

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-104

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE CITY'S PROVISIONS RELATED TO ACCESSORY STRUCTURES

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Sections 154.902 through 154.903 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 151: Building Regulations, by repealing City Code Section 151.024 in its entirety.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 213 and 214 by adding the following language:

ARTICLE 5. GENERAL REGULATIONS

§154.213 Accessory Buildings and Structures, Generally
§154.214 Pole Construction Buildings

§154.213 Accessory Buildings and Structures, Generally

- A. *Purpose.* Within the city of Lake Elmo, the following provisions shall apply to accessory building and structures in all zoning districts.
- B. *Definitions.* The following words, terms and phrases, when used in this section, and all sections pertaining to accessory buildings or structures, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Agricultural Farm Building. An accessory building used or intended for use on an active commercial food-producing farm operation of more than 20 acres. A Minnesota Pollution Control Agency permit may be required.

Detached Domesticated Farm Animal Building. A 1-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building may require a Minnesota Pollution Control Agency feedlot permit in addition to site and building plan approval.

Detached Residential Accessory Building. A 1-story accessory building primarily used or intended for the storage of automobiles and other miscellaneous equipment.. No door or other access opening shall exceed 14 feet in height.

Storage or Tool Shed. A 1-story accessory building of less than 160 square feet gross area with a maximum roof height of 12 feet.

- C. *Permit Required.* All accessory building and structures require either a certificate of zoning compliance or a building permit as determined by the Minnesota State Building Code.
- D. *Principal Structure Necessary.* No accessory buildings or structures shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal structure to which it is accessory.
- E. *Proximity to Principal Structure.* Accessory buildings shall maintain a six (6) foot setback from the principal structure. An accessory building or structure will be considered as an integral part of the principal building if it is located six (6) feet or less from the principal structure.
- F. *Storage or Tool Sheds.* A storage or tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.
- G. *Exempt Structures.* The following residential improvements shall be exempt from the maximum allowed structure size and number requirements in residential districts:
 - 1. Unenclosed playhouses
 - 2. Gazebos up to a total of 120 square feet in size and a maximum of twelve (12) feet in overall height
 - 3. Detached decks over thirty (30) inches in height up to a total of 120 square feet in size
 - 4. Outdoor swimming pools
 - 5. Patios
 - 6. Tennis and sport courts
 - 7. Structures, sheds or coops up to a total of two hundred (200) square feet in size used to house permitted animals, such as chickens, horses, or other livestock. These structures must not exceed twelve (12) feet in height and must meet all required setbacks per MPCA guidelines and the City's animal ordinances.

§154.214 Pole Construction Buildings

- A. *Pole Construction Buildings, A and RR Districts.*
 - 1. Pole construction buildings are permitted in the A and RR zoning districts subject to the setbacks and other performance standards required under the Zoning Code.
 - 2. Pole construction buildings are prohibited on properties zoned A and RR where a conditional use permit has been issued for an open space preservation (OP) development.
- B. *Pole Construction Buildings, RS District.* Pole construction buildings are permitted in the RS zoning district only on parcels that are abutted by land zoned Rural Residential (RR) or Agricultural (A) Zoned along 75% or more of the perimeter of the subject parcel.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 406 to read the following:

§154.406 Accessory Structures, Rural Districts.

- A. *Size and Number.* The maximum number and size of accessory buildings permitted in rural zoning districts are outlined in Table 9-3:

Table 9-3: Accessory Buildings, Rural Zoning Districts

Lot Size	Maximum Structure Size ^a (square feet)	No. of Permitted Bldgs
under 1 acre	1,200 ^b	1
1 - 2 acres	1,200	1
2 - 5 acres	1,300	1
5 - 10 acres	2,000	2
10 - 15 acres	2,500	2
15 - 20 acres	3,000	2
20 - 40 acres	4,000	2
40+ acres	Unregulated ^c	Unregulated ^c

