shall prevail (for Shoreland Overlay Standards, please reference [Article IX](#)). All setbacks shall be measured to the furthest protruding/leading edge (eaves) unless otherwise noted in this article. Minimum lot sizes as prescribed shall be exclusive of roadway and major utility easements.

Notwithstanding the height regulations prescribed within each of the following subsections, and excepting the building height limitation in commercial planned unit developments prescribed in

Section 1103B, no structures in residentially zoned shoreland areas, nor non-service oriented uses or structures of a residential character in non-residentially zoned shoreland areas, with the exception of religious institutions and agricultural structures, shall exceed thirty (30) feet in height. In all other shoreland areas the height of buildings shall be regulated by the standards prescribed in the following Sections.

In any zoning district allowing more than one structure per lot there shall be a minimum distance of ten (10) feet between structures, except where building code inspections are required. In such instances, the minimum distance between principal and/or accessory structures may be reduced in accordance with the requirements of the building code authority.

In any zoning district in which the building of a structure is proposed to be placed within the distance of three (3) feet of the required lot line setback, the applicant shall be required to verify the property line boundary, either through identifying the location of property line pins in order for the JPB staff to confirm the proposed location is in compliance with the setback requirement, or by submitting a certificate of survey in which clearly delineates the distance of the proposed structure from the property line boundaries.

All temporary dwellings are regulated by [Section 1101 Temporary Uses](#).

C. Standards for Single and Two Family Principle Dwellings

The following standards shall apply to all single and two family dwelling units, unless specifically exempted:

1. All single and two family principle dwellings shall have a minimum livable floor area of eight hundred (800) square feet per unit.
2. All single and two family dwellings shall be attached to a continuous load bearing permanent perimeter foundation that meets the requirements of the State Building Code (skirting is not an allowable substitute), except mobile homes in a mobile home park.
3. All single and two family principle dwellings, except mobile homes in a mobile home park, shall have a minimum width of twenty (20) feet.
4. Not more than one principle residential structure shall be located on a platted lot, or parcel of record, except as may be permitted by Article XI of this Ordinance relating to planned unit developments or Common Interest Communities consistent with the requirements of Minnesota Statute 515B. The addition of any new tax parcels through either the platting or CIC process shall be subject to the requirements of parkland dedication according to the provisions of this Ordinance.
5. A two family dwelling (duplex) may be divided into individual lots of record with the party wall acting as the dividing lot line subject to the following conditions:
 - a. The property must be zoned either R-5 or R-6, and shall be served by centralized sewer services.

- b. To protect the safety and property of the owner and occupants of each unit, no two family dwelling may be split until the common party wall fire rating is brought up to adopted Building Code standards.
- c. Separate sewer and water services, and to the extent feasible, separate gas, electric, telephone, and other utilities shall be provided to each dwelling unit.
- d. The two-family units must be constructed in a side-by-side manner.
- e. Where the subdivision of an existing or proposed two-family dwelling is requested, the lot size for each individual unit shall not be less than four thousand (4,000) square feet in area or such greater minimum required by Shoreland or other overlay.
- f. If the property has not been surveyed, a certificate of survey shall be submitted showing the newly created lot line and the legal description of each lot.
- g. A request for the division of a two-family dwelling shall be approved administratively by the Planning Administrator assuming all conditions are satisfied.

D. Standards for Multi-Family and Townhome Development

- 1. Apartments meeting the state building codes with a minimum dwelling space of three hundred (300) square feet for studio apartments and four hundred and fifty (450) square feet for one (1) bedroom apartments are allowed.
- 2. Any multi-family or townhome development with thirty (30) units or more in the R-5 and R-6 district, shall require a conditional use permit. High density housing development in other districts shall be approved as a planned unit development. Whenever a public road is to be dedicated to the public, the development must be approved as a planned unit development or a major subdivision.

E. Standards for Multi-Family/Mixed Use Development

Mixed-use buildings require a conditional use permit in all zoning districts with the exception of the Urban Renaissance District (UR), for mixed-use buildings outside of the UR district the density ratio of commercial and residential use will be determined by the Joint Planning Board.

