



STAFF REPORT

DATE: July 20, 2021

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: **Zoning Code Amendment - Accessory Structures – Shoreland Lots**
REVIEWED BY: Ken Roberts, Planning Director
Planning Commission

BACKGROUND:

The City Council has directed Staff to consider the standards of where accessory buildings should be placed on lake shore lots. It has been noticed that many of the recent variances are on lake lots that have difficulty contending with the required setbacks for structure. The City Code currently prohibits the placement of accessory structures in the front yard of any property. By setting a new standard or redefining what is and is not a front yard will likely help eliminate the need for some variances. Amending the code would make it more conducive for residents who have tight setbacks on shoreland lots and who also would like to install an accessory building. Staff also believes the height and possibly the size standards should be considered when accessory buildings are placed closer to the front lot line than the home.

ISSUE BEFORE THE CITY COUNCIL

Would the City Council like to amend the zoning code by redefining where accessory buildings can go on lake lots?

REVIEW AND ANALYSIS:

At this point the City Code does not differentiate between a lake shore lot and a non-lake shore lot, in terms of where the front yard is. After reviewing some variances it is clear that perhaps the City Code could be amended to re-define what is and what is not a “front yard” for lake shore lots. Or perhaps change the code so the restrictions to the front lot are relaxed. Other City’s do apply setbacks differently for lake lots. After reviewing several Cities it is not uncommon for the lake side to be considered the front of the lot which would mean the road side of the property becomes the rear yard. This would allow a detached accessory building to be located closer to the road than the principle structure. With the setbacks from the OHWL generally being substantially more than what is required by the zoning code it would greatly increase the options for these types of properties to place/expand their garages and accessory buildings.

City Staff is not recommending to change a large section of code to accomplish this change. Instead the proposed amendment to the code would be relatively small but it would have a large impact on the lake shore Lots. Below is a list of some of the defining language that other Cities use.

City of Minnetrista:

In Minnetrista they make a distinction for lots that abut a lake. This caveat allows lake lots to re-define what the rear yard is considered compared to what the lake yard would be.

Yard Front “...A lakeshore lot will not be considered as having a front yard, but rather will be considered as having a lakeshore yard on one side of the building and a rear yard on the other side of the building.”

Yard, Lakeshore “means a yard lying between the natural ordinary high-water mark on the lakeshore and the required lakeshore setback line, for the full width of the lot.”

Yard, Rear “...on a lakeshore lot, the rear yard will be the yard which fronts on the street lying between the street line of the lot and the required rear yard setback line.”

Size and Number – The principal structure cannot exceed 35 ft. or 3 stories and accessory buildings cannot exceed 25 ft. and 2 stories in the R-1 district and 20 ft. and 1 story in the R-2 district. The height will vary depending on the district. Staff was unable to find a size limit on the accessory structures (*It should be noted there was a section of code indicating a limit on the size of guest homes.*). However, the code did further state that accessory structures

shall not be located in any lake shore yard. This statement leads Staff to believe they are protecting the lake portion of the property in a similar way that the Lake Elmo code is protecting the road side of the property.

Minnetonka Beach:

Minnetonka beach also considers the “rear” yard to be the area of the yard that abuts the roadway.

Front Lot Line “...In the case of the lake lot, it shall be the boundary abutting the ordinary high water mark.”

Based on the code that staff was able to find Minnetonka Beach does not have a limit on the number of accessory buildings that a property can have. Instead it is likely that other aspects of the code limit the number such as setbacks, impervious surface, etc.

Height/Size – Their code categorizes structures into two groups, a minor and major accessory building. Minor buildings cannot exceed 15 ft. in height and a major building cannot exceed a height of one-half of the height of the principal structure or one story (the greater) but never taller than the principal structure. It is further stated that the building must be subordinate in size but Staff could not find a specific figure.

Forest Lake:

The Forest Lake code is relatively simple and Staff is inclined to borrow some of their code. Instead of establishing multiple definitions and adjusting setback tables their Code states:

“Accessory structures may be placed between the principle structure and the public right-of-way on lakeshore lots meeting all required setbacks and lot coverage.”

And

“Accessory structures shall not be placed between the principle structure and the lakeshore, except one structure no larger than 120 sq. ft...”

Inserting this type of statement into the Lake Elmo Zoning Code would limit the number of amendments that would need to be made to the City Code. Staff is leaning towards a Forest Lake model so additional tables do not need to be amended to accomplish the goal of the proposed Code change.