Notes to Table 9-3

- a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.
 - b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.
 - c. To be allowed additional accessory buildings beyond two total buildings, the buildings must be agricultural buildings as defined in §154.213 or clearly serve an agricultural purpose in the judgment of the City.
- C. *Additional Accessory Buildings.* Allowances for additional accessory buildings in A and RR zones may be considered via a conditional use permit.
- D. *Structure Height, Rural Districts.* No accessory building shall exceed twenty-two (22) feet in height or the height of the principal structure, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City. Building projections or features, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.
- E. *Structure Location, Rural Districts.* No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot, unless, by Resolution of the City Council, an exception is made to permit a detached garage or accessory structure nearer the front lot line than the principal building.
- F. *Exterior Design and Color.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
1. Detached domesticated farm animal buildings
 2. Agricultural farm buildings
 3. Pole buildings, as defined and regulated in §154.214.
 4. Gazebos
 5. Swimming pools
 6. Other structures in which the required design is integral to the intended use, such as a greenhouse.

- F. *Openings and Doors.* Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.
- G. *Attached Garages, Size.* Attached garages must not exceed the footprint size of the principal building.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 456 to read the following:

§154.456 Residential Accessory Structures, Urban Residential Districts.

- A. *Attached Structures, Urban Residential Districts.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
 1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located; and
 2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages, Urban Residential Districts*
 1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - a. The front of the garage is recessed at least 4 feet behind the plane of the primary façade, unless the garage is side-loaded; or
 - b. The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary façade, unless the garage is side-loaded.
 2. The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.
 3. Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.
 4. Garage doors or openings shall not exceed 14 feet in height.
- C. *Detached Structures, Urban Residential Districts.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:
 1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 2. Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 3. Pole barns, as defined herein, exceeding 120 square feet shall be prohibited.
 4. No more than 30% of the rear yard area may be covered by accessory structures.
 5. Garage doors or openings shall not exceed 14 feet in height.

- D. *Exterior Design and Color, All Accessory Structures.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
1. Gazebos
 2. Swimming pools
 3. Tennis and sport courts
 4. Other structures in which the required design is integral to the intended use, such as a greenhouse.

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 508 to read the following:

§154.508 Residential Accessory Structures, Village Mixed-Use District.

- A. *Attached Structures, Village Mixed-Use District.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages, Mixed-Use District*
1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade, unless the garage is side-loaded; or
 - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade, unless the garage is side-loaded;
 2. The width of the attached garage shall not exceed 40% of the width of the entire principal building façade (including garage) fronting the primary street.
 3. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
 4. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached Structures, Village Mixed-Use District.* Detached accessory structures that are accessory to permitted residential structures in the VMX District shall adhere to the following requirements:
1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 2. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 3. Pole barns, as defined herein, shall be prohibited.

4. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
 5. Garage doors or openings shall not exceed fourteen (14) feet in height.
- D. *Exterior Design and Color, All Accessory Structures.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
1. Gazebos
 2. Swimming pools
 3. Tennis and sport courts
 4. Other structures in which the required design is integral to the intended use, such as a greenhouse.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 8. Adoption Date. This Ordinance 08-104 was adopted on this eighteenth day of March 2014, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-104 was published on the ____ day of _____, 2013.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2014-016

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-104 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-104, an ordinance to the City's regulations pertaining to Accessory Structures; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-104 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-104, which replaces the current sections of the City Code pertaining to Accessory Structures. The revised ordinance includes the following revisions from the previous ordinance:

- The size and permitted number of accessory buildings in rural zoning districts has been modified in Table 9-3;
- Accessory structures that are exempt from the maximum number or size of permitted accessory structures have been identified, including the required standards to meet exemption;
- The ordinance has been updated to clarify permitting requirements.
- Additional allowances for accessory buildings in A and RR zones may be considered via the conditional use permit process.

The full text of Ordinance No. 08-104 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: March 18, 2014.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member
_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



**Existing Ordinances pertaining to Accessory Structures
Planning Commission, 2/10/2014**

§154.902 ACCESSORY BUILDINGS AND STRUCTURES.