Section 402. Lot Size and Bulk Regulations by Zoning District

A. Conservation Area (C)	
Lot Size:	
Minimum lot area:	5 acres
Minimum lot width:	330 feet
Minimum lot depth:	200 feet
Setbacks, Height, Impervious:	
Front yard	50 feet
Side yard, principal structure	15 feet

Side and rear yard, accessory structures	15 feet
Rear yard	30 feet
Riparian lots	10 feet reduction in rear yard setback*
Height of Structures	35 feet
Maximum Impervious Surface Coverage	15%

* Local city or township roads only

B. Rural Area (R-1)	
Lot Size:	
Minimum lot area:	5 acres
Minimum lot width:	300 feet
Minimum lot depth:	200 feet
Setbacks, Height, Impervious:	
Front yard	50 feet
Side yard, principal structure	15 feet
Side and rear yard, accessory structures	15 feet
Rear yard	30 feet
Corner lot, exterior side yard	20 feet
Riparian lots	10 feet reduction in rear yard setback*
Height of Structures	35 feet
Maximum Impervious Surface Coverage	25%

* Local city or township roads only

C. Suburban Residential - (R-2)**	
Lot Size:	
Minimum lot area:	2 acres
Minimum lot width:	200 feet
Minimum lot depth:	200 feet
Setbacks, Height, Impervious:	
Front yard	50 feet
Side yard, principal structure	15 feet
Side and rear yard, accessory structures	15 feet
Rear yard	30 feet
Corner lot, exterior side yard	20 feet
Riparian lots	10 feet reduction in rear yard setback*
Height of Structures	35 feet
Maximum Impervious Surface Coverage	25%

* Local city or township roads only

** Lots within a major subdivision or a planned unit development platted after September 12, 2018 may contain forty-five thousand (45,000) square foot lots and have a width of one-hundred and fifty (150) feet. The flexibility provided in Section 1205 is also available to planned unit developments.

D. Suburban Residential - (R-3)		
Lots in the suburban residential – sewer district may be developed without central sewer. Unsewered lots within this district shall comply with the specific standards prescribed in this Section.		
Lot Size:	Unsewered Lots	Sewered Lots
Minimum lot area:	45,000 square feet	15,000 square feet*
Minimum lot width:	150 feet	100 feet
Minimum lot depth:	200 feet	100 feet
Setbacks, Height, Impervious:		
Front yard		30 feet
Side yard, principal structure		7.5 feet**
Side and rear yard, accessory structures		7.5 feet**
Rear yard		30 feet
Corner lot, exterior side yard		20 feet***
Alley	20 feet, except as may be permitted****	
Riparian lots	10 feet reduction in rear yard setback*****	
Height of Structures		35 feet
Maximum Impervious Surface Coverage		30%

* Except for all parcels subject to Mississippi Headwaters Board Ordinance standards which shall require thirty thousand (30,000) square feet.

**Not applicable in shoreland

*** Minimum thirty (30) feet where driveway access exists or is proposed.

**** When an alley exists, the accessory structure setback may be reduced to five (5) feet with a side loaded garage.

***** Local city or township roads only

E. Moderate Density Residential - (R-4)		
Lot Size:		
Minimum lot area:		6,000 square feet,
Minimum lot width:		60 feet
Minimum lot depth:		100feet
Setbacks, Height, Impervious:		
Front yard		30 feet
Side yard, principal structure		7.5 feet*
Side and rear yard, accessory structures		5 feet*
Rear yard		25% of lot depth up to 25 feet
Corner lot, exterior side yard		20 feet**
Alley	20 feet, except as may be permitted***	
Riparian lots	10 feet reduction in rear yard setback****	
Height of Structures		35 feet
Maximum Impervious Surface Coverage		40%*****

