



STAFF REPORT

DATE: June 11, 2019

DISCUSSION

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: Accessory Structures – Size Limitations
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

City Staff is starting to research the question of whether or not the City Code should be amended to allow for larger accessory buildings in the rural districts, specifically for properties that are less than 1 acre in size. Recently Staff has had several inquiries from residents requesting to build a larger accessory building than what the code would allow. The only option now for these residents to have larger accessory structures would be to receive approval for a variance.

REVIEW AND ANALYSIS:

As mentioned, City Staff has had several residents ask to build a larger accessory building than what the Code would allow. This often leads into the discussion of a variance and it would be difficult for a resident to meet all of the criteria for variance approval when it comes to size. Staff would like to remind the Council that if the allowed size of a structure is increased there are other measures that could keep the size in check including, impervious surface limits, setbacks, in some cases utility easements, etc.

Variance Requirements:

Practical Difficulties. ...would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.

Definition of Practical Difficulties. “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

Unique Circumstances. The problem for the landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and that were not created by the land owner/applicant.

Character of Locality. The proposed variance will not alter the essential character of the locality in which the property in question is located.

Adjacent Properties and Traffic. The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

An alternative to a variance request for larger accessory buildings may be through the CUP approval process. The benefit to this option is that the criteria for approval through a CUP are less stringent than variance. However, there are no defined measures in place at this time to limit dimension requirements. This option is discussed further in the Maplewood review section.

Lake Elmo:

Staff is working off of Table 9-3 (below) for standards to accessory buildings in the rural districts.

Lot Size	Maximum Structure Size a. (sqft.)	No. of Permitted Buildings
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 c.
15-20 acres	3,000	2 c.
20-40 acres	4,000	2 c.
40+ acres	Unregulated d.	Unregulated d.

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. One agricultural building, as defined in §154.213, is allowed in addition to the permitted number and size of accessory structures.

d. Agricultural buildings, as defined in §154.213, are allowed in addition to up to two permitted accessory structures which total 4,000 square feet.

Because the square footage for accessory buildings properties under 1 acre is limited to 1,200 square feet between the garage and any accessory building, residents are finding the accessory buildings are smaller than what they want or

need. Also, building an addition to their existing garage may not be feasible due to setbacks or structural constraints of the existing garage. Staff found comparable examples from other communities. For this review only the accessory building and lot size will be compared.

Other Communities:

Mounds View:

Staff is not particularly fond of the language that they have in their code for accessory structures.

Minimum lot size for their R-1 zoning district of 11,000 sqft. or .25 acres.

- Up to 952 sqft. anything over requires a conditional use permit, maximum of 1,800 sqft.
- The combined square footage of accessory buildings in a rear yard shall not exceed 20% of the rear yard. (This seems like an unreasonable standard for Staff to follow up on)
- Staff is under the impression that they would be allowed to have more than one accessory building but after the combined size goes over 952 sqft. they would need a CUP.

City of Woodbury:

Staff has found that the City of Woodbury and Lake Elmo have code language that is very similar in structure and content. They have chosen to separate the garage space from an accessory structure. Doing something like this would aide in relieving the issue of not allowing enough space.

Each lot with a principal building is allowed attached garage space or one detached garage in addition to an accessory building or buildings as per chart c.8.

a. *Attached garage space.*

1. Shall not exceed 1,000 square feet or 50 percent of the main floor area of the principal building, up to 2,000 square feet, whichever is greater.

Zoning District	Number	Maximum Size
R-1, Urban Reserve, lot less than 5 acres	1	1,000 square feet
R-1, Urban Reserve, lot 5 acres or more	2	2,000 square feet combined
R-2, Rural Estate Minimum lot area: Three acres exclusive of water bodies and wetlands except that lots existing as of the date of this chapter, less than three acres but more than one acre, shall be considered a buildable lot.	1	1,000 square feet
R-4, Urban Residential a. Single-family detached dwellings, unplatted: 20 acres. b. Single-family detached dwellings, platted: 10,000 square feet with a minimum buildable area of 4,000 square feet. (This district does allow for higher density)	1	400 square feet

City of Forest Lake:

The Forest Lake code is a little more flexible than Lake Elmo’s in that the smaller lots are not required to count the garage space in their calculation. However, if they have a detached garage they would be limited. Staff did not investigate further to see if there was a limit on number of buildings. One might speculate that they have other measures in their code that would limit the number of buildings such as; setbacks, impervious surface, etc.

(D) *Size.* The maximum allowable total or accumulated floor area of all detached accessory structures on a lot shall be as follows:

- (1) Lots less than 2.5 acres: 1,500 square feet;
- (2) Lots 2.5 acres to 5 acres: 2,500 square feet;
- (3) Lots greater than 5 acres to 10 acres: 3,000 square feet;
- (4) Lots greater than 10 acres to 20 acres: 3,500 square feet;
- (5) Lots greater than 20 acres: no limit;

City of Hugo:

Similar to Woodbury they have chosen to provide extra flexibility for certain situations. The attached code language goes into more detail.