(A) Types of accessory buildings include storage or tool sheds; detached residential garage; detached rural storage building; detached domesticated farm animal buildings; agricultural farm buildings. The accessory buildings are defined as follows:

(1) **STORAGE OR TOOL SHED.** A 1-story accessory building of less than 160 square feet gross area with a maximum roof height of 12 feet and exterior colors or material matching the principal structure or utilizing earthen tones. No door or other access opening in the storage or tool shed shall exceed 28 square feet in area.

(2) **DETACHED RESIDENTIAL GARAGE.** A 1-story accessory building used or intended for the storage of motor driven passenger vehicles regulated in § 154.093 with a maximum roof height of 20 feet. No door or other access opening shall exceed 14 feet in height. The exterior color, design, and materials shall be similar to the principal structure.

(3) **DETACHED RURAL STORAGE BUILDING.** A 1-story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment and the like. Exterior materials shall match the principal structure in exterior color or be of an earthen tone.

(4) **DETACHED DOMESTICATED FARM ANIMAL BUILDING.** A 1-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building shall require a Minnesota Pollution Control Agency feedlot permit and site and building plan approval.

(Am. Ord. 97-38, passed 11-17-1998)

(5) **AGRICULTURAL FARM BUILDING.** An accessory building used or intended for use on an active commercial food-producing farm operation of more than 20 acres, a Minnesota Pollution Control Agency permit may be required.

(B) A tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.

(C) No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.

(D) No accessory building used or intended for the storage of passenger automobiles shall exceed 1,000 square feet of gross area, nor shall any access door or other opening exceed the height of 10 feet, nor shall any structure exceed 1 story in height except when the garages are located in business, industrial or planned unit developments. On parcels of 20,000 square feet in area or less, no detached accessory building or garage shall exceed the size of the principal

building in gross floor area.

(E) An accessory building shall be considered as an integral part of the principal building if it is located 6 feet or less from the principal building. The exterior design and color shall be the same as that of the principal building or be of an earthen tone; the height shall not exceed the height of the principal structure unless more restrictive portions of this chapter prevail.

(F) No accessory building in a commercial or industrial district shall exceed the height of the principal building.

(G) No accessory buildings in apartment developments shall exceed the height of the principal building.

(H) Accessory buildings in the commercial and industrial districts may be located to the rear of the principal building, subject to the Building Code and fire zone regulations.

(I) No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R-1 Districts where detached garages may be permitted nearer the front lot line than the principal building by resolution of the City Council, except in planned unit developments or duster developments.

(Ord. 97-107, passed 4-16-2002)

(J) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure, provided that the physical conditions of the lot require such a location and a resolution is issued. In no event shall the structure be located closer than 20 feet to the public right-of-way.

(K) All accessory buildings over 35 square feet in area shall have a foundation, concrete slab or wind anchor. Buildings larger than 100 square feet shall require a building permit regardless of improvement value. Roof loads and wind loads shall conform to requirements as contained in the Building Code.

(L) The required rear yard setbacks for detached residential garages, and storage, boat, and tool sheds shall be a distance equal to the required side yard setback for each zoning district, except on through lots when the required rear yard setback in each zoning district shall apply.

(M) Performance standards for detached agricultural buildings and domesticated farm animal buildings on parcels of less than 20 acres shall include the following:

(1) *Setbacks.* All animal buildings, feedlots, and manure storage sites shall be set back in accordance with the underlying zoning district regulations.

(2) *Slopes.* The building, feedlot, or manure storage shall not be placed on slopes which exceed 13%.

(3) *Water level.* Evidence of the seasonally high groundwater level or mottled soil (as established by 8-1/2 foot borings) shall not be closer than 6-1/2 feet to the natural surface ground grade in any area within 100 feet of the proposed building and/or feedlot.

(4) *Wetlands.* No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot, or grazing area.

(1997 Code, § 300.13 Subd. 3)

§ 154.903 NUMBER/SIZE OF ACCESSORY BUILDINGS.