*Not applicable in shoreland

** Minimum thirty (30) feet where driveway access exists or is proposed.

*** When an alley exists, the accessory structure setback may be reduced to five (5) feet with a side loaded garage.

**** Local city or township roads only

*****Sixty percent (60%) for permitted Non-residential uses with an approved CUP

F. High Density Residential (R-5)	
Lot Size:	
Minimum lot area: (Single Family)	6,000 square feet,.
Minimum lot area: (Duplex, Tri-Plex, Quad)	5,000 Square Feet, plus 2,000 Square Feet per additional dwelling unit.
Minimum lot width: (Single Family)	60 feet
Minimum lot width: (Duplex, Tri-Plex, Quad)	50 feet plus 20 feet per total dwelling units
Minimum lot depth:	100 feet
Setbacks, Height, Impervious:	
Front yard	30 feet
Side yard, principal structure	7.5 feet, *
Side and rear yard, accessory structures	5 feet*
Rear yard	25% of lot depth up to 25 feet
Corner lot, exterior side yard	20 feet**
Alley	20 feet, except as may be permitted***
Riparian lots	10 feet reduction in rear yard setback****
Height of Structures	35 feet
Maximum Impervious Surface Coverage	40%*****

*Not applicable in shoreland

** Minimum thirty (30) feet where driveway access exists or is proposed.

*** When an alley exists, the accessory structure setback may be reduced to five (5) feet with a side loaded garage.

**** Local city or township roads only

*****Sixty percent (60%) for permitted Non-residential uses with an approved CUP

G. Multiple Family (R-6)		
Unsewered lots within this district shall comply with the specific standards prescribed in this Section.		
Lot Size:	Unsewered Lots	Sewered Lots
Minimum lot area:	2 acres	18,000 square feet per lot (minimum), or 1,500 square feet for each one bedroom or studio apartments and 2,000 square feet per dwelling unit whichever is greater
Minimum lot width:	200 feet	60 feet
Minimum lot depth:	150 feet	100 feet
Setbacks, Height, Impervious:		
Front yard	50 feet	30 feet
Side yard, principal structure	15 feet	7.5 feet plus one additional structures foot for each foot of Building height greater than 40 feet

Side and rear yard, accessory structures	15 feet	5 feet
Rear yard	30 feet	30 feet
Corner lot, exterior side yard		20 feet*
Alley	20 feet, except as may be permitted**	
Riparian lots	10 feet reduction in rear yard setback***	
Height of Structures	35 feet	50 feet
Maximum Impervious Surface Coverage	25%	70%

* Minimum thirty (30) feet where driveway access exists or is proposed.

**When an alley exists, the accessory structure setback may be reduced to five (5) feet with a side loaded garage.

*** Local city or township roads only

H. Manufactured Housing Park (MH)	
In unsewered areas manufactured housing parks may be developed in districts where they are identified as permitted or conditional uses, and are prohibited in all other districts. In sewerred areas manufactured housing parks are allowed only as designated on the zoning map. The following standards apply to manufactured housing parks in sewerred areas.	
Lot Size:	
Minimum lot area:	2 acres for Park and 5,000 square feet per mobile home space, excluding streets and rights-of-way
Minimum lot width:	40 feet per space generally, 45 feet for corner spaces
Minimum lot depth:	100 feet per space
Setbacks, Height, Impervious:	
Front yard	Greater of 30 feet from lot line or 55 feet from centerline
Side yard, principal structure	7.5 feet
Side and rear yard, accessory structures	7.5 feet
Rear yard	10 feet
Height of Structures	35 feet
Maximum Impervious Surface Coverage	40%

I. Low Density Commercial (B-1)*	
Lot Size:	
Minimum lot area:	2 acres
Minimum lot width:	150 feet
Minimum lot depth:	200 feet
Setbacks, Height, Impervious:	
Front yard	50 feet
Side yard, principal structure	15 feet
Side and rear yard, accessory structures	15 feet
Rear yard	30 feet
Height of Structures	35 feet, 65 feet for towers and flagpoles.

Maximum Impervious Surface Coverage	60%
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*Developments with municipal water and sewer utility services may be permitted in accordance with the standards of Section 402(J) of this Ordinance.

** Lots within a major subdivision or Planned Unit Development platted after September 12, 2018 may contain one (1) acre and have a width of one-hundred (100) feet. The flexibility provided in Section 1205 is also available to planned unit development.

J. General Commercial (B-2)	
Lot Size:	
Minimum lot area:	7,500 square feet
Minimum lot width:	75 feet
Minimum lot depth:	100 feet
Setbacks, Height, Impervious:	
Front yard	30 feet
Side yard, principal structure	10 feet
Side and rear yard, accessory structures	10 feet
Rear yard	20 feet
Height of Structures	50 feet
Maximum Impervious Surface Coverage	80%*

* Much of the B2 Commercial district is located within the 197 overlay district which requires a maximum impervious surface coverage of seventy percent (70%).