Height/Size – The Forest Lake Code does limit the height, number, and size of accessory buildings. Staff did not notice different standards for lake shore lots. Each district has a different setback and the size of the property dictates the size of the building. However, it appears they are more or less limited to one story.

Other Cities:

There are of course other Cities that do not make exceptions for shoreland lots, such as Lake Elmo. It could then be expected that they also undergo similar review processes for accessory structures on lake shore lots.

Impacted Districts

The main zoning district that will be impacted with the discussed code amendment will be the Rural Single Family (RS) and due to the number of the lots with this zoning that are around the lakes and because they are also smaller in nature. By code they are also allowed to be the smallest in the rural districts. An amendment to the code would greatly help with the placement of accessory buildings on the smaller lots. However, an additional aspect that should be considered is the design, height, or size of the accessory buildings. With the structures being allowed to sit in front of the home, closer to the roadway it will become more of a focal point. Staff also recommends taking this into consideration if accessory buildings are allowed to closer to the roadway.

Height/Size in Lake Elmo

Although it may be common to see accessory structures closer to the front lot line on lake shore lots that does not necessarily mean the visual impact is not there. Some codes do limit the height (as noted above) of the structures within the “front yard.” Staff does understand that owners of lake shore properties generally accumulate recreational equipment. This needs to be considered with the need for accessory structures but the City also needs to consider the aesthetics of these properties and the accessory structures. Staff is recommending the City Council consider limiting accessory structures to one story or a story and a half within the front yard.

FISCAL IMPACT:

Staff does not foresee a fiscal impact with the proposed code change.

OPTIONS:

- Approve the proposed amendments.
 - Approve the amendment(s) with changes.
 - Deny the proposed amendments.
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COMMENTS/RECOMMENDATION**Planning Commission Recommendation:**

The Planning Commission recommended approval with no changes to the recommendation.

Staff Comment:

Staff recommends the following motion.

“Motion to approve Ordinance 08-246 which allows the placement of accessory buildings within the front yards and in front of the principle structures on properties identified as riparian lots.”

“Motion to summary publication of Ordinance 08-246 with approval of Resolution 2021-081”

ATTACHMENTS

- Ord. 08-246
- Res. 2021-081 - Summary Publication
- Comparison Cities

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

ORDINANCE NO. 08-24~~76~~

AN ORDINANCE AMENDING SECTION 154.402 and 154.406 of THE LAKE ELMO CITY CODE OF ORDINANCES to allow accessory buildings to be located closer to the front lot line than the principle structure on lots identified as being Riparian WITHIN THE CITY OF LAKE ELMO.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article IV. Additional Regulations and Modifications: by amending Section 154.402 table 9-2; (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language):

Minimum Principal Building Setbacks (feet)^{h,i}					
Front Yard	30	200	30	30	100
Interior Side Yard	10	200	10	10	50
Corner Side Yard ^g	25	200	25	25	80
Rear Yard	40	200	40	40	100
Minimum Accessory Building Setbacks (feet)^{h,i,j}					
Front Yard	30	200	30	30	100
Interior Side Yard	10	200	10	10	15
Corner Side Yard	25	200	25	25	30
Rear Yard	40	200	40	10	15
Minimum Agricultural Related Setbacks (Animal buildings, feedlots or manure storage sites)					
Any Property Line	200	200	200	-	-
Any Existing Well or Residential Structure	50	50	50	-	-
Any Body of Seasonal or Year-round Surface Water	200	200	200	-	-

Notes to Rural Districts Table 9-2

- a. 1 dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (1 per 40 acres), each farm is allowed one farm dwelling per farm.
- b. Nominal 40 acres: a 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations.
- c. Nominal 10 acres: a 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road rights-of-way and survey variations.
- d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
- e. A minimum of 1.25 acres of land above the flood plain or free of any drainage easements is required.

- f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1 – Flag lots are prohibited.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Setback standards do not apply to solar farms. 154.915 should be referenced for these specific standards.
- i. Ground-mounted wind generators may exceed the allowable height restriction designated in all rural districts and are subject to different setback requirements as identified in section 154.308.
- j. On properties that are identified as a Riparian Lot, Accessory structures may be placed between the principle structure and the public right-of-way. (See also section 154.406 C.)

