



STAFF REPORT

DATE: August 4th, 2021

REGULAR

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: Agricultural Building Setbacks
REVIEWED BY: Ken Roberts, Planning Director
Planning Commission

BACKGROUND:

At the July 13th, 2021 Council workshop, City Staff was directed to explore the possibility of reducing the setback requirements within the Agricultural Zoning District and bring those findings to the July 26th, 2021 Planning Commission meeting. With the directive from the City Council to bring the code setbacks the setbacks in the Agricultural Zone forward for review, Staff researched code from neighboring Cities and used those to evaluate the setback standards. The intent of this review is to understand if Lake Elmo code is more or less restrictive in its setback requirements than the setback requirements in neighboring Cities. The Planning Commission has had an opportunity to review the recommended amendments and their recommendation is contained within the report.

ISSUE BEFORE THE CITY COUNCIL:

The City Council is being asked to review the proposed ordinance amendments about the required setbacks for buildings within the Agricultural Zoning District.

REVIEW AND ANALYSIS:

The Agricultural (A) zoning district now requires a 200 ft. setback from all property lines for all buildings. Staff has done a review of surrounding Cities to understand if Lake Elmo has a larger than normal setback for buildings in the agricultural district. Being that zoning district descriptions can vary from City to City it should be known that Staffs evaluation was primarily focused on districts obviously classified as agricultural or rural. Also, the setback(s) measurements that were reviewed were only from property lines not wells, HWL, etc. It should also be understood that Staff did not take into consideration (for each City) the height or size restrictions that each jurisdiction may impose on buildings. Height standards could play into the established setbacks as larger buildings will look more imposing depending on the established setback from a property line.

City of Afton:

The City of Afton requires half the setback that Lake Elmo does. Afton requires a setback of 105 ft. from the center line of a local roadway and 150 ft. for a State/County highway. For buildings over 1,500 sq. ft, a 100 ft. setback is required from the rear lot line. It also allows for a 50 ft. setback for non-agricultural buildings (homes). Without doing a comprehensive look at Afton's code it seems as though the Ag. building definition is not necessarily relevant when it comes to setbacks since the setback is determined on the size and not the type. Especially since the setbacks are the same in table 12-131 as 12-187 N.1.

Agricultural building means a structure on agricultural land as defined in "agricultural, rural," of this section, designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sub-lessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products according to MN State Statutes 326B.103.

Afton's code section 12-187 provides some insight on what the maximum size can be with the following language:

- **Agricultural District** - 1 or 2 on parcels of 10-20 acres not to exceed a total of 2,500 square feet; 2 on parcels less than 10 acres not to exceed 2,000 square feet. Residential parcels shall be regulated by the RR district. Permit shall be recorded. No Admin permit required on buildings 1,000 s.f. or less.
- **Rural Residential District** - 1 or 2 on parcels of 5 and more ac. Not to exceed a total of 2,000 square feet; 1 on parcels less than 5 acres not to exceed 1,000 square feet. Agricultural parcels shall be regulated by the A and AP districts. Permit shall be recorded. No Admin permit required on buildings 1,000 s.f. or less.

Baytown Township:

Baytown defines an Ag. building as the following:

Agricultural Building: A structure on agricultural land designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sublease of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.

Similar to Lake Elmo, they remove restrictions for agricultural buildings on properties over 20 acres in size. For example, they have no limit on number or size for the buildings on 20 acres or more.

The setback requirement for homes is 40 ft. from the front property line and a setback of 100 ft. setback from any property line for domestic farm buildings, feed lots, or manure storage sites. Again, this is quite a big difference compared to what Lake Elmo requires. From an enforcement/application perspective Staff would prefer to keep the setback standard for Ag. and non-Ag. buildings be the same. For example, both set at 40 ft. or both set at 100 ft.

As another standard, Baytown requires a 150 ft. building setback from the road centerline OR 75 ft. from the right-of-way (the greater) along Arterial roadways. This may be confusing at first glance but essentially the City requires one set of standards for Arterial roadways and a different set of standards along another.

City of Cottage Grove:

Cottage Grove did not have a definition for agricultural buildings but they did have a definition for agricultural land, both rural and urban.

Agricultural, rural: a commercial crop-producing use on ten (10) or more contiguous acres and as defined under Minnesota statutes section 273.111, subdivision 6. Real property shall be considered to be an agricultural use; provided, that annually: a) at least thirty three and one-third percent (33 1/3%) of the total family income of the owner is derived therefrom, or the total family income, including rental income from the property, is three hundred dollars (\$300.00) plus ten dollars (\$10.00) per tillable acre; and b) it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grain, bees and apiary products.

It is from this definition they seem to base the rest of their code on, rather than a specific Ag. building definition. Their setbacks are again smaller when compared to Lake Elmo's rural districts.

Cottage Grove requires:

- Front yard setback of 100 ft. or behind the principle structure
- Side yard of 25 ft.
- Rear yard of 50 ft.
- Limited to 2 accessory buildings up to 2,500 sq. ft. up to 20 ft. in height
- Properties meeting agricultural definition – unlimited number of buildings and 300 sq. ft. per acre.

City of Dayton:

Agricultural Building: A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Dayton has a specific definition for an agricultural building but Staff was unable to locate any other reference within the code to address the building. There are specific setbacks for accessory buildings within their Agricultural districts and the front yard measurement is set at 30 ft. or 50 ft. depending on the district. Staff believes this would not be an appropriate setback to be used in Lake Elmo as it seems that Dayton does not or did not need to address agricultural buildings in the same way as other Cities. A size limit was not readily found.

City of Hugo:

Agricultural building means a structure on agricultural land as defined in Minn. Stats. 273.13, subd. 23, designed, constructed and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sublessee of the building and members of their immediate family, their employees, and persons engaged in the pickup or delivery of agricultural produce and products.

Their definition is similar to the way Lake Elmo defines an Ag. Building. Staff has been unable to locate additional setbacks for this type of building. Though, it looks like they require a 40 ft. setback from the front property line and perceivably allow a building up to 5,000 sq. up to 35 ft. in height. Staff again would not recommend a 50 ft. front yard setback in the Agricultural District. However, it is worth noting that these setbacks are similar to the City's Rural Residential (RR) District.

Other Cities:

It is clear there is a range between the Cities in regard to setbacks within agricultural or rural districts. However, from what Staff was able to gather, Lake Elmo does have the largest setback requirement for buildings in an agricultural zoning district when compared to all of the Cities that were used for the review. At the Planning Commission there was a comment regarding the cities that were used for comparison. Primarily because the Cities used for comparison were not similar enough to Lake Elmo because Lake Elmo is both an urban and rural City. Staff has included an evaluation of three additional Cities that the Commission did not review. The three Cities were selected because they do have some remaining open land and also have areas with urban services (sewer/water).

Forest Lake:

Parcels over 20 acres are unregulated in terms of the number of accessory buildings. They also require a 100 ft. setback from property lines for domestic animal buildings. Staff is not suggesting a reduction to this figure. Otherwise, they require a 75 ft. setback from the ROW line or 150 ft. setback from the center line of an Arterial street, 50 ft. from a collector street, and 40 ft. setback from private and local streets (For the Ag. and RR District). This is similar to other Cities cited above. The required side setback is 20 ft. and the rear is 50 ft.

City of Medina:

They require a setback of 50 ft. from the front property line and the side/rear yard setback of either 40 ft. or 50 ft. which is dependent upon the lot size. As an additional note, Medina requires for a 300 ft. setback for animal buildings from lot lines.

City of Woodbury:

The Urban Reserve district represents the "agricultural" land for the City. This specific district call for a 50 ft. setback from the front property line and rear lot line for while also stating that buildings housing livestock shall be 125 ft. from all property lines.

Lake Elmo Code Discussion

Staff speculates that the large setback for buildings in the agricultural district in Lake Elmo was intended to protect against potential nuisances that are generally associated with agricultural activities. However, if you were to compare the same request to a property zoned as RR and one that is zoned as A you would achieve two very different outcomes.

For example: Let's assume there are two forty acre parcels (which allows the largest building type), one zoned as A and the other RR. If both parcels were to place a home and an Ag. building of 3,000 sq. (Assume all setbacks are met) the following setbacks would be used.

A – Zoning District	RR – Zoning District
Front Yard Setback – 200 ft.	Front Yard Setback – 30 ft.
Rear Yard Setback – 200 ft.	Rear Yard Setback – 40 ft.

There are a few uses that are allowed within the Agricultural District that are not allowed within the Rural Residential District.

The uses are:

- Outdoor Recreational Facility – CUP
- Restricted Recreation – CUP
- Agricultural Services – CUP
- Forestry Operation – Permitted

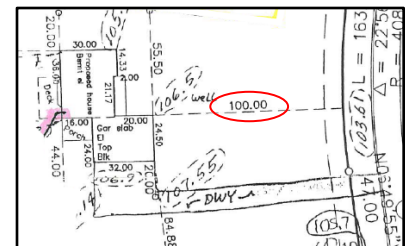
These uses further support the idea that the large setbacks were intended to protect residential neighbors from farming practices. It should also be known that in both zoning districts there is a 200 ft. setback for Animal Buildings, feedlots, and manure storage sites which applies to both districts.

