

**ORDINANCE NO. 994**

**17.76.040 Accessory buildings.**

- A. Accessory building serving as private garages may be built in a rear yard but must not occupy more than thirty percent of the rear yard and must not be nearer than three feet to any side lot line or rear lot line, except that when a garage is entered from an alley at a right angle, it must not be located closer than ten feet to the alley line. When sidewall heights exceed ten feet the minimum side yard setback must be four feet. If the private garage is located closer than ten feet to the main building the garage must be regarded as a part of the main building for the purposes of determining side yards and rear yards. Accessory buildings serving as storage garages must not be nearer than five feet to any side or rear lot line.
- B. No accessory building may be constructed on a lot without a habitable dwelling or until the construction of the main building has commenced, and no accessory building may be used for dwelling purposes.
- C. Total combined area of all detached accessory buildings on lots less than twenty thousand square feet in size may not occupy more than twelve percent of the lot area nor be larger than one thousand two hundred square feet. The maximum wall height measured from the sill plate to the top plate may not exceed twelve feet. For lots between twenty and forty thousand square feet, detached accessory buildings may not exceed six percent of the lot area. The maximum wall height, overall height, and distances to property lines must be as shown in Table 17.76.040. The first seven hundred and twenty square feet of attached garage is exempt from these limitations.
- D. When lots are forty thousand square feet or greater in size the building coverage, wall height, overall height, and distance to property lines of detached accessory structures may not exceed the values as shown in Table 17.76.040. The first seven hundred and twenty square feet of attached garage is exempt from these limitations. When such buildings are one thousand two hundred square feet or less, and the sidewall height is ten feet or less the building setback distance may be as stated in item A.
- E. Attached garages must have a proper frost protected foundation with a depth of 4 feet to the bottom of the footing or to match the existing foundation of the house. A detached garage without plumbing must have a minimum 12-inch thickened edge monolithic slab foundation. For detached garages with plumbing, a frost protected foundation is required. This frost protected foundation must be at a depth of at least 4 feet to the bottom of the foundation or have a professionally designed shallow frost protected foundation.

**Table 17.76.040**

Lot Size	Maximum Area of Accessory Structures	Maximum Wall Height	Maximum Overall Height	Minimum Distance to Property Lines
20,000 sq. ft.	6% of Lot Area	12 feet	22 feet	4 feet
25,000 sq. ft.	6% of Lot Area	12 feet	22 feet	7 feet
30,000 sq. ft.	6% of Lot Area	12 feet	22 feet	10 feet
35,000 sq. ft.	6% of Lot Area	12 feet	22 feet	12 feet
40,000 sq. ft. to 2 Ac.	2,400 sq. ft.	14 feet	25 feet	15 feet
+2 Ac. to 3 Ac.	3,200 sq. ft.	14 feet	25 feet	15 feet
+3 Ac. to 4 Ac.	4,000 sq. ft.	14 feet	25 feet	15 feet
+4 Ac. to 5 Ac.	5,000 sq. ft.	14 feet	25 feet	15 feet
+5 Ac. to 10 Ac.	6,000 sq. ft.	14 feet	25 feet	15 feet

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**CITY OF DEVILS LAKE**

By: \_\_\_\_\_

Jim Moe, President

Devils Lake City Commission

ATTEST:

By: \_\_\_\_\_

Spencer Halvorson

City Administrator / Auditor