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article IV. Additional Regulations and Modifications: by amending Section 154.406; (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language):

j.k. 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:

k.l. Table 9-3: Accessory Buildings, Rural Zoning Districts

Lot Size	Maximum Structure Size ^{a,c} (square feet)	No. of Permitted Bldgs
under 1 acre	1,200	1
1 – 1.99 acres	1,500	1
2 – 4.99 acres	1,750	1
5 – 9.99 acres	2,000	2
10 – 14.99 acres	2,500	2 ^b
15 – 19.99 acres	3,000	2 ^b
20 – 39.99 acres	4,000	2 ^b
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. One agricultural building, as defined in §154.213, is allowed in addition to the permitted number and size of accessory structures.
- a.c. Agricultural buildings, as defined in §154.213, are allowed on properties 40 acres or more in addition to up to two permitted accessory structures which total 4,000 square feet and are not classified as agricultural.

B. Structure Height, Rural Districts.

- 1. No accessory building shall exceed the height of the principal structure, with the exception of agricultural buildings, as defined in §154.213. Building projections or

features on accessory structures that are not agricultural buildings as defined in §154.213, such as chimneys, cupolas, and similar decorations are permitted in rural districts.

~~B.2.~~ Riparian Lots, when accessory buildings are allowed between the principle structure and the public right-of-way the accessory building shall not exceed one story in height or the height of the principle structure, whichever is less.

~~B.C.~~ Structure Location, Rural Districts. *Except for Riparian Lots,* No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot. (See notes to Table 9-2.)

~~C.D.~~ 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 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.

~~D.E.~~ Attached Garages, Size. Attached garages must not exceed the footprint size of the principal building.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-24~~67~~ was adopted on this _____ day of _____ 2021, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-24~~76~~ was published on the _____ day of _____, 2021.

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

RESOLUTION NO. 2021 - 081

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE
08-246**

WHEREAS, the Lake Elmo City Council has adopted Ordinance No. 08-246 that amends the City's Zoning Code language in Sections 154.402 and Section 154.406.

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. 08-246, 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. 08-246, which amends the City Code language in multiple sections to correct references and remove outdated language. The following is a summary of the adopted ordinance language:

Ordinance 08-246

- Allows the placement of accessory buildings to be located closer to the front lot line for properties that meet the definition of a Riparian lot.

***LOT, RIPARIAN.** A separate parcel of land within a designated shoreland area having frontage along a lake or tributary stream.*

The full text of Ordinance 08-246 is available for inspection at Lake Elmo City Offices 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 ordinances be placed in a public location within the City.

Dated: July 20, 2021

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, 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.

DETACHED ACCESSORY STRUCTURE REGULATIONS

§ 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)

§ 153.111 ACCESSORY STRUCTURES IN MULTIPLE-FAMILY DEVELOPMENTS.

(A) A building permit is required for any accessory structure over 120 square feet. Required trash enclosure service structures shall not be considered an accessory structure.

(B) Detached garages shall have front yard setbacks of not less than that required for principal structures and side and rear yards of not less than 10 feet. Access to detached garages shall be from the interior of the site.

(C) The location, access, materials, color, screening, and related landscaping of multiple-family detached accessory structures shall be reviewed and approved as proposed or with changes in the site plan review or Planned Unit Development (PUD) review process.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.112 ACCESSORY STRUCTURES IN BUSINESS AND INDUSTRIAL DISTRICTS.

(A) *Building permit.* A building permit is required for any accessory structure over 120 square feet. Required trash enclosure service structures shall not be considered an accessory structure.

(B) *Number of structures.* One accessory structure (in addition to the required trash enclosure service structures) is allowed on a parcel in the B-2, B-3, and I Zoning Districts, provided it is used solely for storage related to the principal use of the property. An accessory structure related to a principal use requires a CUP.

(C) *Location.* The accessory structure must be placed to the rear of the principal building and conform to setback requirements and lot coverage standards for the principal building in the applicable zoning district. The purpose of these standards is to enhance the visual character of business and industrial development.

(D) *All accessory structures.* In business or industrial districts, the location, access, materials, color, screening, and related landscaping will be reviewed and approved as proposed or with changes in the site plan review or PUD review process.

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

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.319 SINGLE-FAMILY (SF) RESIDENTIAL DISTRICT.

(A) *Purpose.* The Single-Family (SF) Residential District is intended to provide permanent areas for low density medium and large lot single-family urban development; to broaden the choice of residential living styles in the city; to establish areas for the development of single-family detached housing in areas of the city within public sewer; and to restrict encroachment of incompatible uses.