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

A reduction in a required building setback would have an immediate benefit for all Ag. zoned properties in that they would be allowed to place structures at least 100 ft. (*Recommended setback*) from any property line. Whether it's for a private residence or a farming business in the district all will be allowed to use the setback change. This proposed change does not allow for an exclusion from site specific reviews or approvals, only the allowance for a reduced setback (*For buildings*). Staff is not proposing any changes to the setback requirements for animal buildings, feedlots, or manure storage sites.

Residential Estate District (RE): Although this district will not be impacted it is worth mentioning because it does have the most restrictive setbacks after the Ag. district. The Ag. districts are typically on larger properties with the RE properties generally being 2.5 acres in size. Their front and rear yard setback is set at 100 ft. for the principle building. Accessory buildings are then allowed to have a reduced setback. Staff recommends reviewing table 9-2 (attached) if there are additional questions on the established setbacks.

Example of 100 ft. setback – 820 Jasmine Ave.



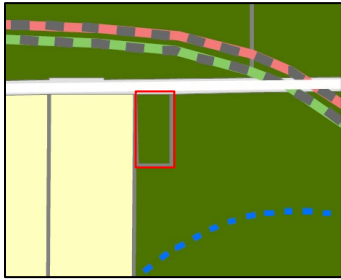
The City of Baytown allows the home to sit closer to the front lot line than the accessory buildings. Staff considered amending this standard into the code but the primary reason to shy away from this recommendation was function of the property. To set a different standard for accessory buildings from the principal structure (the home) would mean that properties without attached garages would be forced to either attach a garage to their home or place the detached building/garage a substantial distance away from the home. Though there are not many properties zoned as A within the City, Staff believes that standard would likely result in issues/variance requests. If the City chose to move in that direction Staff will need to amend additional sections of code to meet the recommendation. Staff suggests reducing the City's setback from 200 ft. to 100 ft. from all property lines for all buildings in the Agricultural Zoning District.

Staff would like to further state that there are a few parcels within Lake Elmo that are zoned as A that are drastically undersized when it comes to the practical application of the setbacks. It is staffs opinion that this is more of an issue with the zoning of the property than it is with setbacks. In certain instances the City could rezone the parcel as a courtesy to the property owner to make it more conforming with zoning standards. Staff is likely to

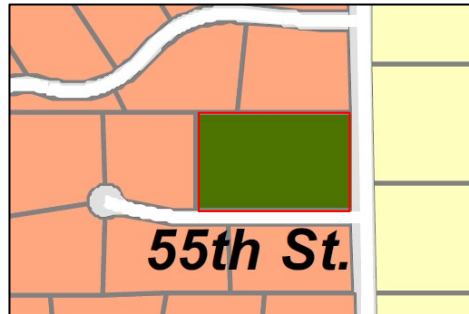
recommend a rezoning to RR or RE for such properties. The comprehensive plan will need to be consulted for each site to specifically determine which zoning district would be most appropriate for each site.

For example:

8167 15th St. – 1.32 acres



5630 Keats Av. – 5 acres



FISCAL IMPACT:

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

OPTIONS:

1. Approve the proposed changes to the Agricultural Zoning District.
2. Amend the changes to the Agricultural Zoning District and then recommend approval.
3. Deny the proposed changes to the Agricultural Zoning District.

COMMENTS/RECOMMENDATION

Planning Commission: The Planning Commission motioned to recommend approval of the drafted amendment(s) by a 4-2 vote.

Please refer to the attached code amendment to fully understand what the amendments will look like within the City Code.

Staff recommends the following motion:

*“Motion to approve **Ord. 08-XX**, an Ordinance amending the required setback(s) for buildings within the Agricultural Zoning District from 200 feet to 100 ft.”*

ATTACHMENTS

- City Codes Used for Comparison
- Lake Elmo Rural District Code with amendments

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

ORDINANCE NO. 08-247

**AN ORDINANCE AMENDING SECTION 154.402 TABLE 9-2 OF THE LAKE ELMO
CITY CODE OF ORDINANCES TO REDUCE THE REQUIRED SETBACK FOR
BUILDINGS IN THE AGRICULTURAL ZONING DISTRICT 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 <u>100</u>	30	30	100
Interior Side Yard	10	200 <u>100</u>	10	10	50
Corner Side Yard ^g	25	200 <u>100</u>	25	25	80
Rear Yard	40	200 <u>100</u>	40	40	100
Minimum Accessory Building Setbacks (feet)^{h,i,j}					
Front Yard	30	200 <u>100</u>	30	30	100
Interior Side Yard	10	200 <u>100</u>	10	10	15
Corner Side Yard	25	200 <u>100</u>	25	25	30
Rear Yard	40	200 <u>100</u>	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	-	-

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-247 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 08-247 was published on the ____ day of _____, 2021.

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- K. Provide for the enforcement of this article and to define and limit the powers and duties of the administrative officers and bodies responsible therefore.
- L. Protect and preserve economically viable agricultural land.
- M. Provide for the wise use and conservation of energy resources.
- N. Implement the City's Comprehensive Land Use Plan as prepared by the Planning Commission and adopted by the City Council.

Sec. 12-54. Interpretation and construction.⁶

- A. In the application of this article, the provisions thereof shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of this article.
- B. Nothing contained in this article shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
- C. Except as herein provided, the provisions of this article are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as this article.

Sec. 12-55. Definitions.⁷

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where expressly defined in another article or the context clearly indicates a different meaning:

Accessory building or structure means a subordinate building or structure which is located on the same lot as the main building and the purpose of which is incidental to that of the principal building.⁸

Accessory use means a use related or subordinate to the principal use of the same land.

Administrator means the City Zoning Administrator.

Agricultural building means a structure on agricultural land as defined in "agricultural, rural," of this section, designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sub-lessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products according to MN State Statutes 326B.103.

Agriculture, rural is a commercial food producing use on ten or more contiguous acres and is defined under a portion of Minnesota Agricultural Property Tax Law (Green Acres Law) M.S.A. § 273.111, subd. 6, Agricultural Property Tax: Real property shall be considered to be in agricultural use provided that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, apiary products and activities incidental thereto.

Agriculture, suburban is a noncommercial food producing use primarily intended for the use of the residents and usually on less than ten contiguous acres. Suburban agricultural uses may include production of crops such as fruit trees, shrubs, plants, flowers, vegetables and domestic pets.

⁶ Code 1982, § 301.203

⁷ Code 1982, § 301.301; Res. No. 1997-5, 2-11-97; Res. No. 1997-16, § 9, 6-17-97; Ord. No. 1997-19, 7-15-97; Ord. No. 02-2011, 7-19-2011.

Cross reference(s)--Definitions generally, § 1-2.

⁸ See Section 12-178.

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- U. *Expiration.* Expiration of an agricultural preserve initiated by the landowner shall not automatically result in a rezoning of the property to a greater density.
- V. *Early termination.* Termination of an agricultural preserve earlier than a date derived through application as regulated in this section shall be permitted only if the governor declares a public emergency pursuant to a petition submitted to him by either the landowner or the City Council.

Sec. 12-140. Agricultural (A) zoning district.¹³⁶

- A. *Purpose.* The A zoning district is intended to recognize land in the City that is primarily rural in character with the primary land use being farming or agriculture. This district is designated in recognition of the comprehensive plan that states the City's policy to retain prime agricultural land and to encourage the continuance of commercial farming. While non-farm housing is a permitted use as regulated herein, the primary purpose of the district is to preserve and protect land for commercial farming.
- B. *Permitted uses and structures.* The following uses shall be permitted:
 - 1. Single Family Residential housing at a density of one dwelling unit per 10 acres provided that: (Total Acreage / 10 = allowed density) All numbers shall be rounded down. Each dwelling unit shall be located on a separately owned parcel which shall be at least five acres in area;
 - 2. The parcel on which a dwelling unit is located shall have at least 300 feet of frontage along an existing, improved public street;
 - 3. The driveway serving the parcel shall be separated from adjacent driveways on the same side of the street by the following distances depending upon street type:
 - a. Local street..... 300 feet
 - b. Collector street..... 300 feet
 - c. Minor arterial..... 500 feet
 - d. Minimum distance from the intersection of two or more of the above..... 100 feet
 - 4. The dwelling shall be set back at least 105 feet from the nearest existing or planned street centerline and be separated at least 500 feet from the nearest farm building;
 - 5. 20 acres are required to subdivide a property, of which two or more parcels may qualify if 100% of all of the land owners apply.
 - 6. Other uses as permitted by Section 12-134 for the zoning district.
- C. *Accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures, and those accessory uses permitted by Section 12-134 for the zoning district shall be permitted.
- D. *Conditionally Permitted Uses.* The following Conditionally Permitted Uses may be approved by the City Council provided that the provisions and requirements of this article are fully met:
 - 1. Agricultural service establishments incidental to the principal agricultural use of the property primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis including corn shelling, hay baling, thrashing, sorting, grading and packing of fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; fruit picking, grain cleaning; harvesting and plowing; farm equipment service and repair; veterinary services; and the boarding and training of horses; and
 - 2. Those uses listed as being allowed by Conditional Use Permit in the A zoning district in Section 12-134.
- E. *Standards for granting Conditional Use Permits.* No Conditional Use Permit shall be issued by the City Council unless following review and written findings it determines that the proposed use satisfies the conditions set forth in Sections 12-78 and 12-139.
- F. *Prohibited uses and structures.* All other uses and structures which are not specifically permitted or permitted by Conditional Use Permit shall be prohibited.