K. Lake Oriented Commercial (LC)	
Lot Size:	
Minimum lot area:	7,500 square feet
Minimum lot width:	75 feet
Minimum lot depth:	100 feet
Setbacks, Height, Impervious:	
Front yard	30 feet
Side yard, principal structure	15 feet
Side and rear yard, accessory structures	10 feet
Rear yard	30 feet
Height of Structures	35 feet
Maximum Impervious Surface Coverage	70% (w/flexibility)

L. Lake Oriented Development (LD)	
Lot Size:	
Minimum lot area:	7,500 square feet
Minimum lot width:	75 feet
Minimum lot depth:	100 feet
Setbacks, Height, Impervious:	
Front yard	30 feet
Side yard, principal structure	15 feet

Side and rear yard, accessory structures	10 feet
Rear yard	30 feet
Height of Structures	35 feet – Residential* 45 feet – Commercial & Mixed Use*
Maximum Impervious Surface Coverage	60% (w/flexibility)

* Height eligible for increase with PUD in accordance with Article XI of this Ordinance.

M. Urban Renaissance Area (UR)	
Lot Size:	
Minimum lot area:	None
Minimum lot width:	25 feet
Minimum lot depth:	100 feet
Setbacks, Height, Impervious:	
Front yard	None
Side yard, principal structure	10 feet if abutting res. district
Side and rear yard, accessory structures	10 feet if abutting res. district
Rear yard	10 feet if abutting res. district
Height of Structures	None
Maximum Impervious Surface Coverage	100% (w/flexibility)

N. Office/ Medical (OM)	
Lot Size:	
Minimum lot area:	20,000 square feet
Minimum lot width:	100 feet
Minimum lot depth:	125 feet
Setbacks, Height, Impervious:	
Front yard	30 feet
Side yard, principal structure	10 feet increasing 2.5 feet for every five feet of building height over 50 feet
Side and rear yard, accessory structures	10 feet
Rear yard	25 feet
Height of Structures	75 feet
Maximum Impervious Surface Coverage	70%

O. University (U)	
Lot Size:	
Minimum lot area:	None
Minimum lot width:	None
Minimum lot depth:	None
Setbacks, Height, Impervious:	
Front yard	40 feet plus one foot for each two feet of building height over forty feet
Side yard, principal structure	40 feet
Side and rear yard, accessory structures	40 feet
Rear yard	40 feet

Height of Structures	40 feet
Maximum Impervious Surface Coverage	30%

P. Light Industrial (I-1)	
Lot Size:	
Minimum lot area:	20,000 square feet
Minimum lot width:	75 feet
Minimum lot depth:	100 feet
Setbacks, Height, Impervious:	
Front yard	30 feet
Side yard, principal structure	20 feet
Side and rear yard, accessory structures	10 feet
Rear yard	20 feet
Height of Structures	None
Maximum Impervious Surface Coverage	80%

Q. General Industrial (I-2)	
Lot Size:	
Minimum lot area:	20,000 square feet
Minimum lot width:	75 feet
Minimum lot depth:	100 feet
Setbacks, Height, Impervious:	
Front yard	30 feet
Side yard, principal structure	20 feet
Side and rear yard, accessory structures	10 feet
Rear yard	20 feet
Height of Structures	None
Maximum Impervious Surface Coverage	75%

R. Sensitive Area Overlay (SA)*	
The following standards apply to all land uses located within the Sensitive Area Overlay District. Whenever these standards conflict with the requirements of the underlying zoning district, or another overlay district, the stricter standards shall apply.	
Setbacks & Height:	
Minimum Lot Area and Width	As defined by underlying zoning district.
Height of Structures	30 feet
Wetland (Structure)	20 feet
Wetland (SSTS)	75 feet

[*See also Section 1014: Special Provisions for Development in Sensitive Areas](#)