(B) *Permitted uses.* Subject to applicable provisions of this chapter, the following are permitted uses in the SF District:

- (1) Dwelling, single-family detached;
- (2) Recreation, public.

(C) *Accessory uses.* Subject to applicable provisions of this chapter, the following accessory uses in the SF District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110*et seq.*

- (1) Detached accessory structures;
- (2) Day care facility, unlicensed - serving 6 or fewer persons;
- (3) Kennel, private - 3 pets or fewer;
- (4) Residential facility, licensed - serving 6 or fewer persons;
- (5) Other uses customarily associated with but subordinate to a permitted use as determined by the city;
- (6) Amateur radio antenna (subject to the amateur radio antenna standards in §153.096(II)(9)).

(D) *Certificate of compliance.* Subject to applicable provisions of this chapter, the following are uses in the SF District that require approval with a certificate of compliance as set forth in and regulated by § 153.029.

(1) *Accessory uses.*

- (a) Accessory apartment within a single-family dwelling;
- (b) Day care facility, licensed - serving 7 to 14 persons;
- (c) Home occupations;
- (d) Residential facility, licensed - serving 7 to 10 persons.
- (e) Solar energy systems, either roof or ground mounted (meeting accessory structure requirements) according to § 153.307.

(E) *Conditional uses.* Subject to applicable provisions of this chapter, the following are conditional uses in the SF District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) *Principal uses.*

- (a) Cemetery.
- (b) Day care facility, licensed - serving more than 14 persons.
- (c) Essential services, governmental buildings and storage.
- (d) Essential services, utility substation.
- (e) Place of worship.
- (f) Recreation, commercial.
- (g) Residential facility, licensed - serving more than 10 persons.
- (h) School.
- (i) Yard waste facility.

(2) *Accessory uses.*

- (a) Bed and breakfast inn;
- (b) Columbarium - accessory to place of worship;
- (c) Accessory structure on adjacent non-riparian lot.

(3) *Similar uses.* Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(4) New wireless support structures and small wireless facilities located within the public right-of-way and meeting the requirements of Chapter 98, and subject to the conditions found in §153.096(PP).

(F) *Interim uses.* Subject to applicable provisions of this chapter, the following are interim uses in the SF District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Dwelling, temporary during construction.
- (2) Dwelling, temporary care facility.
- (3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(G) *Lot size, setback, and height requirements.* The following minimum requirements shall be observed in an SF District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) *Minimum lot requirements.*

(a) *Lot area.*

1. Without sewer and water: 10 acres;
2. With sewer only: 25,000 square feet;
3. With sewer and water: 15,000 square feet.
4. With sewer and water: 7,500 square feet for a new lot of record, constructed according to affordable housing goals as stated in the Comprehensive Plan and meeting inclusionary housing requirements in § 153.308. Such lot size reduction shall not be permitted within the Shoreland Overlay Zone.

(b) *Lot width.*

1. Without sewer and water: 300 feet at the public right-of-way;
2. With sewer only: 100 feet at the required front yard setback;
3. With sewer and water: 80 feet at the required front yard setback.
4. With sewer and water: 60 feet at the required front yard setback for a new lot of record, constructed according to affordable housing goals as stated in the Comprehensive Plan and meeting inclusionary housing requirements in § 153.308. Such lot width reduction shall not be permitted within the Shoreland Overlay Zone.

(2) *Setbacks.*

(a) *Principal structure.*

1. Front yard:
 - a. Arterials, as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;
 - b. Local/collector street: 30 feet from the public right-of-way;
 - c. Private street: 30 feet from the edge of road.
2. Side yard: 10 feet.
3. Side street: 25 feet.
4. Rear yard: 30 feet.

(b) *Detached accessory structure.*

1. Front yard: 30 feet and cannot be located between the principal structure and the street.
2. Side street: 25 feet and cannot be located between the principal structure and the street.
3. Side yard: 10 feet.
4. Rear yard: 10 feet.

(3) *Building height.*

- (a) Principal structures: shall be limited to a maximum height of 35 feet or 3 stories, whichever is less.
- (b) Accessory structures: shall be limited to 1 story with a maximum sidewall height of 10 feet, measured from the floor surface to the underside of the ceiling member.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016; Am. Ord. 670, passed 12-4-2017; Am. Ord. 676, passed 7-9-2018)

CHAPTER 5: USE STANDARDS*Section 5.3 Accessory Use Standards**(A) General Standards and Limitations for Accessory Uses*

(3) Places of Public Assembly

- (a)** Places of Public Assembly shall only be established on parcels—or a group of parcels under the same ownership—that exceed one (1) acre in size
- (b)** Along side lot lines, buildings shall be set back from an adjoining residential district a distance no less than double the adjoining residential side yard setback.
- (c)** Adequate off-street parking and access shall be provided as required by Section 4.7, Parking.
- (d)** Adequate off-street loading and service entrances are considered and satisfactorily provided.