¹³⁶ Code 1982, § 301.610, Ord 7-2006, 8/15/2006; Ord 01-2012, §12-140, 1/17/2012

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habitable dwelling unit unless the existing building conforms or the building after such improvement (including septic system) will conform with all the requirements of the City's ordinances and any applicable state requirements.

- I. Any alterations, modifications or enlargements of an existing seasonal principal building for the purpose of continuing the seasonal use shall require a Conditional Use Permit.
- J. In all districts where single-family detached dwellings are permitted, the following standards shall apply for single-family detached dwellings, including manufactured homes, except that these standards shall not apply to manufactured homes permitted by Section 12-213(B), (C), (D) or (E):
 - 1. Minimum width. The minimum width of the main portion of the structure shall not be less than 20 feet, as measured across the narrowest portion.
 - 2. Foundations. All dwellings shall be placed on a permanent foundation extending below the frostline and anchored to resist overturning, uplift and sliding in compliance with the state building code.
- K. The size of a garage attached to a principal residential building shall not have a foundation that exceeds 2,000 square feet.¹⁴⁸

Sec. 12-187. Types of accessory buildings.¹⁴⁹

- A. Storage or tool sheds; detached residential accessory buildings; detached domesticated farm animal buildings on residential parcels; and agricultural buildings on rural farms. Such accessory buildings are defined as follows:
 - 1. *Storage or tool sheds.* A one-story accessory building of less than 160 square feet gross area with a maximum roof height of 12 feet. No door or other access opening in a storage or tool shed shall exceed 28 square feet in area.
 - 2. *Detached residential accessory building.* A one-story accessory building used or intended for the storage of motor-driven passenger vehicles, hobby tools, garden equipment, workshop equipment and so forth. The total area of all accessory buildings shall not exceed 2,500 square feet, subject to the acreage requirements in Subsection (B) of this section. (Also see Paragraph (4) of this section.)¹⁵⁰
 - 3. *Detached domesticated farm animal building on residential parcels.* A one-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials on any nonagricultural parcel as defined in Section 12-55. The total area of all accessory building shall not exceed 2,500 square feet, subject to the acreage requirements in Subsection (B) of this section. Such buildings shall be regulated by Subsections (B), (M), and (N) of this section.
 - 4. *Agricultural buildings on rural farms.* An accessory building used or intended for use on a parcel on which rural agriculture, as defined in Section 12-55, is the principal use, and shall be subject to the following restrictions: No accessory building, except for agricultural buildings on rural farms, shall be more than 20 feet in height, nor have a roof pitch which exceeds that of the principal building. On any lot of less than five acres no accessory building shall exceed the square footage of the principal structure.¹⁵¹
 - 5. *Existing agricultural buildings* at the time of a subdivision are exempt from the limits on the maximum square footage and on the total number of accessory buildings imposed by Subsection (B) of this section. Any additions to or expansions of accessory buildings shall thereafter be subject to requirements of this section with the existing agricultural buildings being included in both the square footage and building number calculations.
 - 6. *Temporary Accessory Dwelling Unit.* A temporary dwelling unit that is accessory to a residential principal structure, and that can be easily removed. A temporary accessory dwelling unit requires an administrative permit. Such permit shall expire 180 days from the date of issuance, unless there is specific ordinance language setting out a longer timeframe, and may be renewed for one additional 180 day period.¹⁵²

¹⁴⁸ Ord 03-2012, § 12-186 (K), 4/17/2012

¹⁴⁹ Code 1982, § 301.703

¹⁵⁰ Ord 05-2013, 3/19/2013

¹⁵¹ Ord 05-2015, 3/19/2013

¹⁵² Ord 05-2013, 3/19/2013

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B. Permitted uses of accessory buildings.¹⁵³

	A	R	VHS
Storage or tool shed:			
Permit required	Building	Building	Building
Maximum square footage	160	160	160
Maximum roof height	12 feet	12 feet	12 feet
Maximum door opening area	28 sq. ft.	28 sq. ft.	28 sq. ft.
Maximum number of stories	One story*	One story*	One story*

Detached residential accessory building:			
Permit required	Admin & Bldg.	Admin & Bldg.	Bldg.
Maximum square footage	***	***	720
Maximum number of stories	One story*	One story*	One story*

Detached domesticated farm animal building on residential parcels:			
Permit required	Admin & Bldg.	Admin & Bldg.	N****
Maximum square footage	***	***	
Maximum number of stories	One story*	One story*	

Agricultural building on rural farm of:			
More than 10 but less than 20 acres:			
Permit required	Admin	Admin	N
Maximum square footage	***	***	
20 or more acres:			
Permit required	Admin/Farm Site Plan	Admin/Farm Site Plan	N

* See Ch. 11, Sec. 1102 of the International Building Code (IBC)

<p>***Total number of accessory buildings possible:</p>	<p>1 or 2 on parcels of 10-20 acres not to exceed a total of 2,500 square feet; 2 on parcels less than 10 acres not to exceed 2,000 square feet. Residential parcels shall be regulated by the RR district. Permit shall be recorded. No Admin permit required on buildings 1,000 s.f. or less.</p>	<p>1 or 2 on parcels of 5 and more ac. Not to exceed a total of 2,000 square feet; 1 on parcels less than 5 acres not to exceed 1,000 square feet. Agricultural parcels shall be regulated by the A and AP districts. Permit shall be recorded. No Admin permit required on buildings 1,000 s.f. or less.</p>	<p>1 not to exceed 720 square feet.</p>
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**** See Section 12-230 regulating the keeping of chickens on parcels less than five (5) acres.¹⁵⁴

C. A storage or tool shed as defined in this section may be placed on any lot in addition to the permitted type and number of accessory buildings.

¹⁵³ Ord 09-2010, § 12-187(B), 9/21/10

¹⁵⁴ Ord 05-2013, 3/19/2013

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- D. No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.
- E. A building shall be considered an integral part of the principal building if it is located six feet or less from the principal building. The exterior design and color shall be the same as that of the principal building and the height shall not exceed the height of the principal structure.
- F. No accessory building in a Commercial or Industrial Zoning District shall exceed the height of the principal building.
- G. No accessory building shall be located nearer the front lot line than the principal building on that lot except by Administrative Permit as provided for herein:
 - 1. The proposed accessory building shall be located on a lot of five or more acres; and
 - 2. The proposed accessory building shall be screened from the public street and neighboring parcels by existing vegetation that provides year-round screening and exceeds the height of the accessory building unless the accessory building is of the same design and material as the principal building and is located 25 feet or less from the principal building, provided all other required setbacks are met.
- H. Accessory structures located on lake or stream frontage lots may be located between the public street and the principal structure as regulated by the shoreland management ordinance and Subsection (G) of this section.
- I. Houseboats and buildings used as shelters from which to fish during open water months are to be considered accessory structures for purposes of this article. All houseboats used within the City limits for a period of 30 consecutive days or more shall require a Administrative Permit. Such permit shall show the owner, owner's address, boat license number, whether the boat is to be used as a seasonal residence, and if so, for what period of time during the year, type of sanitary sewage facility, water supply and site plan showing the method of access to the public street. Each houseboat shall have one off-street parking space within 400 feet of the docking of such houseboat. No houseboat shall be used as a permanent residence.
- J. Ice fishing houses stored on parcels of land during summer months shall be considered an accessory storage building equivalent to a storage or tool shed as defined in Subsection (A)(1) of this section. Ice fishing houses shall meet the size limitations of Subsection (B)(1) of this section and all other provisions of this article, except Subsection (K) of this section.
- K. All accessory buildings shall be securely anchored. Those over 100 square feet shall have a foundation, concrete slab or footings. Nonagricultural accessory buildings larger than 100 square feet shall require a building permit regardless of improvement value. Roof and wind loads shall conform to requirements as contained in the building code.
- L. All accessory buildings shall meet the minimum required setbacks contained in Section 12-132(A) for the zoning district in which it is to be located.
- M. An Administrative Permit is required for approval and construction of a detached domesticated farm animal building on a residential parcel of at least five acres and up to 20 acres. No detached domesticated farm animal building shall be permitted on any lot less than five acres. An application for an Administrative Permit shall include the following:
 - 1. A dimensioned site plan or aerial photograph illustrating within 500 feet of the proposed structure: All adjacent property owners' lot lines, houses, septic systems, fences, wells, animal buildings and other structures and feed storage areas; all wet marshy areas, drainageways, and shorelines; all proposed grazing areas on the site; all new utility extensions and driveway access to the proposed building; and all manure storage and disposal areas.
 - 2. A written soil inventory and evaluation from the county soil conservation district.
 - 3. Details of the building floor plan, elevations, materials and color of structure.
- N. Performance standards for detached agricultural buildings and domesticated farm animal buildings shall include the following:

AFTON CODE

1. *Setbacks.* All domestic farm animal buildings, feedlots and manure storage areas shall be setback as follows:

Natural or Manmade Feature	Minimum Horizontal Setback
a. Any property line:	100 feet
b. Any existing well or residential structure on the same parcel:	50 feet
c. Any existing well or residential structure on adjacent or nearby parcels:	200 feet
d. Any body of seasonal or year-round surface water, stream, or drainageway	200 feet

2. *Slopes.* Such building, feedlot or manure storage area shall not be placed on slopes that exceed 13 percent.
3. *Marsh or wetland.* No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot or grazing area.

- O. The size of a lean-to shall not exceed 40% of the size of the enclosed portion of the building to which it is attached.¹⁵⁵

Sec. 12-188. Livestock.¹⁵⁶

- A. *Prohibition of manure deposition without safeguards.* No manure or livestock waste shall be deposited, stored, kept or allowed to remain in or upon any storage site or feedlot without reasonable safeguards adequate to prevent the escape or movement of such manure or waste or a solution thereof from the site that may result in pollution of any public waters or any health hazard. No manure shall be stored within 100 feet of any property line.
- B. *Pollution control agency standard minimum requirements.* All regulations imposed by the state pollution control agency relating to keeping of livestock shall be adhered to, and such regulations shall be considered the minimum safeguard necessary to prevent pollution of public waters or creation of health hazards. New livestock feedlots, poultry lots and other animal lots are prohibited within the following areas:
 1. Within 1,000 feet of the ordinary high water mark of any lake, pond or flowage; or within 300 feet of the landward extent of a floodplain;
 2. Within 1,000 feet of the boundary of a public park; and
 3. Within one-half mile of the nearest point to a concentration of ten or more private non-farm residences.
- C. *Permit required.* No feedlot or manure storage site shall be maintained unless a permit therefore¹⁵⁷ has first been issued by the state pollution control agency and a Conditional Use Permit has been issued by the City Council. The application for a permit by the owner or other person responsible for a feedlot or manure storage site shall be accompanied by plans showing the features and method of operation and construction and existing or proposed safeguards or disposal systems. The City Council may thereafter issue a Conditional Use Permit therefore¹⁵⁸ upon such conditions as it shall prescribe to prevent pollution of any public water or creation of health hazard.
- D. *Inadequate safeguards.* In case the Zoning Administrator shall find that any manure is stored or kept on any feedlot or storage site without a safeguard, or that any existing safeguard is inadequate, he may order the owner or other responsible person to immediately remove the manure from the feedlot or storage site and refrain from further storage or keeping of any manure thereat unless and until an adequate safeguard is provided as herein prescribed.
- E. *Notice concerning loss.* It shall be the duty of the owner of a feedlot or manure storage site or other responsible person in charge thereof to notify immediately the Zoning Administrator of any loss of stored manure by accident or otherwise when such loss of stored manure involves a substantial amount that would

¹⁵⁵ Ord 05-2013, 3/19/2013

¹⁵⁶ Code 1982, § 301.704; **Cross reference(s)**--Animals, Ch. 6.

¹⁵⁷ Amendment 02-2009, 4/21/2009

¹⁵⁸ Amendment 02-2009, 4/21/2009

LAND USE

- A. *Setback and siting.* The setback of new buildings should be compatible with the setback of existing adjacent buildings.
- B. *Parking.* Residential parking areas should be confined to the rear of existing or new buildings. Parking spaces should be screened from view from the public street by landscaping such as hedges, grade changes, or low fences.
- C. *Fences.* Fences which allow some visual penetration of front yard space are preferable to complete enclosure. Cyclone fences should not be used to enclose front yards in the front half of side yards.

Sec. 12-1716. Public improvements.⁴¹³

New street and landscape improvements, lighting, street furniture and signs should be compatible with the character of the district. The historic urban pattern of grid-plan streets should be retained.

Sec. 12-1717. Signs.⁴¹⁴

Sign materials and design should complement the materials and design of the building and adjacent buildings.

Secs. 12-1718--12-1770. Reserved.

ARTICLE VIII. BUILDINGS AND BUILDING REGULATIONS⁴¹⁵

DIVISION 1. GENERALLY

Secs. 12-1771--12-1800. Reserved.

DIVISION 2. BUILDING CODE⁴¹⁶

Sec. 12-1801. Adopted.⁴¹⁷

The Minnesota State Building Code, established pursuant to M.S.A. §§ 16B.59--16B.75, one copy of which is on file in the office of the City Administrator, is hereby adopted as the building code for the City. Such code is hereby incorporated in this article as completely as if set out in full.

Sec. 12-1802. Administration required.⁴¹⁸

As periodically adopted and amended by the State of Minnesota, the International Building Code will be administered as the Building Code for the City.

Sec. 12-1803. Application, administration and enforcement.⁴¹⁹

⁴¹³ Code 1982, § 309.103(6)

⁴¹⁴ Code 1982, § 309.103(7), **Cross reference(s)**—Signs generally, § 12-210.

⁴¹⁵ **Cross references**—Building department, § 2-201 et seq.; building official, § 2-111 et seq.; building permits in the building code regarding zoning, § 12-81; floodplain regulations, § 12-901 et seq.; manufactured homes, mobile homes, travel trailers, etc., prohibited in floodplain district, § 12-912; heritage preservation, § 12-1526 et seq.; use of individual sewage treatment systems, § 12-2006 et seq.; individual sewage treatment systems, § 12-2076 et seq.; construction and materials for building sewers, § 12-2165; numbering buildings, § 20-61 et seq.; utilities, ch. 24.

⁴¹⁶ **State law reference**—Authority to regulate the construction of buildings, M.S.A. § 412.221, subd. 28; **State law reference**—State building code applicable throughout the state, M.S.A. § 16B.62.

⁴¹⁷ Res 1995-11, § 401.101, 11-21-95; Res 1997-16, § 21, 6-17-97, **State law reference(s)**—Authority to adopt codes by reference, M.S.A. § 471.62.

⁴¹⁸ Ord 1997-20, 4/20/99, Sec. 12-1802 Repealed and Replaced

⁴¹⁹ Res. No. 1995-11, § 401.201, 11-21-95

AFTON CODE

- A. The application, administration and enforcement of the building code adopted in Section 12-1801 shall be in accordance with MN Rule, § 1300.2100.
- B. The building code department shall be the building code department of the City. The administrative authority shall be a state-certified building official.
- C. The appointing authority shall designate the building code administrative authority for the jurisdiction of the City.

Sec. 12-1804. Permits, inspections and fees.⁴²⁰

- A. Permits, inspections and collection of fees shall be authorized in M.S.A. Stat. 16B.62, subdivision 1. The building permit fee schedule for the City shall be established by resolution of the City Council.
- B. In addition to the permit fee required by Subsection (A) of this section, the applicant shall pay a surcharge to be remitted to the state department of administration as prescribed by M.S.A. § 16B.70.
- C. In addition to the basic building permit fee, a park fee is hereby imposed on each new home building permit as stated in chapter 12, article VI, pertaining to subdivisions.

Sec. 12-1805. Violations and penalties.⁴²¹

A violation of the building code adopted in Section 12-1801 is a misdemeanor and shall, upon conviction, be punished as provided in Section 1-13.

Secs. 12-1806--12-1850. Reserved.

DIVISION 3. FIRE PREVENTION AND LIFE SAFETY CODE⁴²²

Sec. 12-1851. Adopted.⁴²³

There is hereby adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the Uniform Fire Code, including Appendix Chapters I-A, I-B, II-A, II-B, II-C, II-D, III-A, III-B, III-C, IV-A, V-A, VI-A, VI-C, VI-D, and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials and the Minnesota Uniform Fire Code being particularly the 1982 Edition thereof and the whole thereof. One copy of these codes and standards must be and are now filed in the office of the clerk of the City and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which the ordinance from which this division was derived shall take effect, the provision thereof shall be controlling within the limits of the City.