Lot size	Maximum number of accessory buildings allowed	Maximum combined size of accessory buildings (square feet)
Under 1.5 acre	1	260
1.5 to 2.99 acres	2	1,500
3 to 4.99 acres	2	2,000
5 to 9.99 acres	2	3,500
10 or more acres	3	5,000

- (g) Garages allowed under sections 90-229 and 90-230 are permitted in addition to accessory buildings. Detached garages are considered accessory buildings and are subject to all requirements of this section. For residential properties without an attached garage, an additional 500 square feet, and an additional building shall be allowed beyond the maximum size and number of buildings referenced in the table above.

City of Orono:

The following code applies to their “R” districts, which correlates to their residential districts. The provided table is not complete, please refer to the Orono attachment for the full table.

Lot Area (acres)	Maximum Individual OAB Footprint Area (square feet)	Maximum Allowed Total of All Accessory Building Footprint Areas on a Property (square feet)
0—1.99	1,000	2,000
2.00—3.00	1,200	2,400

Maplewood:

Maplewood provides a good alternative by allowing residents the option to have a larger accessory structure on its own as opposed to splitting footage between attached and detached. They also have a second table, allowing larger structures in their rural districts. However, the lot size was based on “tiers,” Staff did not search to find what that translates into.

Lot Areas (sq. ft.)	Detached Buildings Without an Attached Garage	Attached Garages Without Detached Garage Buildings	Combination of Detached and Attached Garage * Buildings
Under 8,000	768	768	1,188
8,000—11,999	1,000	1,000	1,420
12,000—15,999	1,000	1,000	1,480
16,000—20,999	1,100	1,100	1,660
21,000—41,999	1,250	1,250	1,850
42,000+	1,250 (garages)	1,250	2,500
1 acre = 43,560 sqft.	1,000 (all other accessory buildings)		

* The total area of all detached accessory buildings shall not exceed the areas in column (1).

- * The total of all attached garages shall not exceed the areas in column (2).
- (b) A private garage shall not exceed 16 feet as measured from grade.
- (c) The city council may approve an increase in height or area by conditional use permit.
- (d) Detached garages shall not include living space. No commercial use of a garage shall occur unless authorized by the city council.

Looking at point “c.” above there is a provision in the Maplewood Code that would allow increased height or area through CUP approval. This does seem like a viable option to increase flexibility to the structure. Though flexibility is the intent Staff would want to explore this option further with legal to determine where and how appropriate limits should be placed. Aspects of reviewing a CUP are discretionary but in this instance, a CUP must be approved if it’s determined to meet the criteria where a variance might provide more of a safe guard.

FISCAL IMPACT:

Staff does not foresee a fiscal impact.

COMMENTS AND RECOMMENDATION

At this point Staff doesn’t believe the Lake Elmo sizing requirements are drastically different from other Cities. Staff does believe it may be worthwhile to explore the topic further and try to improve upon the existing Code.

- Direct Staff to prepare draft Code amendments to Section 154.406, with the intent of creating more flexibility for the size limits for accessory buildings on smaller lots.
- Do not direct Staff to proceed with amendments for accessory structures.

ATTACHMENTS

- Lake Elmo Code
- Mounds View Code
- City of Woodbury Code
- Forest Lake Code
- City of Hugo Code
- City of Orono Code
- City of Maplewood Code

Jurisdiction Lot Size Structure Size Notes

**Additional limiting factors have not been compared when reviewing the sizing requirements (Imp. Surface, setbacks, etc.)*

Lake Elmo	1 acre or less	1,200	This is a combined total of garage space as well. Also, if their garage is detached that has been counting as their accessory building.
Mounds View	.25 acres	952 sqft. or 1,800 sqft.	The code states that anything over 952 sqft requires a CUP. Staff does not view this as a reasonable expectation.
Woodbury	1 acre	1,000 sqft.	The size requirement is separate from garages, attached or detached.
Forest Lake	2.5 acres or less	1,500 sqft.	
Hugo	1.5 acre or less	260 sqft.	This seems unreasonably small. However, there is a reference to section 90.230 for private garages which leads Staff to believe that 1,000 sqft. garages would be allowed. However, it also states that garages are to follow the table in section 90.204 which places the 260 sqft. limit. Staff was confused as to which takes precedence but would like to think the figures would be separate from each other.
Orono	2 acres or less	1,000 sqft.	Staff believes they are allowed more than one accessory building but the lot can only have a total of 2,000 sqft. OAB (Oversized Accessory Building)
Maplewood	8,000 sqft or less	768 for an attached garage and 768 for a detached garage or 1,188 total.	Their code seems generous for the given lot size requirements. This type of system may work well for Lake Elmo.