(4) Regional Trail

- (a)** Recreational use of the Regional Trail may include pedestrian uses such as walking or running, and non-motorized devices such as bicycles, tricycles, roller blades, roller skates, small wagons, strollers, wheelchairs, and non-motorized scooters.
- (b)** Motorized vehicles, except for motorized wheel chairs or similar accessibility devices, are prohibited.

5.3 Accessory Use Standards

(A) General Standards and Limitations for Accessory Uses**(1) Compliance with Ordinance Requirements**

All accessory uses and accessory structures shall conform to all applicable requirements of this Ordinance. The provisions of this Section establish additional standards and restrictions for particular accessory uses and structures.

(2) General Standards

All accessory uses and accessory structures shall meet the following standards:

- (a)** Directly serve the principal use or structure;
- (b)** Be customarily accessory and clearly incidental and subordinate to the principal use and structure;

CHAPTER 5: USE STANDARDS

Section 5.3 Accessory Use Standards

(A) General Standards and Limitations for Accessory Uses

- (c) Be subordinate in area, extent, and purpose to the principal use or structure;
- (d) Be owned or operated by the same person as the principal use or structure;
- (e) Be located on the same lot as the principal use or structure;
- (f) It is necessary to have an allowed Principal Use on the same lot in order to have one or more accessory uses on the lot;
- (g) Together with the principal use or structure, not violate any standards of this Ordinance;
- (h) Not be located within platted or recorded easements or over underground public utilities unless specifically allowed by this Ordinance or authorized via an encroachment agreement with the City;
- (i) An accessory building shall be considered an integral part of the principal building if it is connected to the principal building either directly or by an enclosed passageway. Such accessory buildings shall adhere to requirements for the principal building.
- (j) If a principal building is proposed to be removed with no immediate replacement, all accessory structures shall also be removed.

(3) Maximum Number of Accessory Structures

There is no maximum number of accessory structures that can be erected on a lot.

(B) Table of Permitted Accessory Uses

TABLE 5-2: PERMITTED ACCESSORY USES			
Accessory Use or Structure	Base Zoning Districts		Additional
	RI	PI	
Accessory Dwelling Unit	P		5.3(D)(1)
Accessory Building – minor	P		5.3(D)(2)
Accessory Building – major	P		5.3(D)(3)
Air Conditioning Units	P		5.3(D)(4)
Barbeque, Permanent	P		5.3(D)(5)
Co-located Wireless Telecommunications Antennae	C		3.7(E)
Driveways	P		5.3(D)(6)
Fences or Walls	P	P	4.
Fire Pit	P		5.3(D)(7)
Home Occupations	P		5.3(D)(8)
Lake Accessory Uses	P		5.3(D)(9)
Landscaping	P	P	5.3(D)(10)
Motor Vehicles	P		5.3(D)(11)
Parking Spaces, Off-street	P		4.
Patio	P		na
Outdoor Storage	P		5.3(D)(12)
Park Facility Buildings & Structures (public)	P		5.3(D)(13)
Private Amateur Radio Antenna	C		5.3(D)(14)
Private Receiving Antennae and Antenna Support Structures	C		5.3(D)(15)
Recreational Equipment	P		5.3(D)(16)
Shelters (Storm or Fallout)	P		5.3(D)(17)
[1]: Consult Table 3-3 for additional regulations on setbacks			

CHAPTER 5: USE STANDARDS*Section 5.3 Accessory Use Standards**(D) Additional Specific Standards for Certain Accessory Uses*

(l) Deed restrictions. Before issuing a building permit for a new accessory unit, the owner occupant shall record with Hennepin County, against the title of the subject property, a deed restriction running in favor of the City limiting the occupancy of the accessory unit as provided for in this ordinance.

(m) Right of Entry. Before a Building Permit is issued for an accessory unit, the Owner shall for its self, heirs and assigns enter into an agreement with the City to allow the City reasonable rights of entry for the purpose of performing inspections of the accessory unit.