Sec. 12-1852. Establishment, duties of bureau of fire prevention.⁴²⁴

- A. The **Uniform Fire Code** shall be enforced by the Bureau of Fire Prevention in the fire department of the Lower St. Croix Valley Fire Protection District which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- B. The chief (or marshal) in charge of the Bureau of Fire Prevention shall be appointed by the Lower St. Croix Valley Fire Protection District on the basis of established procedures.

⁴²⁰ Ord 1997-20, 4/20/99, Ord. 2004-25, 4/20/04, Res. No. 1995-11, § 401.301, 11-21-95, **Cross reference--** Building permits in subdivisions, § 12-1268.

⁴²¹ Res. No. 1995-11, § 401.401, 11-21-95, **State law reference--** Similar provisions, M.S.A. § 16B.69.

⁴²² **State law references--** Authority to adopt ordinances to prevent, control or extinguish fires, M.S.A. § 412.221, subd. 17; fire prevention in cities, M.S.A. ch. 438.

⁴²³ Code 1982, § 402.101, **State law reference--** Authority to adopt codes by reference, M.S.A. § 471.62.

⁴²⁴ Code 1982, § 402.102

LAND USE

- C. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the Lower St. Croix Valley Fire Protection District the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

Sec. 12-1853. Definition.⁴²⁵

Wherever the word "jurisdiction" is used in the **Uniform Fire Code**, it means the City of Afton.

Sec. 12-1854. New construction and renovation.⁴²⁶

All plans and specifications for new construction and renovation of commercial and public buildings, shall be submitted to and approved by the fire department, fire prevention bureau officer, prior to the start of construction.

Sec. 12-1855. Appeals.⁴²⁷

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the codes adopted by this article do not apply or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to city within 30 days from the date of the decision appealed.

Sec. 12-1856. Open burning prohibited.⁴²⁸

It shall be unlawful for any person to start or allow to burn, any open fire on any property within the City without first having obtained a permit therefor⁴²⁹ from the Lower St. Croix Valley Fire Protection District, except for supervised recreational or cooking fires contained within approved fire rings, pits or barbecue grills.

Sec. 12-1857. Rules adopted by reference.⁴³⁰

Chapter 8, State of Minnesota Air Pollution Control Rules current edition as amended May 13, 1976, is hereby adopted by reference and is made a part of this division as if fully set forth herein. Three copies of such rules are on file with the City Clerk.

Secs. 12-1858--12-1900. Reserved.

ARTICLE IX. SEWAGE⁴³¹

DIVISION 1. GENERALLY

Secs. 12-1901--12-1950. Reserved.

⁴²⁵ Code 1982, § 402.103, **Cross reference**--Definitions generally, § 1-2.

⁴²⁶ Code 1982, § 402.104

⁴²⁷ Code 1982, § 402.105

⁴²⁸ Code 1982, § 402.106, **Cross reference**--Open fires in parks prohibited, § 16-7.

⁴²⁹ Ord 02-2009, 4/21/2009

⁴³⁰ Code 1982, § 402.107

⁴³¹ **Cross references**—Zoning and water supply sanitary requirements for shoreline management, § 12-401 et seq.; Lower St. Croix River management requirements for sewage disposal, § 12-587; floodplain management on-site sewage treatment and water supply systems, § 12-1143. **State law references**—Authority to establish and maintain sewers, M.S.A. § 412.221, subd. 6; authority to build and construct sewers and sewage disposal plants, M.S.A. § 444.075.

Commentary/Interpretive
Purposes Only

BAYTOWN TOWNSHIP ZONING ORDINANCE

CHAPTER TWO

PART 3

PERFORMANCE STANDARDS

The performance standards established in this Part are designed to encourage a high standard of development. The standards are designed to prevent and eliminate those conditions that cause blight and to assure that neighboring land uses are compatible. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated.

SECTION 1. DEVELOPMENT STANDARDS

General Standards apply to all lots or uses. These regulations must be met in addition to other specific regulations that may apply to the individual lot or proposed use.

1.1 General Standards

- (1)

All lots or uses will be subject to these general standards as well as other specific regulations that apply to the lot or the proposed use.
- (2)

All agricultural and livestock operations being conducted in compliance with the terms of this Zoning Ordinance shall not be deemed a violation of this Zoning Ordinance notwithstanding the fact that there may have been changes in the surrounding character of the area.
- (3)

All applicants for a certificate of compliance or conditional use permit in the commercial zones must explain their business and any manufacturing processes involved. Any business/use storing or using hazardous substances as defined in Title 49 CFR, the Clean Water Act, Hazardous Waste Rules or Department of Transportation Rules must meet all applicable Environmental Standards.
- (4)

Sloping or Erodible Building Sites. No structure shall be constructed on sites with slopes of greater than twenty-five percent (25%) or on easily erodible soils as defined on the community soils maps and compiled by the Washington County Soil and Water Conservation District.
- (5)

Permitted Encroachments into Required Setbacks. The following shall be permitted encroachments into setback requirements:

(A)

Flues, eaves and awnings up to three (3) feet in width;

- (B) Steps, chimneys, sidewalks, and stoops up to three (3) feet in width;
 - (C) Exposed wheelchair ramps, bay windows and doors up to three (3) feet in width.
- (6) Corner lots. Nothing shall be placed or allowed to grow, with the exception of seasonal crops, in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right of way lines.
- (7) Setbacks along Arterials. The minimum setback for all structures shall be one hundred (150) feet from the centerline, or seventy five (75) feet from the right-of-way (whichever is greater), along roads designated as “Arterials” in the Township’s Comprehensive Plan.
- (8) Minimum width and foundations. In all districts where single family dwellings are permitted, the following standards shall apply for single family dwellings, except for temporary dwellings permitted by Chapter Two, Part 3, Sections 2.29, 2.30 and 2.31 of this Zoning Ordinance:
 - (A) The minimum width of the main portion of the structure shall be not less than twenty (20) feet, as measured across the narrowest portion.
 - (B) All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift and sliding in compliance with the Minnesota State Building Code.
- (9) Code compliance. All principal buildings shall meet or exceed the minimum standards of the Minnesota Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the Washington County Subsurface Sewage Treatment System Regulations, except that manufactured homes shall meet or exceed the requirements of the State of Minnesota Manufactured Home Building Code in lieu of the Minnesota State Building Code.
- (10) Buildable land. All new parcels created must have at least one (1) contiguous acre of accessible buildable land. Buildable land is defined as:
- (11) Land with a slope less than 25 percent, and

- (A) outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and
- (B) above any 100 year floodplain, drainage way, or drainage easement.

Property situated within Shorelands or the Saint Croix River districts are also subject to the requirements in those Chapters.

- (12) Number of structures. There shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise authorized by the Zoning Ordinance.
- (13) Certain dwelling units prohibited. No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior above or accessory building shall be used at any time as a dwelling unit.
- (14) Occupancy of a Single Family Residential dwelling. No more than six (6) persons can reside in a single family residential dwelling not related by blood, marriage or adoption.
- (15) Traffic control. The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas in all cases shall be forward moving with no backing into streets.
- (16) Vacated streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceedings.
- (17) Access drives, access and service roads. Access drives onto Township or County roads shall require an access permit from the appropriate road authority. This permit shall be issued prior to the issuance of any building permits. The Township or County Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

One primary access driveway is permitted for a residential

use. The Town Board may approve a secondary access to a residential parcel to address unique circumstances.

- (18) Private roads. Private roads are not allowed in any new subdivisions created after the effective date of this Zoning Ordinance. Existing lots of record on private roads will be subject to the Standards contain in the Township's Zoning and Subdivision Ordnances.
- (19) No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, flag poles up to 45 feet in height. Maximum height of Wireless Communication Facilities and Wind Energy Conversion Systems is regulated in accordance to Chapter Two, Part 3, of this Development Code.
- (20) Structures must be setback a minimum of 50' from an underground pipeline easement.
- (21) Unclassified water bodies. All lots having frontage on or containing an unclassified water body as defined in Chapter Six, Shoreland Management Regulations shall be subject to the setback regulations for unclassified water bodies as established in the Shoreland Management Regulations.