CHAPTER 1103

GENERAL BUILDING REQUIREMENTS¹

SECTION:

- 1103.01: Purpose
- 1103.02: Dwelling Unit Restrictions
- 1103.03: Platted and Unplatted Property
- 1103.04: Reserved
- 1103.05: Reserved
- 1103.06: Accessory Buildings, Uses and Equipment
- 1103.07: Drainage
- 1103.08: Fencing, Screening and Landscaping
- 1103.09: Glare
- 1103.10: Smoke, Dust and Odors
- 1103.11: Noise
- 1103.12: Refuse
- 1103.13: Storage of Equipment and Materials
- 1103.14: Liquid or Solid Wastes
- 1103.15: Toxic or Noxious Matter
- 1103.16: Explosives
- 1103.17: Underground Storage Tanks
- 1103.18: Satellite Dish Antennas
- 1103.19: Cargo Containers

1103.01: **PURPOSE:** The purpose of this Chapter of the Zoning Code is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses, to prevent urban blight, deterioration and decay and to enhance the health, safety and general welfare of the residents of the community. (1988 Code §40.04)

¹ See Section 1006.06 of this Code for development controls; see subdivision 1008.08(2) of this Code for sign regulations in specific zoning districts.

1103.02: DWELLING UNIT RESTRICTIONS:

- Subd. 1. No cellar, garage, tent, recreational vehicle, travel trailer or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.
- Subd. 2. Basements or cellars, if used as habitable rooms as a portion of residential dwellings, must conform to all Building Codes¹.
- Subd. 3. Tents, playhouses or similar structures may be used for play or recreational purposes. (1988 Code §40.04)

¹ See Title 1000 of this Code.

1103.03: PLATTED AND UNPLATTED PROPERTY:

Subd. 1. Survey: Any person desiring to improve property shall submit to the Building Official a survey of said premises and information on 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.

Subd. 2. Placement of Buildings: All buildings shall be placed so that they will not obstruct 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.

Subd. 3. Buildable Lots: A lot or parcel of land for which a deed has been recorded in the office of the Ramsey County Register of Deeds upon or prior to May 9, 1960, shall be deemed a buildable lot; provided, it has frontage on a public right of way, and said space requirements for the district in which it is located can be maintained or adjusted to conform as follows:

a. A platted lot or parcel of land of record on or prior to May 9, 1960, which does not meet the requirements of this Title as to area, width or other open space may, if it is properly zoned, be utilized for single-family detached dwelling purposes; provided, the measurements of such area, width or open space are within seventy percent (70%) of the requirements under the terms of this Title, but said lot or parcel shall not be more intensively developed. Such existing lots that fall within seventy percent (70%) of the requirements and have lot widths less than required by this Title shall be permitted to have side yard setbacks in the same percentage proportion as the lot width reaches the requirements of this Title. In no case shall a side yard setback be less than five feet (5').

b. Where two (2) or more contiguous vacant lots are held in common ownership within a subdivision which was duly recorded prior to May 9, 1960, which lots are individually not of the required minimum area or width for the district in which they are situated, building permits will be issued; provided, that such lots shall be combined in such a way as to provide the minimum lot frontage and area required for each structure.

The purpose of this provision is to permit utilization of recorded lots which lack adequate width or area, as long as reasonable living standards can be provided, and to widen substandard size vacant lots wherever practicable so that they will be in harmony with the existing or projected character of the neighborhood in which they are situated.

- Subd. 4. **Principal Buildings:** Except in the case of planned unit developments as provided for in Chapter 1120 of this Title, not more than one (1) principal building shall be located on a lot. The words “principal building” shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Building Official shall be final, subject to the right of appeal to the Planning and Zoning Commission and City Council.
- Subd. 5. **Front Lot Lines:** On a through lot (a lot fronting on two (2) parallel streets), both street lines shall be front lot lines for applying the yard and parking regulations of this Title.
- Subd. 6. **Building Permits:** Before a building permit may be issued under Chapter 1006 of this Code for any new construction on unplatted land, the land shall be platted under the provisions of Title 1200 of this Code. (1988 Code §40.04)

1103.04: Reserved. (Ord. 883, 9-9-13)

1103.05: Reserved. (Ord. 883, 9-9-13)

1103.06: **ACCESSORY BUILDINGS, USES AND EQUIPMENT:**

- Subd. 1. **Connection to Principal Building:** An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.
- Subd. 2. **Location in Yards:**
- a. No accessory building, other than a garage, shall be erected or located within any required yard other than the rear yard. (1988 Code §40.04)
 - b. Accessory uses or equipment must be located in the rear yard, except those expressly allowed in side yards in subdivision 1104.01(5) of this Title. (Ord. 453, 2-27-89)

Subd. 2. Permitted single-family uses allowed under Minnesota Statutes, section 462.357, subdivision 7, as follows:

- a. A state licensed residential facility serving six (6) or fewer persons, except as provided in subdivision 3 of this Section 1106.02; (Ord. 596, 3-10-97)
- b. A licensed day care facility serving twelve (12) or fewer persons;
- c. A group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9501.0445 to serve fourteen (14) or fewer children;
- d. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use. (Ord. 575, 7-15-96)

Subd. 3. Notwithstanding the provisions of subdivision 2.a. herein, foster family homes as defined in Minnesota Rules, Chapter 9545, Section 9545.0010, subp. 7, which relate to the Department of Human Services and group homes and group foster homes as defined in Department of Correction Rules, extracted from Minnesota Rules, Chapter 2925, Section 2925.0100, subp. 9, shall be allowed as permitted uses to serve not more than eight (8) children per home, not including the foster family's own children. (Ord. 575, 7-15-96; Ord. 596, 3-10-97)