The maximum number and size of accessory buildings permitted in each zoning district shall be as follows. No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

<i>Maximum Number and Size of Accessory Buildings</i>	
Agricultural	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal 40 acres or more, and buildings are agricultural buildings as defined in § 154.092(A)(5).
<i>Maximum Number and Size of Accessory Buildings</i>	
Agricultural (Non-conforming)	
Up to 10 acres	Two buildings with a combined area not to exceed 2,000 square feet
Over 10 acres but less than 40 acres	Two buildings and the area of each building not to exceed 2,000 square feet
Rural Residential	
Up to 10 acres	One 2,000-square foot detached building, in addition to an attached garage
Over 10 acres 15 Acres	One 2,500-square foot detached building in addition to an attached garage
Over 15 acres	One 3,000-square foot detached building, in addition to an attached garage
Residential - R-1, RED, and OP	
Over 5,000 square feet but less than 1 acre	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size

	of the footprint of the primary structure
From 1 acre to 2 acres	One 1,200-square foot detached residential, garage or building, in addition to an attached garage
Over 2 acres	One 1,300-square foot detached residential garage or building in addition to an attached garage

(1997 Code, § 300.13 Subd. 4) (Am. Ord. 97-38, passed 11-17-1998; Am. Ord. 97-206, passed 12-11-2007)

§ 151.024 POLE CONSTRUCTION BUILDINGS.

Pole construction buildings shall be permitted in the Agricultural and Rural Residential Zoning Districts only, except they are permitted in the R1 Zoning District where a parcel Zoned R-1 is abutted in a measured amount of 75% or more its perimeter by lands zoned Agricultural; and except they shall be prohibited where a conditional use permit has been issued for an open space preservation development.

(1997 Code, § 505.10) (Am. Ord. 97-91, passed 10-16-2001; Am. Ord. 97-100, passed 2-5-2002)

§ 154.406 ACCESSORY STRUCTURES – RURAL DISTRICTS.

In all rural districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the principal building. The exterior building materials, roof style, and colors shall be similar to or compatible with the principal building.

- A. *Maximum Number and Size of Accessory Structures in Rural Districts.* The maximum number and size of accessory buildings permitted in the rural districts are outlined in Table 9-3. No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

Table 9-3 Maximum Number and Size of Accessory Structures – Rural Districts

Zoning District + Parcel Size	Standard
A (Conforming)	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal 40 acres or more, and buildings are agricultural buildings as defined in § 154.092(A)(5)
A (Non-conforming)	
Up to 10 acres	Two buildings with a combined area not to exceed 2,000 square feet.
Over 10 acres but less than 40 acres	Two buildings and the area of each building not to exceed 2,000 square feet
RR	
Up to 10 acres	One 2,000-square foot detached building.
10-15 acres	One 2,500-square foot detached building.
Over 15 acres	One 3,000-square foot detached building.
RS and RE	
Over 5,000 square feet but less than one acre	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure

1-2 acres	One 1,200-square foot detached residential garage or building.
Over 2 acres	One 1,300-square foot detached residential garage or building.

B. *Attached Structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:

1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
2. The structure shall not exceed the height of the principal building to which it is attached.

C. *Detached Structures.* Detached accessory structures shall be permitted in rural districts in accordance with the following requirements:

1. Detached structures shall comply with the provisions of Section 154.092.
2. No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR and RS Districts where detached garages may be permitted nearer the front lot line than the principal building by resolution by the City Council.
3. Pole barns, as defined herein, exceeding one hundred twenty (120) square feet shall be prohibited in the RS and RE Districts.
4. Garage doors or openings shall not exceed fourteen (14) feet in height.
5. Detached structures shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher unless otherwise specified in Section 154.092.

(Ord. 2012-073, passed 3-19-2013)

§ 154.457 RESIDENTIAL ACCESSORY STRUCTURES.

In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

(A) *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located; and

(2) The structure shall not exceed the height of the principal building to which it is attached.

(B) *Attached garages.*

(1) Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:

(a) The front of the garage is recessed at least 4 feet behind the plane of the primary facade;

(b) The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary façade; or

(2) The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.

(3) Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.

(4) Garage doors or openings shall not exceed 14 feet in height.

(C) *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:

(1) Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.

(2) Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

(3) Pole barns, as defined herein, exceeding 120 square feet shall be prohibited.