1.2 Accessory Structures

- (1) Required Permits. A building permit is required for all accessory structures, including temporary structures, except small sheds that are 120 square feet or less in size and agricultural buildings on a farm of forty acres or more, as defined in Minnesota Statute 16B.6. A certificate of compliance is required for all agricultural buildings and accessory structures over 1,000 square feet in size.
- (2) Performance Standards. The following standards apply in all districts.
 - (A) No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a rural farm containing forty (40) acres or more.
 - (B) An accessory structure shall be considered attached to the principal building if it is within six (6) feet or less from the principal building.
 - (C) No detached accessory structure shall be located closer to the road right-of-way than the principal building on a lot unless all of the following conditions are met:

- (A) The Town Board approves the building location.
 - (B) All setbacks are met.
 - (C) The accessory building is located no closer than one-half (1/2) the distance between the principal structure, as measured from the closest point to the road, and the front setback line.
 - (D) The Township may require the applicant to screen the building with plantings on the sides of the building to be screened (front sides and sides facing neighbors). The plants must be coniferous trees (spruce, fir, arborvitae) at least four (4) feet tall from the top of the root and spaced no greater than eight (8) feet apart. The landowner shall be responsible for care and maintenance of these trees. The Township shall determine the number of trees based upon recommendation of the Township Planner. Such requirements shall be included as part of action of the Board on the request for a certificate of compliance.
 - (E) The Town Board conducts a public hearing before making the decision after complying with the requirements for published and mail notice as required for standard hearings.
- (3) In Agricultural (AG, AP), Residential (RR,SFE), St. Croix River (SCR) and Transitional (TZ) districts, the following additional standards apply to all land within these districts:

- (A) The permitted size and number of accessory buildings are as follows:

Size of parcel in Acres	No. of buildings allowed	Total sq. ft.
Less than 1 acre	1	720 sq. ft.
1-2.49 acres	1	1,000
2.5-5 acres	2	2,000
5.01 acres – 20 acres	2	2,500
20.01+ acres	No limit if agricultural	No limit if agricultural

- (B) One single-story shed of 120 square feet or less is permitted in addition to the accessory structures

Accessory structures used to house domestic farm animals are subject to additional regulations.

identified on the table above.

- (C) All detached accessory buildings and temporary structures are to be used for personal use or agricultural use only. No commercial use or commercial-related storage is allowed in these structures.
- (D) No land shall be subdivided so as to have a larger building or structure and/or exceed the total number of buildings and structures as permitted by this Zoning Ordinance
- (E) Land may be subdivided with a minor subdivision into parcels of no less than five (5) acres and retain the existing number and square footage of accessory structures on the site if they are part of a farmstead as existed on January 1, 2001, subject to the following conditions:
 - a) There shall be no additional accessory buildings constructed on the property.
 - b) If any existing accessory buildings become Hazardous Buildings they shall be repaired or removed by the owner.
- (F) **Domestic Farm Animals. Accessory buildings and structures used to shelter domestic farm animals must meet the following requirements:**
 - a) All domestic farm animal structures, feedlots and manure storage sites shall be setback as follows:

Natural/ Man-Made Features	Horizontal Setbacks
(a) Any property line	100 feet
(b) Any existing well or residential structure on the same parcel	50 feet
(c) Any existing well or residential structure on adjacent or nearby parcel	200 feet
(d) Seasonal or year-round body of surface water	200 feet

- b) Said structure, feedlot or manure storage shall not be placed on slopes which exceed thirteen (13) percent.
- c) Evidence of seasonally high ground water level or mottled soil (as established by six (6) foot borings) shall not be closer than four (4) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.
- d) No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot or grazing area.

11-3-3: ACCESSORY STRUCTURES:

In all zoning districts, accessory structures shall be subject to the following performance standards:

- A. Construction:
1. Accessory structures are prohibited from being taller than or greater in footprint than the principal structure. Building permits are required for all permanent accessory structures. Temporary accessory structures including tents that consist of metal or fiberglass poles, metal hoops and PVC, cotton or nylon fabric covering materials are prohibited except as permitted in conjunction with an approved conditional use, permitted camping area, or special event.

2. In all zoning districts the exterior finishes of accessory structures sized less than one hundred sixty (160) square feet shall be constructed of quality weather resistant materials consisting of wood, metal, or engineered composite materials that are similar to the color palette of the principal structure.

3. In all zoning districts the exterior finishes of accessory structures sized greater than one hundred sixty (160) square feet shall be constructed of quality weather resistant materials in accordance with table 1 of this section:

TABLE 1
ACCESSORY STRUCTURE EXTERIOR MATERIAL STANDARDS

Property Classification	Exterior Finish
AG-1	Wood, metal, split face block, vinyl lap, or engineered cementitious materials
AG-2	Wood, metal, split face block, vinyl lap, or engineered cementitious materials that are similar to the color palette of the principal structure
R-1	Wood, metal, split face block, vinyl lap, or engineered cementitious materials that are similar to the color palette of the principal structure
R-2	The same design, material, and color palette of the principal structure
UR	The same design, material, and color of the principal structure
R-2.5	The same design, material, and color of the principal structure
R-2A	The same design, material, and color of the principal structure
R-2B	The same design, material, and color of the principal structure
R-2C	The same design, material, and color of the principal structure
R-2D	The same design, material, and color of the principal structure
R-2E	The same design, material, and color of the principal structure
R-2F	The same design, material, and color of the principal structure
R-3	The same design, material, and color of the principal structure
R-4	The same design, material, and color of the principal structure
R-3 and R-4 non-MUSA, 3 acres or greater	Wood, metal, split face block, vinyl lap, or engineered cementitious materials that are similar to the color palette of the principal structure
R-5	The same design, material, and color of the principal structure
R-6	The same design, material, and color of the principal structure
PUD	Site plan review
All properties meeting agricultural definitions	Wood, metal, split face block, vinyl, or engineered cementitious materials
Commercial and industrial	Site plan review

(Ord. 903, 5-16-2012)

B. Number And Size: The number and size of accessory structures permitted on any lot shall be determined by the following table (table 2 of this section). In addition to the accessory structures listed in table 2 of this section, one accessory storage structure, up to one hundred sixty (160) square feet in size, and swimming pools meeting the criteria established in title 9, chapter 11 of this code shall be permitted on each lot.

TABLE 2
ACCESSORY STRUCTURE SIZE AND NUMBER STANDARDS

Property Classification	Number	Total Size
AG-1	2	2,500 sq. ft.
AG-2	2	2,500 sq. ft.

R-1	2	2,500 sq. ft.
R-2	2	2,000 sq. ft.
UR	1	1,200 sq. ft.
R-2.5	1	1,200 sq. ft.
R-2A	1	780 sq. ft.
R-2B	1	780 sq. ft.
R-2C	1	780 sq. ft.
R-2D	1	480 sq. ft.
R-2E	n/a	n/a
R-2F	n/a	n/a
R-3	1	1,000 sq. ft.
R-4	1	850 sq. ft.
R-3 and R-4 non-MUSA, 3 acres or greater	2	2,500 sq. ft.
R-5	Site plan review	576 sq. ft. per unit
R-6	Site plan review	576 sq. ft. per unit
PUD	1	1,000 sq. ft.
All properties meeting agricultural definitions	Unlimited	300 sq. ft. per acre
Commercial and industrial	Site plan review	Site plan review

C. Setbacks: Setbacks for accessory structures shall be determined by the following table (table 3 of this section):

TABLE 3

ACCESSORY STRUCTURE SETBACK REGULATIONS

Property Classification	Side Yard	Rear Yard	Front Yard
AG-1	25 feet	50 feet	Behind principal structure
AG-2	25 feet	50 feet	Behind principal structure
R-1	20 feet	50 feet	Behind principal structure
R-2	20 feet	20 feet	Behind principal structure
UR	6 feet	15 feet	Behind principal structure
R-2.5	6 feet	15 feet	Behind principal structure
R-2A	10 feet	15 feet	Behind principal structure
R-2B, R-2C, and R-2D	15 feet	15 feet	Behind principal structure
R-2A, R-2B, R-2C, and R-2D adjoining an alley	20 feet	20 feet	Behind principal structure
R-2E and R-2F	50 feet	50 feet	Behind principal structure
R-3	6 feet	10 feet	Behind principal structure
R-4	6 feet	10 feet	Behind principal structure
R-5	Site plan review	Site plan review	Site plan review
R-6	Site plan review	Site plan review	Site plan review
PUD	6 feet	15 feet	Behind principal structure
Commercial and industrial	Not in required yards	Not in required yards	Behind principal structure

D. Height: Height of accessory structures shall be determined by the following table (table 4 of this section):

TABLE 4

ACCESSORY STRUCTURE HEIGHT STANDARDS

Property Classification	Maximum
AG-1	20 feet
AG-2	20 feet
R-1	20 feet
R-2	20 feet
UR	18 feet
R-2.5	18 feet
R-2A, R-2B, R-2C, R-2D, R-2E, R-2F	18 feet
R-3	18 feet
R-4	18 feet
R-5	18 feet
R-6	18 feet
PUD	18 feet
All districts meeting agricultural definitions	Unlimited
Commercial and industrial	20 feet