Subd. 4. Essential services. (Ord. 575, 7-15-96)

Subd. 5. Public parks and playgrounds. (Ord. 575, 7-15-96)

1106.03: **ACCESSORY USES:** The following are permitted accessory uses in an R-1 District: (1988 Code §40.10)

Subd. 1. Accessory Buildings: A building originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property. Accessory buildings, which for these purposes shall include garages, tool houses, carports, sheds and similar buildings for storage of domestic supply and noncommercial recreational equipment, whether attached or detached. (Ord. 664, 8-14-00; Ord. 879, 7-22-13)

- a. Every R-1 zoned property improved with a single-family dwelling is allowed a maximum of one-thousand eight hundred (1,800) square feet of combined accessory building area, subject to the requirements noted herein. (Ord. 664, 8-14-00; Ord. 693, 3-25-02)

- b. **Accessory buildings** shall not exceed eighteen feet (18') or that of the principal structure, whichever is less, in height, shall be five feet (5') or more from all lots lines of adjoining lots and shall have a pitch or slope of at least 2-12, but no steeper than 12-12. Rounded, dome or geodesic dome roofs are not allowed on accessory buildings. Accessory buildings one hundred twenty (120) square feet or under shall be three feet (3') or more from any other building or structure. Accessory buildings over one hundred twenty (120) square feet shall meet the minimum fire separation distance as required by the Minnesota State Building Code. (Ord. 664, 8-14-00; Ord. 828, 10-8-09)
- c. **No accessory building in an R-1 District shall exceed nine hundred fifty-two (952) square feet in area, except by conditional use permit.** (Ord. 620, 7-27-98; Ord. 664, 8-14-00)
- d. **The combined square footage of accessory buildings in a rear yard shall not exceed twenty percent (20%) of the rear yard.** (Ord. 442, 7-11-88; Ord. 620, 7-27-98; Ord. 664, 8-14-00)
- e. An outdoor living room or patio shall not be used for storage of automobiles or trucks. (Ord. 664-8-14-00)
- f. No permit shall be issued for the construction of more than three (3) accessory buildings in any R-1 District. One (1) of the three (3) permits must be for a garage. (Ord. 664, 8-14-00)
- g. Accessory buildings shall have a weather resistant, treated or finished exterior. Structures composed of tubular metal and canvas or exposed plywood, particle board or similar materials shall not be permitted. The City does not allow cloth, canvas, plastic sheets and tarps or similar materials as primary exterior materials on accessory buildings (except for green houses). (Ord. 664, 8-14-00; Ord. 828, 10-8-09)
- h. If any accessory building is to be utilized for the storage of frequently-used vehicles, it shall be serviced by an improved driveway so as to control dust, drainage and erosion, according to the requirements as set forth in Section 902.05 of this Code. (Ord. 664, 8-14-00)

Sec. 24-281. - Residential districts.

(a) *Attached garage space, detached garages, and accessory buildings.*

- (1) Each lot with a principal building is allowed attached garage space or one detached garage in addition to an accessory building or buildings as per chart c.8.

a. **Attached garage space.**

1. Shall not exceed 1,000 square feet or 50 percent of the main floor area of the principal building, up to 2,000 square feet, whichever is greater.

Exception: When garage space exists beneath garage space, only the area of the larger space shall be used to calculate the area of the garage space. If the garage spaces are equal in area, only one of the areas shall be calculated.

2. Setbacks for attached garage space shall comply with the required garage setback of the underlying zoning district.

b. **Detached garages.**

1. Shall not exceed 1,000 square feet or 50 percent of the main floor area of the principal building, up to 2,000 square feet, whichever is greater.

2. Shall be setback at least five feet from side and rear property lines.

Exception: On a corner lot, buildings with a door, or doors, with a total width of seven feet or wider and facing the side street shall meet the side yard setback of the underlying zoning district.

3. Exterior building materials shall match the exterior building materials of the principal building unless otherwise approved by the zoning administrator.

4. Shall not be placed within drainage, utility, or other easements.

5. Shall not be located in front of the principal building.

Exception: A detached garage may be located in front of the principal building in the R-1 and R-2 zoning districts, providing the minimum front yard setback to the accessory building is 100 feet.

6. Shall not have a wall height exceeding 12 feet in height.

7. Shall not be more than one story in height.

8. Shall not have doors that exceed ten feet in height.

c. *Accessory buildings.*

1. Shall be setback at least five feet from side and rear property lines.

Exception: On a corner lot, buildings with a door, or doors, with a total width of seven feet or wider and facing the side street shall meet the side yard setback of the underlying zoning district.

2. Shall not be placed on drainage, utility or other easements.

3. Shall not be located in front of the principal building.

Exception: Buildings may be located in front of the principal building in the R-1 and R-2 districts, providing the minimum front yard setback to the accessory building is 100 feet.

4. Shall not have a wall height exceeding 12 feet in height.

5. Shall not be more than one story in height.
6. Shall not have doors that exceed ten feet in height.
7. The following materials are prohibited for use as roofing or siding on accessory buildings: corrugated materials, cloth, canvas, plastic sheets, tarps and the like.