(n) The Agreement shall be recorded with Hennepin County with the title of the property.

(2) **Accessory Building – minor**

(a) Minor accessory buildings do not require a building permit, but shall comply with all applicable zoning regulations.

(b) Minor accessory buildings shall be limited to a height of fifteen (15) feet.

(c) Minor accessory buildings shall be finished in a similar appearance as the principal structure.

(3) **Accessory Building – major**

(a) **Materials and Appearance**

Major accessory buildings shall be constructed to be similar to the principal building in architectural style and building materials.

(b) **Private Garages**

(i) The maximum height of a detached private garage shall not exceed one-half of the height of the principal structure, or one story, whichever is greater, but in no case taller than the principal structure.

(ii) Private garages shall only be used by the family or families residing upon the premises.

Top of bluff means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff will be determined to be the higher point of a 50 foot segment with an average slope exceeding 18 percent.

Townhouse means a single structure consisting of three or more dwelling units contiguous to each other only by the sharing of common side wall(s), each such unit having a separate primary entrance to the exterior of the building at or near grade level. Townhomes may include individual front loading garages, or shared side loading parking areas.

Trailer house has the same meaning as manufactured single-family dwelling.

Use means the purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Use, accessory means a use subordinate to the principal use on a lot and exclusively used for purposes incidental to those of the principal use.

Use, permitted means a use which may be lawfully established in a particular district, provided it conforms with all requirements, regulations, and performance standards of such district.

Use, principal means the main use of land for an activity which is an allowable use of the zoning district in which the land is located.

Variance means a modification or variation of the provisions of this section, as applied to a specific piece of property.

Wind Energy Conversion System (WECS) – The equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, or other component used in the system.

Yard means an open space on the same lot with a building or structure, which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this section.

Yard, front means a yard extending across the front of a lot between the side yard lines and lying between the front street line of the lot or right-of-way and the required front yard setback line, which front yard will be provided on both street frontages of corner lots and double frontage lots. A lakeshore lot will not be considered as having a front yard, but rather will be considered as having a lakeshore yard on one side of the building and a rear yard on the other side of the building.

Yard, lakeshore means a yard lying between the natural ordinary highwater mark on the lakeshore and the required lakeshore setback line, for the full width of the lot.

Yard, rear means a yard lying between the required rear yard setback line and rear line of the lot, for the full width of the lot. On a lakeshore lot, the rear yard will be the yard which fronts on the street lying between the street line of the lot and the required rear yard setback line.

Yard, side means a yard on the same lot with a building between the side yard setback line and the side line of the lot and extending from the front or lakeshore lot line to the rear yard.

Zero lot line means the reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line, no portion of the structure or accessory appurtenance shall project over the lot line.

Zoning administrator means the person authorized to administer and enforce this section.

Zoning districts means areas of the city designated for specific uses with specific requirements for use or development.

Zoning map means the map or maps incorporated into this section as a part thereof designating the zoning districts

505.03 General

Subdivision 1. Purpose and intent.

The purpose and intent of this section is:

- (a) To promote the general public health, safety, morals, comfort and general welfare of the inhabitants of the city;
- (b) To promote the character and preserve and enhance the stability of properties and areas within the city;
- (c) To divide the city into zones or districts as to the use, location, construction, reconstruction, alteration and use of land and structures for residence, business and industrial purposes;
- (d) To provide adequate light, air, privacy and safety;

505.15 R-1 Residential Zoning District

Subdivision 1. Intent

This district is intended to preserve, create and enhance areas for low density single-family dwelling development as an extension of existing residential areas and to allow low density development in areas indicated as such in the comprehensive plan where public utilities are available. In general, this district is intended to meet overall density goals of a minimum of 2 units per net acre, however, the city reserves the right to approve developments at a lower density when unique natural features exist that are not conducive to such densities. Unique circumstances include regionally significant woodlands or historic areas or environmental considerations such as steep slopes, shoreland preservation, or floodplain protection.