E. Miscellaneous Requirements:

1. Accessory structures greater than that permitted in subsections B and D of this section may be approved by conditional use permit if in compliance with section 11-2-9 of this title and the following standards are met:
 - a. There is adequate setback, screening, or topography changes that buffer the proposed structure from adjacent public roadways or adjacent properties.
 - b. The proposed building height or building square footage does not exceed the ordinance criteria as specified in subsection B or D of this section by more than twenty percent (20%) within the metropolitan urban service area (MUSA) and forty percent (40%) outside the MUSA.
 - c. Setback distances are increased five feet (5') for each one foot (1') of height or one hundred (100) square feet of size increase or fraction thereof.
 - d. If future site development renders the structure nonconforming, the building must be brought into compliance or removed as a condition of the development approval.
2. No accessory structures shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory unless the building is accessory to the ongoing agricultural land use.
3. No accessory structure shall be located nearer the front lot line than is the principal building on the lot, except where the lot area of the site is five (5) acres or greater. If the lot area is five (5) acres or greater, the principal structure setbacks of the applicable zoning district will apply.
4. No tent, trailer, camper, motor home or accessory building shall at any time be used as a habitable building. No tent, trailer, camper, or motor home shall at any time be used as a storage building.
5. The required setback of accessory buildings or structures from the principal structure shall be determined by the building code as adopted by the city.
6. When a property is developed and an existing accessory structure made nonconforming, the structure must be brought into conformance as part of the development approval or removed from the property.
7. At-grade structures such as basketball courts, tennis courts, patios, and dog kennels shall meet the established accessory structure setbacks for the appropriate districts. These structures are not included in the total allowable accessory structure square footage as regulated in subsection B of this section, as long as the total impervious surface of the lot does not exceed thirty five percent (35%) of the rear area of the lot measured from the rear building line of the house to the rear lot line.
8. Swimming pools and surrounding apron/decks shall meet the established accessory structure setbacks for the appropriate districts. These structures are not included in the total allowable accessory structure square footage as regulated in subsection B of this section, as long as the total impervious surface of the lot does not exceed thirty five percent (35%) of the total rear area of the lot measured from the rear building line of the house to the rear lot line. (Ord. 796, 6-21-2006)
9. Temporary family healthcare dwellings are prohibited in all zoning districts. (Ord. 966, 8-10-2016)

F. Garage Requirements In All Residential Districts:

1. Four hundred forty (440) gross square feet of garage space per dwelling unit in the R-1, R-2, R-2.5, R-3, R-4, R-5, and R-6 districts is required for single-family homes constructed or relocated after the adoption of this section, with the following exception: A minimum of one hundred (100) square foot storage shed per dwelling unit is required and must be constructed for licensed

manufactured home parks in the Cottage Grove Estates subdivision and licensed manufactured homes in out lot A of Cottage Grove Estates addition. This does not prohibit construction of a garage so long as the storage shed does not exceed one hundred sixty (160) square feet.

2. Two hundred forty (240) gross square feet of garage space per dwelling unit in the R-3, R-4, R-5, and R-6 districts is required for attached dwellings constructed or relocated after the adoption of this section.

3. A minimum of five hundred seventy six (576) gross square feet of garage space per detached single-family dwelling in the R-2A, R-2B, and R-2C districts is required.

4. A minimum of four hundred eighty (480) gross square feet of garage space is required for each twin home unit and townhome unit in the R-2D and R-2E districts.

5. A minimum of three hundred (300) gross square feet of garage space is required for each multi-family dwelling unit in the R-2F district.

6. The garage floor area attached to the principal structure in any residential district must not exceed one thousand (1,000) square feet in gross floor area. (Ord. 796, 6-21-2006)

11-9A-5: DEVELOPMENT STANDARDS:

A. Minimum Requirements: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this title:

Lot area	3 acres
Lot width	180 feet
Front yard	30 feet
Rear yard	50 feet
Side yard	25 feet
Side yard, attached garage	20 feet
Maximum structure height	30 feet
Maximum impervious lot coverage	10 percent

B. Cluster Developments: In order to encourage the preservation of environmentally sensitive areas, encourage more efficient allocation and maintenance of privately controlled open space and more efficiently utilize investment in and maintenance of public streets, cluster developments in the R-1 district shall be encouraged under the following conditions:

1. No individual lot shall be less than one and one-half ($1\frac{1}{2}$) acres in size, with a minimum of one and one-half ($1\frac{1}{2}$) acres of land suitable for on site sewage disposal systems. Exceptions to the minimum lot width requirement may be granted.
2. The overall density of the parcel shall not exceed one dwelling unit per three (3) acres.
3. The remaining area shall be permanently preserved as open space. This area may be accepted by the city as fulfillment of the park dedication requirement of the subdivision regulations, if consistent with the parks and open space element of the comprehensive plan. If not so dedicated, the open space shall be placed under control of a homeowners' association or other appropriate jurisdiction. Deed restrictions requiring the permanent preservation of these areas as open space shall be recorded before building permits for lots in a cluster development may be issued. (Ord. 939, 2-4-2015)

11-8A-2: PERMITTED USES:

No structure or land shall be used except for one or more of the following uses:

1.

Commercial agriculture and horticulture.
2.

Farm buildings and pole barns.
3.

Farm drainage and irrigation systems.
4.

Feedlots and poultry facilities.
5.

Forestry.
6.

One single-family detached dwelling per each forty (40) acres, on a separately owned parcel. Any parcel of land that has thirty seven and one-half (37.5) acres or more, after deducting road right of way, and variations due to longitude and latitude deviations, complies with the forty (40) acre requirement.

A. Lot Dimensions And Setbacks:

Lot area	1 1/2 acres
Lot width	180 feet
Front yard	100 feet
Side yard	25 feet
Rear yard	50 feet

- B.

Lot Depth: A new parcel subdivided after August 19, 1981, must not have a lot depth more than three (3) times greater than the lot width.
- C.

Sewage Disposal: The lot must have an acceptable on- site sewerage disposal area of at least one and one-half (1 1/2) acres on a slope of less than thirteen percent (13%).
- D.

Location Of Nonfarm Structures: No nonfarm structure may be located closer than three hundred feet (300') from the nearest accessory farm building or property regularly used as pasture for livestock.
- E.

Location Of Driveways: The lot shall be located in such a manner that no driveways may be located within three hundred feet (300') of an intersection of a minor arterial with another road or within one hundred fifty feet of an intersection of two (2) collector streets. (Ord. 617, 8-2-1995)

current taxes the following year or in annual installations not exceeding 10 as the Council may determine in each case.

Subd. 15 Penalty.

The offending party will be issued an administrative citation for the unsatisfactory condition at the time the written notice of violation is given. The City may also enforce M.S. § 169.42 with the maximum penalty for a misdemeanor as prescribed by state law.

Subd. 16 Compensatory Action.

In lieu of enforcement proceedings, penalties and remedies authorized by this section, the City may impose alternative compensatory actions upon a violator, such as storm drain stenciling, attendance at compliance workshops, creek cleanup and the like.

(Ord. 2007-03, passed 4-10-07)

1001.35 ACCESSORY BUILDINGS AND STRUCTURES.

Subd. 1 Purpose.

The purpose of this chapter is to provide performance standards for the erection, siting and use of accessory buildings, structures and uses that may be allowed within the various zoning districts to ensure compatibility with the principal use and with surrounding properties, as well as to protect the general health, safety, and welfare of the community.

Subd. 2 General Regulations

(1) No accessory building or structure shall be permitted on any lot, in any district, prior to the time of construction of the principal building to which it is accessory, except for a building devoted exclusively to agricultural use, and on a parcel of land at least 10 acres in size and zoned A-1 or A-2 or 20 acres in size and zoned S-A.

(2) The City Council may allow the construction of an accessory building prior to the principal structure being constructed if a building permit is taken out for both structures and an appropriate escrow deposit and agreement is made between the applicant and the City to provide for forfeiture in the event the principal structure is not built within the time specified.

(3) All accessory storage buildings 200 square feet in area or less except those used for agricultural purposes shall be located in the rear yard between the rear property line and the rear of the main structure no closer than 5 feet to any property line or 20 feet to a side lot line, if adjacent to any public street right-of-way.

(4) In case an accessory building is attached to the main building it shall be made structurally a part of the main building and shall comply in all respects to the main building. An accessory building, unless attached to and made a part of the main building shall not be closer than 10 feet to the main building, except as otherwise provided in this Subsection.

(5) Accessory building design requirements:

a. The exterior materials of the proposed accessory building shall be complementary in color, texture or materials and of equal or greater quality with those of the principal dwelling. No accessory building shall be constructed of canvas, plastic, fabric or other similar nonrigid materials.

b. In all Residential Zoning Districts, no post frame construction shall be constructed in whole or in part on lots less than 80,000 square feet. For purposes of this section, a post frame construction is defined as a structure, the basic support and framework of which is provided by wooden poles inserted vertically into the ground similarly to telephone poles.

c. Architectural metal siding can be used as a permitted material provided it is complementary in color to the principle structure. Any exposed screws or fasteners shall match the color of the siding. Roof material shall be asphalt shingles or standing seam metal roof material.

d. Vertical siding shall be in 2 colors on all 4 sides of the structure. Horizontal siding shall match the principle structure and include trim or other design element to provide a visual break in the siding.

e. The accessory building shall include design elements that match the principal structure. This shall include additional accenting through the use of a porch, complementary building trim, window/door trim, dormer, wainscoting, or other elements that are complementary to the principle building.

f. Any application for a post frame construction accessory structure in residential districts shall require a site plan review and approval by the Planning Commission prior to issuance of a building permit and shall be accompanied by a color photo of the existing primary structure on site and a colored elevation plan of the proposed accessory structure with exterior building materials indicated. A fee for site plan review by the Planning Commission to cover administrative costs shall also accompany the application and shall be determined by the current adopted Fee Schedule.