Exceptions: Accessory buildings within the R-1, urban reserve district, accessory buildings on unplatted lots within the R-2, single-family estate district, and on agricultural buildings as defined by Minnesota Statutes.

8. **Accessory building size and number allowed.**

Zoning District	Number	Maximum Size
R-1, Urban Reserve, lot less than 5 acres	1	1,000 square feet
R-1, Urban Reserve, lot 5 acres or more	2	2,000 square feet combined
R-2, Rural Estate	1	1,000 square feet
R-4, Urban Residential	1	400 square feet

(b) *Miscellaneous structures.*

- (1) Swing sets, sandboxes, play structures, dog kennels, satellite dishes and similar structures shall not be located closer than five feet from the side or rear property lines, and shall not be located within the front yard setback.
- (2) Basketball hoops, hockey nets, and similar items may not be located on a public street.
- (3) Concrete slabs shall not be located closer than five feet from the side or rear property lines but may be located within the front yard setback.

(c) *Recreational facility.*

- (1) Shall be set back at least five feet from the side and ten feet from the rear property lines.
- (2) Shall not be placed within drainage, utility or other easements.
- (3) Shall not be located in front of the principal structure.

Exception: A recreational facility may be located in front of the principal building within the R-1 and R-2 districts, providing the principal building is setback a minimum of 100 feet from the front property line and the recreational facility is setback a minimum of 50 feet from the front property line.

(Ord. No. 1863, § 1863.02, 10-24-2012; Ord. No. [1957](#), § 14, 12-12-2018)

§ 153.110 DETACHED ACCESSORY STRUCTURES IN C, A, RR, SF, MXR-1, MXR-2, MXR-3, MU-1, MU-2, AND BP DISTRICTS.

Garages, storage buildings or sheds, and children's playhouses are examples of accessory structures and shall meet the following requirements.

(A) *Required permits.* A building permit is required for all accessory structures except agricultural buildings on a commercial farm as defined in M.S. § 273.13, Subd. 23, as it may be amended from time to time, and accessory structures less than 120 square feet. A certificate of compliance is required for all agricultural buildings.

(B) *Time of construction.* No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a commercial farm property containing 40 acres or more, or unless the accessory structure is permitted as a conditional use on an adjacent non-riparian lot located within 100 feet of a riparian lot under common ownership which contains a principal structure. An agricultural building must be related to a commercial farming operation on the parcel that the building is located unless approved by a conditional use permit (CUP).

(C) *Location.*

(1) Detached accessory structures shall have a minimum building separation of 6 feet from the principal structure.

(2) See the zoning district setback requirements.

(3) Accessory structures located on through lots may be located between the rear of the principal structure and the public right-of-way.

(4) Accessory structures may be placed between the principal structure and the public right-of-way on lakeshore lots meeting all required setbacks and lot coverage.

(5) Accessory structures shall not be placed between the principal structure and the lakeshore, except 1 structure no larger than 120 square feet meeting all the required setbacks for the applicable district shall be permitted.

(6) Accessory structures shall be limited in height to the standards for detached accessory standards in the applicable zoning district.

(D) *Size.* The maximum allowable total or accumulated floor area of all detached accessory structures on a lot shall be as follows:

(1) Lots less than 2.5 acres: 1,500 square feet;

(2) Lots 2.5 acres to 5 acres: 2,500 square feet;

(3) Lots greater than 5 acres to 10 acres: 3,000 square feet;

(4) Lots greater than 10 acres to 20 acres: 3,500 square feet;

(5) Lots greater than 20 acres: no limit;

(6) The square footage of above grade or below grade swimming pools and 1 storage shed of not more than 120 square feet shall not be included in the calculation of maximum allowable area of accessory structures;

(7) No land shall be subdivided so as to have a larger accessory structure total or accumulated floor area than permitted by this chapter.

(E) *Number.* The maximum number of accessory structures is as follows:

(1) On parcels of 2.5 acres or less, 1 accessory structure is allowed with 1 additional single story storage shed of 120 square feet or less;

(2) On parcels greater than 2.5 acres to 20 acres, a maximum of 2 accessory structures are allowed with 1 additional single story storage shed of 120 square feet or less;

(3) On parcels greater than 20 acres, there is no limit on the number of accessory structures, provided they are agricultural

buildings;

(4) No land shall be subdivided so as to exceed the total number of structures permitted by this chapter.

(F) *Height.* Accessory structures shall be limited to the permitted building height for accessory structures in the respective zoning district. The height of accessory structures permitted pursuant to §§ 153.333(H), 153.334(Q), and 153.335(R) shall not exceed 1 story.

(G) *Use of accessory structures.* In agricultural or residential districts, accessory structures are to be used for personal use or agricultural use only, and no commercial use or commercial related storage is allowed except that home occupations are permitted in an accessory structure as provided in § 153.096(L).

(H) *Accessory structures for domestic farm animals.* All domestic farm animal structures, feedlots, and manure storage sites must meet the requirements of this section and § 153.096(P).