Subd. 2. Lot area, depth, width, coverage, setbacks, height standards

Minimum Lot Area (sq. ft)	14,500
Density Range (units per net acre)	2 to 3
Minimum Lot Depth (ft)	120
Minimum Lot Width (ft) (measured at OHW, if applicable and building setback line)	90
Maximum Impervious Surface Coverage (%)	35
Front Yard Setback (ft)* - principal structure - detached accessory structures or other uses	35 50
Side Yard Setback (ft) - principal structure (including attached accessory structures) - detached, accessory structures > or = 1,000 sq. ft - detached, accessory structures < 1,000 sq. ft - other uses abutting residences - other uses	15 30 10 45 10
Non-Lakeshore Rear Yard Setback (ft) - principal structure - detached accessory structures or uses - other uses	25 10 40
Lakeshore Rear Yard (Streetside) Setback (ft) - principal structure - detached accessory structures or uses - other uses	35 50 50
Maximum Building Height (ft/stories)** - principal structure - accessory Structure	35/3 25/2
Maximum Driveway Width (measured at right-of-way)	24
Public Sewer Required?	Yes
Minimum Floor Area Per Dwelling (sq.ft per 2/3 bedrooms)	960/1040 above grade
See General Regulations (Section 505.05)	

- * See general setback provisions (Section 505.05 subd. 8)
- ** See general height regulations (Section 505.05 subd. 5)

Subd 2. Permitted Uses

The following uses are permitted in this zoning district. Omission from this list or the list described in subdivision 3 means that the use is prohibited.

- a) Single family, detached dwellings (including manufactured or modular homes)
- b) Golf Courses and club houses (excepting independent and commercial mini golf courses and driving ranges)
- c) Historic sites
- d) Parks and recreational trails and paths
- e) Public utility buildings
- f) Religious or other similar assembly uses, with the approval of a site plan
- g) State licensed residential facility or housing with services establishment serving six or fewer persons, as defined and regulated by state statute
- h) State licensed day care facility serving 12 or fewer persons, as defined and regulated by state statute
- i) Group family day care facility licensed under Minnesota Rules to serve 14 or fewer children, as defined and regulated by state statute
- j) Temporary real estate offices or model homes associated with new development

Subd 3. Conditional Uses

- a) Accessory structures exceeding 1,000 square feet
 - b) Cemeteries or mausoleums
 - c) Guest homes have a gross floor area exceeding 1,000 square feet or square footage that is 30 percent or more of the primary residence's footprint, whichever is less
 - d) Home occupations, if required in accordance with Section 505.07 subd.10)
 - e) Libraries and museums
 - f) Recreation facilities owned in common (including, but not limited to homeowner's association, country club) unless a site plan is already required
 - g) Schools
 - h) Ground-mounted solar energy systems (must be a principal use to which the system is accessory)
- [Added 07/20/2015, Ordinance 431]

505.17 R-2 Residential Zoning District

Subdivision 1. Intent

This district is intended to accommodate the low-medium and medium density land use designation for those parcels guided as such in the 2006 Comprehensive Plan Amendment, as indicated on page 2-8 of the 2030 Comprehensive Plan.

Subd. 2. Lot area, depth, width, coverage, setbacks, height standards:

Minimum net density	2 units per acre
Maximum net density	3.5 units per acre
Minimum Lot Area (sq. ft)	11,000 square feet
Lot Depth (ft)	100 feet
Lot Width (ft) (measured at OHW and building setback line)	75 feet
Maximum Lot Coverage-all impervious (%)	35
Lakeshore Structure Setback (ft) *	75
Front Yard Setback (ft) - principal structure - detached accessory structures or other uses**	30 50
Side Yard Setback (ft) - principal structure (including attached accessory structures) - detached, accessory structures > or = 1,000 sq. ft - detached, accessory structures < 1,000 sq. ft - other uses	10 Allowed only with CUP 2010
Non-Lakeshore Rear Yard Setback (ft) - principal structure - detached accessory structures or uses - other uses	25 10 30
Lakeshore Rear Yard (Streetside) Setback (ft) - principal structure - detached accessory structures or uses	20 40
Maximum Building Height (ft/stories)*** - principal structure - accessory structure	35/3 20/1
Maximum Driveway Width (measured at right-of-way)	18
Public Sewer Required?	Yes
Minimum Floor Area Per Dwelling (sq. ft for 2/3 bedrooms)	960/1040
See General Regulations for additional standards (Section 505.07) * see Section 505.07 subd. 8 for information on setbacks ** see Section 505.07 subd. 9 for information on acc. structures *** see Section 505.07 subd. 5 for information on height	

(8) The required front yard of a corner lot will be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running along the side street lines between the street intersection and a point 20 feet from the intersection and the third side of which is the line between the latter two points;