(4) No more than 30% of the rear yard area may be covered by accessory structures.

(5) Garage doors or openings shall not exceed 14 feet in height.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

§ 154.508 RESIDENTIAL ACCESSORY STRUCTURES

On parcels used for residential structures within the VMX District, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

A. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:

1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
2. The structure shall not exceed the height of the principal building to which it is attached.

B. *Attached Garages.*

1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
 - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or
 - c. The width of the attached garage shall not exceed 40% of the width of the entire principal building façade (including garage) fronting the primary street.
2. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
3. Garage doors or openings shall not exceed fourteen (14) feet in height.

C. *Detached structures.* Detached accessory structures for permitted residential structures in the VMX District accordance with the following requirements:

1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
2. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

3. Pole barns, as defined herein, shall be prohibited.
4. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
5. Garage doors or openings shall not exceed fourteen (14) feet in height.

(Ord 08-091, passed 11-13-2013)



PLANNING COMMISSION
DATE: 2/10/14
AGENDA ITEM: 5C – BUSINESS ITEM
CASE # 2014 - 10

ITEM: Zoning Text Amendment – Accessory Building Ordinance Updates

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review a draft ordinance that would update various portions of the City's provisions related to accessory buildings. The ordinance update is partially a house cleaning effort to organize the various accessory building provisions into the correct location. Also, there are some additional amendments that staff is proposing. The purpose of reviewing the accessory building ordinance is to get feedback from the Planning Commission in advance of a future Public Hearing.

REQUEST DETAILS

City staff has been working on an update to the City's accessory building provisions. One of the key elements of this effort is to complete some house-keeping by removing an unnecessary code section that is currently duplicative. When the City adopted new zoning district sections as part of the Zoning Code Update Project, accessory building provisions were included in each individual Article (Article 9 – Rural Districts, Article 10 – Urban Residential Districts and Article 11 – Village Mixed-Use District). However, the old accessory building ordinance (§154.902) was left in-tact despite the recent updates to accessory building provisions. It is staff's intent to remove this duplicative section and replace it with general accessory structures provisions that relate to structures in all districts (rural, urban and mixed use). The general provisions would be located in Article 5 – General Regulations. Included in this section are the following additions:

- The existing ordinance (§154.902) requires that all accessory buildings over 100 square feet require a building permit. However, under the current version of the State Building Code, the current threshold is 120 square feet. In addition, there is a possibility that this may be raised to 160 square feet in the future. For this reason, staff is proposing to eliminate this provision and replace it with language that requires a certificate of zoning compliance or building permit dependent on the size of the structure.
- Exempt Structures: The current ordinance does not address certain structures that other cities do not include in their accessory building allowance. For example, gazebos, play structures, sport courts, and other structure types do not count towards a property owner's accessory building allowance in other communities. In other words, if a resident wanted

to build a small gazebo, this structure would not count as their one allowed accessory building under the proposed ordinance.

In addition, staff is proposing to relocate the City Code provisions that relate to pole building from Chapter 151: Building Regulations to the Zoning Code.

In addition to the cleanup effort, staff has also evaluated the accessory building provisions for rural districts. The City has undertaken previous efforts to update the accessory building provisions in rural districts in the past. However, these efforts were not completed at that time. As part of this proposed update, staff is proposing the following changes/recommendations:

- The maximum number and size of allowed accessory buildings chart (Table 9-3) has been simplified by regulating accessory structure allowance based solely on parcel size as opposed to parcel size and zoning. More specifically, the existing ordinance provides different accessory building allowances depending on whether a parcel is Rural Residential (RR) or Agricultural (A) zoning. However, in all practicality, the land use of these two types of areas is extremely similar. Farming and other similar activities that drive the need for accessory buildings take place on properties with both RR and A zoning classifications. Therefore, in staff's judgment, the parcel size is the more critical consideration than the zoning considering that the zoning categories and the parcels that have those categories are so similar.
- Regarding structure location, the existing ordinance does not allow accessory buildings to be located nearer the front lot line than the principal structure. However, there is an exception listed for A, RR and RS (formerly R-1) properties where these structures can be located closer to the front lot line by resolution by the City Council. This procedure is similar to a variance, but more streamlined. Staff recommends that if this provision is kept in place, it should apply to all rural zoning districts, as opposed to just the A, RR, and RS districts.
- Finally, regarding structure design, there are some types of accessory buildings that are unable to match the design of the principal structure for reasons related to their intended use. Animal buildings, greenhouses, and gazebos are a few examples where the use of the structure calls for a different design than the principal building.