(I) *Fish houses.* No more than 1 fish house shall be permitted on a residential lot.

(J) Temporary pole and canvas like storage structures may be used to cover and protect recreational equipment from the elements between Halloween and April 15th. No more than 1 shall be permitted on any residential property at any one time. Structures shall not exceed 200 square feet and meet all accessory structure requirements. These types of structures are not permitted for year round storage or use and must be removed from residential properties during the time period of April 15th through Halloween and stored in a permanent structure. The city shall have the authority to require the removal of this type of structure if it causes a nuisance, is viewed as excessive use of the parcel it is located on, or is being used for something other than recreational equipment storage during the allowable time period.

(K) *Residential yard accessories and/or equipment.* Recreation equipment such as play apparatus, swing sets and slides, sandboxes, poles for nets, tree houses, above or in-ground swimming pools, hot tubs, play houses exceeding 25 square feet in floor area, sheds utilized for storage of equipment, landscape water features and man-made ponds/streams and detached arbors or trellises, shall be subject to accessory structure setbacks.

(L) A detached elevated walkway or deck surrounding a pool or hot tub must meet the setback requirements for an accessory structure of the applicable zoning district. Pool or hot tub decks are not subject to the 10 foot encroachment applicable to other decks into the required rear yard.

(M) *Exterior design and color of accessory structures.*

(1) The exterior design and color of the accessory structure shall be compatible with the exterior design and color of the principal building except in AP, C, A, and RR Zoning Districts.

(2) In the RR Zoning District, pole-type accessory structures shall be allowed to the rear of the principal building. The exterior design and color of accessory structures located between the road and the principal building shall be compatible with the exterior design and color of the principal building.

(3) Pole-type accessory structures shall be allowed in AP, C, and A Zoning Districts. The color of an accessory structure located between the road and the principal building must be compatible with the color of the principal building.

(N) *Exterior walls and the like.* Every exterior wall, foundation, and roof of any accessory structure or structure shall be reasonably watertight, weather tight, and rodent proof and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears, or breaks of deteriorated plaster, stucco, brick, wood, and other material.

(O) *Exterior wood surfaces.* All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and from decay by painting or other protective covering or treatment. A protective surface of an accessory structure or structure shall be deemed to be out of repair if more than 25% of the exterior surface area is unpainted or paint blistered and shall be painted. If 25% or more of the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 669, passed 12-4-2017; Am. Ord. 670, passed 12-4-2017)

Sec. 90-230. - Garages, private.

- (a) It is unlawful for any person to construct, operate or maintain a private garage in the city, except in conformance with this chapter.
- (b) Private detached garages are considered accessory buildings and are subject to all requirements under section 90-204.
- (c) Private attached garages must meet the following standards:
 - (1) May not exceed, in size or height, the principle building located on the lot.
 - (2) May not exceed 1,000 square feet plus 25 percent of the amount by which the footprint of the principle building exceeds 1,000 square feet in size.
 - (3) May not occupy over 40 percent of the lot's public street frontage as measured at the front yard setback line.
- (d) Private garages may be used only by the owner or occupant of the property on which they are located; they may not be rented, leased, or occupied for commercial purposes.
- (e) On residential lots of less than 10,400 square feet in size, all garage walls, including front walls, must be located at, or to the rear of, the front wall of the principle building on the lot.
- (f) Except for agricultural buildings and long-term agricultural zoning districts, private garages shall resemble, in color, style, exterior siding, and roofing materials, the principle building on the lot or parcel.

(Prior Code, § 1195-300.1; Ord. No. 2009-430, § 1, 6-15-2009)

Sec. 90-204. - Accessory buildings.

- (a) It is unlawful for any person to construct or replace an accessory building in any district in the city, except in conformance with this chapter.
- (b) A site plan must be submitted for approval by the community development director or designee before a permit is issued for any accessory building.
- (c) One accessory storage shed is allowed per lot with a maximum size less than 120 square feet in addition to the number and size of accessory buildings listed in this section.
- (d) Setbacks for accessory buildings less than 120 square feet and located in the urban residential zoning districts are as follows:
 - (1) Ten foot rear yard setback
 - (2) Six foot side yard setback
 - (3) Shall be outside all drainage and utility easements.
- (e) All accessory buildings 120 square feet or larger, are to be in conformance with all building setbacks.
- (f) Accessory buildings, up to the maximum number and size listed in this section are permitted as an accessory use in all residential and agricultural districts of the city. Accessory buildings of up to 125 percent of the size permitted may be allowed by conditional use permit, if no variance is required for their construction. The number and size of accessory buildings permitted are as follows:

Lot size	Maximum number of accessory buildings allowed	Maximum combined size of accessory buildings (square feet)
Under 1.5 acre	1	260
1.5 to 2.99 acres	2	1,500
3 to 4.99 acres	2	2,000
5 to 9.99 acres	2	3,500
10 or more acres	3	5,000

- (g) Garages allowed under sections 90-229 and 90-230 are permitted in addition to accessory buildings. Detached garages are considered accessory buildings and are subject to all requirements of this section. For residential properties without an attached garage, an additional 500 square feet, and an additional building shall be allowed beyond the maximum size and number of buildings referenced in the table above.
- (h) Except for agricultural buildings, no accessory building may exceed in size or height, the size or height of the principle building on a lot, or be located within six feet of another building.