S. Trunk Highway 197 Overlay (TH)*	
The following standards apply to lots located within the Trunk Highway 197 Overlay District. Whenever these standards conflict with the requirements of the underlying zoning district, or another overlay district, the stricter standards shall apply.	
Lot Size:	
Minimum lot area:	7,500 square feet
Minimum lot width:	75 feet
Minimum lot depth:	100 feet
Setbacks, Height, Impervious:	
Front yard	30 feet
Side yard, principal structure	10 feet
Side and rear yard, accessory structures	10 feet
Rear yard	20 feet
Height of Structures	50 feet
Maximum Impervious Surface Coverage	70%

[*See also Section 1015. Special Provisions for Trunk Highway 197 Overlay](#)

T. Airport Protection Overlay

The standards and requirements of the underlying zoning district shall apply, except that height restriction, setback from runway centerline, and configuration of lighting placement shall be subject to the standards contained in MN Rules, part 8800.2400 and the approved site plan. Some of the standards contained in the rule include, but are not limited to, the following:

1. Primary Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (non-spectator), cemeteries, and auto parking. All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and: Extending two hundred (200) feet beyond each end of Runway. The width of the primary surface is: one thousand (1,000) feet for Runway

2. Horizontal Zone B shall be restricted in use as follows. Each use shall be on a site whose area shall not be less than three acres. Each use shall not create, attract, or bring together a site population that would exceed fifteen (15) times that of the site acreage. Each site shall have no more than one building plot upon which any number of structures may be erected. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semipublic assembly. All that land which lies directly under an imaginary horizontal surface one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is: ten thousand (10,000) feet for Runway

3. Conical Zone C is subject only to the general restrictions contained in item A. No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
4. Approach Zone: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:

50:1 for Runway 25

The approach surface expands uniformly to a width of:

One thousand (1,000) feet for Runway at a distance of sixteen thousand (16,000) feet, then continues at the same rate of divergence for an additional forty thousand (40,000) feet to the periphery of the conical surface.

20:1 for Runway 7

One thousand (1,000) feet for Runway at a distance of one thousand and five hundred (1,500) feet, then continues at the same rate of divergence for an additional five thousand (5,000) feet to the periphery of the conical surface.

See also [Section 1016.Special Provisions for Airport Protection Overlay](#)

LAND USE SAFETY ZONING

SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this Ordinance, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Bemidji Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

Runway: 13/31

Surface: Paved

Existing Length: 7002

Planned Length: 7002

Category: Other Than Utility - Precision Instrument

1. SAFETY ZONE A:

All land in that portion of the approach zones of a runway, as defined hereof, which extends outward from the end of the primary surface a distance equal to two-thirds (2/3) of the planned length of the runway, which distance shall be: Runway 13 Length = 1700 to 4668 feet

Runway 31 Length = 2500 to 4177 feet

2. SAFETY ZONE B:

All land in that portion of the approach zones of a runway, as defined hereof, which extends outward from Safety Zone A a distance equal to one-third (1/3) of the planned length of the runway, which distance shall be:

Runway 13 Length = 2334 to 5302feet

Runway 31 Length = 2825 to 4177feet

3. SAFETY ZONE C:

All land which is enclosed within the perimeter of the horizontal zone, as defined in hereof, and which is not included in Safety Zone A or Safety Zone B and equals the Horizontal Zone

Runway: 7/25

Surface: Paved

Existing Length: 5700

Planned Length: 5700

Category: Other Than Utility - Precision Instrument

1. SAFETY ZONE A:

All land in that portion of the approach zones of a runway, as defined hereof, which extends outward from the end of the primary surface a distance equal to two-thirds (2/3) of the planned length of the runway, which distance shall be:

Runway 13 Length = 1700 to 3800 feet

Runway 31 Length = 1700 to 3600 feet

2. SAFETY ZONE B:

All land in that portion of the approach zones of a runway, as defined hereof, which extends outward from Safety Zone A a distance equal to one-third (1/3) of the planned length of the runway, which distance shall be:

Runway 13 Length = 1900 to 5302 feet

Runway 31 Length = 2100 to 4000 feet

3. SAFETY ZONE C:

All land which is enclosed within the perimeter of the horizontal zone, as defined in hereof, and which is not included in Safety Zone A or Safety Zone B and equals the Horizontal Zone