While the changes to the accessory building provisions in the rural districts may not seem substantial, staff is still seeking feedback regarding the allowed size and number of buildings. Given the wide mix rural and older platted lots and variety of agricultural and other land uses in Lake Elmo, the accessory building provisions need to accommodate a wide mix of situations.

Finally, it should be noted that staff is proposing to leave the accessory building provisions for the Urban Residential and Village Mixed-Use Districts the same as before, with minor title and order changes. In terms of accessory structures in Commercial districts, it is also worth noting that all structures in commercial districts have to meet setback building material requirements of principal structures. The Lake Elmo Design Guidelines and Standards Manual would also apply to structures in more intense districts related to building materials and design.

RECOMMENDATION:

No formal action is required at this time. Staff is looking for feedback on the accessory building ordinance in advance of a future Public Hearing.

ATTACHMENTS:

1. Draft Accessory Building Ordinance
2. Existing Ordinances pertaining to Accessory Buildings

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members



PLANNING COMMISSION

DATE: 2/24/14

AGENDA ITEM: 4A – BUSINESS ITEM

CASE # 2014 - 10

ITEM: Zoning Text Amendment – Accessory Building Ordinance Updates

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is asked to review an updated draft of the City's provisions related to accessory buildings. The Planning Commission reviewed the draft ordinance at a meeting on 2/10/14. Staff would like to discuss the various provisions of the ordinance in advance of an upcoming public hearing on March 10, 2014.

REQUEST DETAILS

City Staff has been working on an update to the City's accessory building provisions. This effort is two-fold: 1) the proposed update would move the general accessory building provisions into Article V – General Regulations, continuing the Zoning Code update and general house-keeping efforts, and 2) the proposed update allows the City to evaluate which aspects of the City's accessory building provisions should be modified or updated based upon community desire and best practices. At this time, Staff is proposing to leave the residential accessory building provisions in the Urban Residential and Village Mixed-Use districts the same. Rather, Staff would like the Planning Commission to focus on the accessory building provisions in the rural districts to determine if any changes should be made.

As part of the first review of the draft ordinance presented on 2/10/14, Staff presented proposed changes to the City's accessory building provisions. Generally, these proposed changes included the following:

- Either a zoning permit or building permit will be required as determined by the State Building Code. The current ordinance requires a building permit above 100 square feet, which is not consistent with the State Building Code.
- Staff proposes to regulate the allowed number and size of accessory buildings based solely on parcel size, whereas the existing ordinance has different considerations for parcels zoned Agricultural (A) vs. Rural Residential (RR).
- Staff proposes to list exempt structures that do not count towards a property's accessory building allowance, such as gazebos, sport courts, swimming pools, etc.
- Related to structure location in rural districts, staff would propose that the exception to allow buildings nearer the front property line in RS, A and RR districts by resolution of the City Council should apply to all rural districts.

- Staff proposed to include a list of structures where the design of the structure does not have to match the principal structure due to the purpose of the building. The best example of such a structure is a greenhouse.

In addition to these changes, Staff also presented two proposed changes as a result of a review of the draft ordinance by the Building Official, Rick Chase:

- He recommended removing the maximum door size for tool sheds due to the fact that most of the existing structures in the community would not comply with the maximum size allowed (28 square feet). In discussion the matter with the Planning Commission, there seemed to be general agreement that regulating the maximum size of these structures (less than 160 square feet) would be sufficient.
- The Building Official recommended a six-foot setback for accessory structures from the principal building. The reason for this is to avoid additional regulations required by the State Building Code for structures within 6 feet of the principal building.