- (i) Except in the agricultural and long-term agricultural zoning districts, no accessory building shall be located or protrude in front of the principle building on the site, in relation to any public street.
- (j) All accessory buildings shall resemble, in style, materials, color, roofline, and siding type, the principle building on the lot, except the following building types may vary from this standard:
 - (1) Accessory buildings located in the agricultural and long-term agricultural zoning districts.
 - (2) Accessory building under 120 square feet in size.
 - (3) Horse stables and riding arenas.
 - (4) Greenhouses.
 - (5) Gazebos and decorative shelters.
 - (6) Historic buildings.
 - (7) Buildings, constructed as part of a planned unit development, which are subject to an overall site plan prepared by a registered architect.
- (k) Any accessory building located in a commercial or industrial zoning district shall have an approved site plan from the community development director prior to the issuance of a building permit. The maximum number and size of buildings permitted shall be determined on a case by case basis. Accessory buildings shall not dominate the streetscape, restrict views across the property, and shall not alter the character of the area.
- (l) All accessory buildings located in commercial and industrial zoning districts shall be of the same style, materials, color, roofline, and siding type as the principle building on the lot. Building types listed under subsection (j), (1)—(7) of this section may vary from this standard.
- (m) Accessory buildings shall not have indoor plumbing such that it would allow the structure to be used as living space, which would constitute a dwelling.
- (n) Other provisions of this chapter notwithstanding, there is no limit to the number or size of agricultural buildings allowed on parcels of land 20 acres or more in size located in the agricultural, long-term agricultural, and rural residential zoning districts.
- (o) Any property zoned R-I, RR, AG, or FUS that is less than three acres in size shall be allowed two accessory buildings with a maximum combined size of 1,500 square feet, and shall not be subject to the requirements as stated in the table outlined in subsection (f).

(Prior Code, § 1195-030.1; Ord. 2009-429, § 1, 6-15-2009; Ord. No. 2015-470, § 3, 5-4-2015)

Sec. 78-1434. - Building size restrictions.

No accessory building shall exceed 1,000 square feet of footprint area; except that accessory buildings in excess of 1,000 square feet shall be considered oversized and will be allowed under the following conditions:

- (1) Not more than one oversized accessory building (OAB) shall be permitted on any property. An OAB is defined as an accessory building of footprint area in excess of 1,000 square feet.
- (2) An OAB is regulated by the following table:

Lot Area (acres)	Maximum Individual OAB Footprint Area (square feet)	Maximum Allowed Total of All Accessory Building Footprint Areas on a Property (square feet)
0—1.99	1,000	2,000
2.00—3.00	1,200	2,400
3.01—3.50	1,400	2,800
3.51—4.00	1,600	3,200
4.01—4.50	1,800	3,600
4.51—5.00	2,000	4,000
5.01—6.00	2,200	4,400
6.01—7.00	2,400	4,800
7.01—8.00	2,600	5,200
8.01—9.00	2,800	5,600
9.01—10.00	3,000	6,000
10.01—11.00	3,200	6,400
11.01—12.00	3,400	6,800
12.01—13.00	3,600	7,000

13.01—14.00	3,800	8,000
14.01 or more	4,000	8,000

(3) Any OAB shall be subject to the following conditions:

- a. Principal building setbacks must be met. Further, no OAB shall be nearer the front lot line than the front line of the principal building on the property.
- b. The maximum height for such accessory building shall be 30 feet or the defined height of the principal residence building on the property, whichever is less.
- c. An OAB shall be allowed only when the property owner agrees and covenants in writing with the city as follows:
 1. No future subdivision will be approved that places the OAB within a lot that has no principal building, except that the city in its subdivision approval may grant a finite time period in which the OAB may remain without a principal building, in order that a principal building may be constructed. At the end of this time period, the OAB must be removed if no principal building has been constructed.
 2. If the property is subdivided, the OAB and principal building will be located together within a lot that meets the minimum lot area requirement for the given size of the OAB.
 3. In subdivision approval, the setback required for the OAB shall remain.

Such covenant shall be binding on current and future property owners and shall be filed in the chain of title of the property.

(Code 1984, § 10.03(9)(C); Ord. No. 106 3rd series, § 24, 6-10-2013; Ord. No. 222 3rd series, § 27, 12-10-2018)

Sec. 44-114. - Accessory buildings.

- (a) The areas of accessory buildings on a lot in an R-1 residence district shall be limited to the areas in the following table:

Lot Areas (sq. ft.)	Detached Buildings Without an Attached Garage	Attached Garages Without Detached Garage Buildings	Combination of Detached and Attached Garage * Buildings
Under 8,000	768	768	1,188
8,000— 11,999	1,000	1,000	1,420
12,000— 15,999	1,000	1,000	1,480
16,000— 20,999	1,100	1,100	1,660
21,000— 41,999	1,250	1,250	1,850
42,000+	1,250 (garages)	1,250	2,500
	1,000 (all other accessory buildings)		

* The total area of all detached accessory buildings shall not exceed the areas in column (1).