(9) Except in the R-2(DB) Douglas Beach single-family residence district, in determining the depth of a rear or side yard for any building where the rear or side yard opens into an alley, driveway easement or joint driveway, one-half the width of the alley, driveway easement or joint driveway, but not exceeding ten feet, may be considered as a portion of the rear or side yard subject to the following qualifications:

(i) The depth of any rear or side yard will not be reduced to less than 15 feet by the application of this exception;

(ii) If the door of any garage or building, used for storage of automobiles, trucks, boats, machinery or similar vehicles opens toward an alley, driveway easement or joint driveway, the building will not be erected or established closer to the rear or side lot line, than a distance of 25 feet;

(10) The minimum required front yard for nonconforming structures in the A-agriculture and AP-agriculture preservation zoning districts will be the front yard setback of that nonconforming structure as of the date of the adoption of this section, providing that the minimum required front yard, in such a case, will be no less than 35 feet.

(11) The minimum required front yard for a new farm building on a lot on which there already is a nonconforming farm building will be the front yard setback of the nearest nonconforming farm building on that same lot as of the date of the adoption of this section, providing that the minimum required front yard, in such a case, will be no less than 50 feet.

Subd. 9. Accessory Structures and Uses

(a) The following uses are permitted in residential and agricultural zoning districts as accessory uses, subject to the terms listed herein and subject to the regulations set forth in the residential zoning districts:

- (1) accessory structures
- (2) guest apartments
- (3) guest homes smaller than 1,000 square feet of gross floor area are allowed in the A, AP, and R-1 zoning districts
- (4) home occupations, subject to the regulations in this section
- (5) privately-owned recreational facilities on a single-family lot (including, but not limited to, pools, tennis courts, playhouses)
- (6) Building-integrated solar energy systems and solar energy systems, with the exception that solar energy systems are permitted uses in the Agricultural Preserve district. In all other residential and agricultural zoning districts, solar energy systems are a conditional use permit provided that there is a principal use to which the system is accessory.

[Added 07/20/2015, Ordinance 431]

(b) No accessory structure will be allowed to exist or be constructed on any lot that does not contain a principal structure to which it is accessory, unless an accessory home agreement is entered into and approved by city council.

(c) Percentage of required rear yard occupied. No accessory structure will occupy more than thirty percent of a required rear yard.

(d) Swimming Pools. Where noncommercial swimming pools are constructed as accessory structures in residence districts, a four-foot high safety fence with self-closing and self-latching gates or an automatic pool cover is required, except in the AP-agriculture preservation and A-agriculture zoning districts. The automatic pool cover shall meet the standards of F1346-91 of the American Society of Testing and Materials (ASTM), as such standards may be modified, superseded or replaced by ASTM. Fences shall be identified on the survey and submitted with the building permit application. It shall be the responsibility of the building permit applicant and property owner to submit materials ensuring compliance with the ASTM standards for an automatic pool cover prior to the issuance of a building permit. Compliance with the ASTM standards shall be shown with the building permit application for the pool. Any person violating this ordinance shall be guilty of a misdemeanor.

[Revised 02/04/2008, Ordinance 319]

(d) Air conditioning units and electric generators. All air conditioning units excluding window units and generators shall meet the required building setback from lot lines.

(e) Attached accessory structures. If an accessory structure is attached to the principal structure, it will be made structurally a part of the principal structure and will comply in all respects with the requirements of this section applicable to the principal structure.

(f) Detached accessory structures. **No detached accessory structure of any size shall be located in any lakeshore yard,** exceed the height of the principal structure, or be closer than ten feet to the principal structure. An exception to the lakeshore setback will be made if the structure is 120 square feet in size or less AND is used entirely for the storage of boating equipment, lawn maintenance supplies, lawn furniture, or other similar uses.

(g) Guest homes. Where permitted by this code, guest homes shall be subject to the following requirements:

(1) The lot must contain an existing conforming single-family dwelling unit.

(2) The guest home must be completely detached from the primary residence.

(3) The guest home must conform to accessory structure setbacks, lot coverage and all other requirements set forth by the city code that are applicable to primary residential dwellings in the zoning district in which the property is located.

(4) The height of the guest home must not exceed 25 feet.

(5) The roof pitch, architectural design, and exterior materials and colors of the guest home shall be consistent with the primary residence, and the appearance of the guest home shall be that of a single-family dwelling unit.

(6) The driveway to the primary residence must be used to access the guest home. No additional driveway or curb cut will be permitted.

(7) A guest home may have an attached garage. The attached garage shall count towards the total allowed square