In addition to Staff recommendations, the Planning Commission discussed two main areas related to accessory buildings: 1) the size of attached garages allowed under the ordinance, and 2) the allowed size and number of accessory building in rural districts.

- ***Attached Garages.*** The existing ordinance has a provision which limits the size of any building, attached or detached, intended for the storage of automobiles to 1000 square feet maximum. In discussing this provision with the Planning Commission, there was general consensus that this provision does not need to be carried forward, as many new homes include attached garage space that exceeds 1000 square feet. Staff would recommend limiting the size of attached garages by including a provision that an attached garage cannot exceed the size of the principal building.
- ***Allowed Size and Number of Accessory Buildings – Rural Districts.*** At the meeting on 2/10/14, Staff suggested that the Planning Commission take additional time to consider what the appropriate quantities should be for allowed size and number of accessory buildings in rural zoning districts. In researching other similar communities, Staff has found that some cities that are similar in character have a larger allowance for accessory buildings than Lake Elmo. However, given the great variation of the lots in the rural areas or zoning districts in Lake Elmo, the allowed number and size of buildings has to be appropriate given the existing context of the lots in the rural areas. In addition, the allowed size and number of buildings should reflect community desire. During the Planning Commission discussion of this topic, Staff interpreted that there may be some support to slightly increasing the size and building allowance in some instances. For example, allowing 2 buildings on parcels of 10 acres or more was discussed. Staff recommends discussing the issue further to build greater consensus and direction in advance of the public hearing.

RECCOMENDATION:

No formal action is required at this time. Staff is looking for feedback on the accessory building ordinance in advance of a Public Hearing on 3/10/14.

ATTACHMENTS:

1. Draft Accessory Building Ordinance, dated 2/24/14
2. Existing Ordinances pertaining to Accessory Buildings – Hard Copies delivered in 2/10/14 Agenda Packet.

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members



PLANNING COMMISSION
DATE: 3/10/14
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2014 - 10

ITEM: Zoning Text Amendment – Accessory Building Ordinance Updates

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is asked to hold a public hearing to review a draft ordinance updating the City’s provisions related to accessory buildings. The Planning Commission reviewed the draft ordinance at meetings on 2/10/14 and 2/24/14. Staff is recommending that the Planning Commission recommend the proposed Accessory Building Ordinance for approval to the City Council.

REQUEST DETAILS

In an effort to reorganize and improve the City’s accessory building provisions, Staff has been working on a draft ordinance. As a result of the previous reviews of the proposed accessory building provisions by the Planning Commission, Staff has made several updates to the draft ordinance. Specifically related to the Planning Commission review on 2/24/14, the following changes to the draft ordinance have been incorporated (shown in redlines):

- The building type and definition of a detached residential garage was changed to a more general type of structure: detached residential accessory building.
- Regarding exempt structures, clarification was added to gazebos, detached decks and animal structures, better defining the total amount of square footage allowed.
- In terms the allowed size and number of buildings in the rural districts, Staff made two changes to Table 9-3. First, the lot size category was changed from “5,000 square feet – 1 acre” to “under 1 acre”. Second, the number of permitted buildings in the 5-10 and 10-15 acre categories was changed from 1 to 2 buildings.
- A provision was added to allow for additional accessory buildings in RR and A zones beyond the permitted number via conditional use permit.
- Related to attached garages, clarification was added to note that the size of the attached garage cannot exceed the “footprint” size of the principal building.

In addition to these changes, Staff is also working to respond to the Planning Commission discussion regarding the size of attached garages in the urban residential zoning districts. There was some discussion about whether or not it would be difficult for single family home builders to meet the 60% maximum width for the attached garage with their home plans given the size of some of the lots. Staff has reached out to some of the single family home builders, including national builders, to determine if the 60% maximum width for garages presents a significant problem. Staff will present whatever findings are reached at the meeting Monday evening.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed Accessory Building Ordinance through the following motion:

“Move to recommend approval of the proposed Accessory Building Ordinance.”

ATTACHMENTS:

1. Draft Accessory Building Ordinance, dated 3/10/14

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members