* The total of all attached garages shall not exceed the areas in column (2).

(b) A private garage shall not exceed 16 feet as measured from grade.

(c) The city council may approve an increase in height or area by conditional use permit.

(d) Detached garages shall not include living space. No commercial use of a garage shall occur unless authorized by the city council.

(Code 1982, § 36-77; Ord. No. 870, § 1, 5-22-2006)

Sec. 31-305. - RA one-family district.

RA one-family districts shall be regulated as follows:

(a) *Allowable uses.*

- (1) See Table in Section 31-315 for the allowable uses within this district.
- (2) Accessory uses. In the RA district uses and buildings incidental to permitted or special permitted uses shall be subject to the following regulations:
 - i. The maximum lot coverage of all accessory buildings including attached and detached private garages and other accessory buildings shall be 1,000 square feet or ten percent of the lot area, whichever is less.
 - ii. The total ground coverage of the accessory buildings shall not exceed the ground coverage of the principal building.
 - iii. No more than two accessory buildings (one private garage and one other accessory building 120 square feet maximum) shall be located on a residential premises.
 - iv. An accessory building shall not be designed or used for human habitation, business or industrial accessory use.

(b) *Massing regulations.*

(1) Minimum standards. ¹

Lot area	10,000 square feet
Lot width	75 feet
Lot depth	100 feet
Front yard setback	30 feet
Side yard setback	
Interior	10 feet
Corner	30 feet
Rear yard setback	25 feet
Maximum lot coverage	30 percent
Frontage requirement	25 feet on an improved public street
Height	

Main building	2½ stories, not to exceed 35 feet
Accessory building	1 story, not to exceed 20 feet

(2) Additional setback standards. ²

Trunk Highway 96 (Stonebridge Trail to Co Rd. 15)	100 feet
McKusick Road (Neal Ave. to Co Rd. 15)	100 feet
County Rd. 12 (Northland Ave. to Co Rd. 15)	100 feet
County Rd. 15 (Trunk Highway 36 to Trunk Highway 96)	100 feet
Railroad	75 feet

(3) Exceptions:

- i. *Front yard.* Where a uniform front yard setback exists which is less than 30 feet, any building or structure erected, structurally altered or enlarged may conform to the established setback but in no case a setback of less than 20 feet will be allowed. Where a uniform front yard setback does not exist, the minimum required setback shall be the average of the setback of the two adjacent main buildings; or if there is only one adjacent main building, the setback of the main building shall govern, but in no case shall a setback less than 20 feet be allowed or greater than 30 feet be required.
- ii. *Corner yard.* For corner lots where the corner side yard setback or front yard setback for the main building on the adjacent lot on the same street is less than the required setbacks, the corner lot setback for the adjacent main building shall govern, but in no case shall a setback of less than 20 feet be allowed.
- iii. *Side yard.* When there is an attached garage on one side of the dwelling, the garage setback is five feet, provided that no habitable floor area is closer than ten feet from the property line and provided that the garage is a minimum of 15 feet from the nearest structure on the adjacent lot.
- iv. *Side and rear yard.* An accessory structure located entirely in the side yard at least six feet from the main building shall have a minimum side and rear yard setback of five feet.

¹ All standards are minimum requirements unless otherwise noted.

² Measured from right-of-way line.

Sec. 31-503. - Accessory structures.

Subd. 1. In TR districts.

(a) **Accessory structures are subject to the following regulations:**

- (1) One accessory structure may be located on a residential lot.
- (2) Uses may include one or more of the following:
 - i. Accessory dwelling unit, 500 square feet maximum;
 - ii. Accessory dwelling and one enclosed structure parking space (720 square feet maximum);
 - iii. Home office; and/or
 - iv. Storage.
- (3) **Maximum size of a detached accessory structure is:**
 - i. 00 square feet, one story use of loft area is allowed; or
 - ii. 720 square feet (when grade level used as only garage, i.e., no garage attached to primary structure), 20 feet maximum building height.
- (4) A detached accessory structure must abide by the following setbacks:
Side yard, 5 feet

Rear yard, 10 feet
- (5) The application requires design review for consistency with the primary unit in design, detailing and materials.
- (6) Detached accessory structures shall not have window openings facing the rear property line.
- (7) Detached accessory structures located on corner lots shall have the garage doors turned away from the side street.
- (8) If there are two garages on site, a minimum of one garage shall not face the street or streets if a corner lot.

Subd. 2. In RB districts.

(a) Accessory buildings are subject to the following performance standards:

- (1) The maximum lot coverage of all accessory buildings including attached and detached private garages and other accessory buildings shall be 1,000 square feet or ten percent of the lot area, whichever is less.
- (2) The total ground coverage of the accessory buildings shall not exceed the ground coverage of the principal building.
- (3) No more than two accessory buildings, one private garage and one other accessory building, 120 square feet maximum, shall be located on a residential premises.
- (4) An accessory building shall not be designed or used for human habitation, business or industrial accessory use.