(6) For Commercial and Industrial Districts, the exterior materials shall meet the exterior building materials requirements as specified in this Code.

(7) All accessory storage buildings in any zone, shall be maintained and kept in a neat and orderly fashion, specifically, structurally sound, no excessive flaking or peeling; if a metal building, no excessive rusting upon or through the walls, floor or roof. Any building which is not so maintained shall be removed by the property owner or upon due notice, the building may be removed by the City at the property owner's expense.

- (8) No permanent accessory storage building shall be located in any public utility easement or easements of record. Where any question arises as to the location or design of accessory buildings, the City Administrator or designee may refer the matter to the City Council for final determination.
- (9) All accessory buildings shall be suitably anchored to the ground.
- (10) Any accessory building in excess of 200 square feet shall require a building permit issued by the City of Dayton and shall be constructed to the standards of the Minnesota State Building Code.
- (11) For the purpose of this Subsection, gazebos, decks, patios, and other unenclosed residential uses of property similar in nature shall be excluded from the definition of the term accessory building.
- (12) Consideration shall be given to provide for the future expansion and/or replacement of the septic system. Any application for an accessory structure in a non-sewered site shall be accompanied by a certified septic compliance certificate and a site plan showing both the primary and a secondary site suitable for a septic system. The City may deny the requested permit or alter the location to account for future septic system needs.
- (13) No accessory building or structure shall be permitted on any lot, in any district, without an approved building permit and/or site plan and a declaration of use statement signed by the applicant.
- (14) Accessory buildings are not permitted in Mixed Use or Business Districts.

Subd. 3 Conditional Use Permits.

Application for a conditional use permit under this chapter shall be regulated by Subsection 1001.23 of this Code. Such a conditional use permit may be granted provided that:

- (1) There is a demonstrated need and potential for continued use of the structure for the purpose stated.
- (2) No accessory building or private garage shall be utilized for all or a portion of a home occupation, for commercial activities or for commercial storage.
- (3) No accessory buildings shall be constructed in Business Districts zoned B-1, B-2, B-3, B-4 or Mixed Use Districts zoned V-M, H-M, 125th Avenue-M without a CUP.
- (4) The accessory building has an evident reuse or function related to a single-family residential environment in urban service areas, agriculture environment in nonurban service areas, business or industrial use in urban areas of the City.
- (5) Detached accessory buildings shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.
- (6) The performance standards and criteria of Subsection 1001.14 of this Code shall be considered and a determination made that the proposed activity is in compliance with such criteria.
- (7) There is a demonstrated need and potential for an accessory structure taller than the principal structure in all Residential, Mixed Use, Commercial and Industrial zoned districts.

Subd. 4 Agricultural Districts

- (1) *Conditional use permit.* No building permit shall be issued for the construction of detached accessory buildings on an agriculture parcel exceeding the limits stated below, except by conditional use permit.
- (2) *Site plan approval.*
 - a. *Building permit required.* Detached accessory buildings greater than 200 square feet in floor area shall require a building permit. The Building Official shall review the site plan and construction drawings to determine compliance with the Building Code and other applicable ordinances, laws, and regulations.
- (3) *Setbacks and encroachment.*

A-1, Agricultural District	
A-2, Agricultural District	
S-A, Special Agricultural District	
Setbacks	
Front, side or rear to a street	30 feet
Front, side or rear to an arterial street	50 feet
Side yard	10 feet
Rear yard	10 feet
*Accessory building height shall not exceed the principle dwelling height	

(4) *Accessory building performance standards.*

a. Accessory buildings and structures constructed for agricultural purposes in Agricultural Districts (A-1, A-2, S-A) are permitted as impervious coverage allows in Section 1001.05 Subd. 9 and Subd. 10.

b. On parcels of less than 1 acre there shall be no more than 2 detached accessory structures and the total area of all detached accessory buildings shall not exceed the footprint of the principal dwelling.

c. The footprint of the principal building includes attached garage area, if any.

d. The exterior materials for residential accessory buildings must be comparable to the exterior materials of the principal dwelling. Residential accessory buildings shall have eaves and overhangs.

e. No new accessory structures are permitted on the non-homestead outlot. Existing structures at the time of creation of the outlot will become legal non-conforming structures.

Subd. 5 Residential Districts

(1) *Conditional use permit required.* No building permit shall be issued for the construction of more than 1 detached accessory building on a single parcel in addition to 1 private garage (attached or detached), except by conditional use permit.

(2) *Site plan approval.*

a. *Building permit required.* Detached accessory buildings greater than 200 square feet in floor area shall require a building permit. The Building Official shall review the site plan and construction drawings to determine compliance with the Building Code and other applicable ordinances, laws, and regulations.

(3) *Setbacks and encroachment.*

<i>R-1, Single-Family Residential District (less than 50,000 sq. ft.)</i>	
<i>R-1A, Single-Family Residential District with Lot Averaging</i>	
<i>R-3, Single-Family Attached and Detached</i>	
Front, side or rear to a street	30 feet*
Front, side or rear to an arterial street	50 feet
Side yard	5 feet
Rear yard	5 feet
Height	16 feet**
Size limit	800 square feet
* Cannot be placed in front yard	
** Cannot exceed the height of the principal structure	

<i>R-1, Single-Family Residential District (more than 50,000 sq. ft.)</i>	
Front, side or rear to a street	30 feet*
Front, side or rear to an arterial street	50 feet
Side yard	5 feet
Rear yard	5 feet
Height	35 feet**
Size limit	1,200 square feet
* Cannot be placed in front yard	
** Cannot exceed the height of the principal structure	

<i>R-2, Single Family Residential District</i>	
<i>R-E, Single Family Estate Residential District</i>	
Front, side or rear to a street	30 feet*

§ 153.317 AGRICULTURE (A) DISTRICT.

(A) *Purpose.* The Agriculture (A) District is intended to preserve areas for interim or permanent agricultural use; preserve the rural character of outlying areas of the city; to allow a mix of large lot residential development and agriculturally related uses in areas of the city not yet served by public sewer; and to broaden the choice of residential living styles within the city.

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

- (1) Agricultural use;
- (2) Dwelling, single-family detached;
- (3) Plant nursery, wholesale;
- (4) Recreation, public;
- (5) Amateur radio antenna (subject to the amateur radio antenna standards in §153.096(II)(9)).

(C) *Accessory uses.* Subject to applicable provisions of this chapter, the following permitted accessory uses in the A 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) Accessory structures;
- (2) Agricultural business;
- (3) Daycare facility, unlicensed - serving 6 or fewer persons;
- (4) Kennel, private - 3 pets or fewer;
- (5) Pasture;
- (6) Residential facility, licensed - serving 6 or fewer persons;
- (7) Other uses customarily associated with but subordinate to a permitted use as determined by the city.

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

(1) *Principal uses.*

- (a) Agriculture building.

(2) *Accessory uses.*

- (a) Accessory apartment within a single-family detached dwelling;
- (b) Agriculture building;
- (c) Daycare facility, licensed - serving 7 to 14 persons;
- (d) Home occupations;
- (e) Horse training facilities, private;
- (f) Kennel, private - more than 3 pets;
- (g) Residential facility, licensed - serving 7 to 10 persons;
- (h) Solar energy systems, either roof or ground-mounted (meeting accessory structure requirements) according to § 153.307;
- (i) Towers (see § 153.096).

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

(1) *Principal uses.*

- (a) Cemetery;
- (b) Essential services, governmental buildings and storage;
- (c) Essential services, utility substation;
- (d) Garden supply store and nursery yard;
- (e) Mining;
- (f) Place of worship;
- (g) Recreation, commercial;

(i) Tower (see § 153.096);

(j) Yard waste facility.

(2) *Accessory uses.*

(a) Columbarium - accessory to place of worship;

(b) Bed and breakfast inn;

(c) Daycare facility, licensed - serving more than 14 persons;

(d) Feedlot;

(e) Horse training facilities, commercial;

(f) Kennel, commercial;

(g) Residential facility, licensed - serving more than 10 persons;

(h) Veterinary, large animal.

(3) 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 A 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 A District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) *Minimum lot requirements.*

(a) *Lot area:*

1. **10 acres:** (Sections 25, 26, 27, 34, 35, and 36);

2. **20 acres:** (Sections 28, 31, 32, and 33 - except for parcel geocode 3303221440003, parcel geocode 3303221410004, and parcel geocode 3303221440002);

3. See Comprehensive Land Use Plan for additional information regarding information on section location and land use.

(b) Lot width: 300 feet.

(2) *Setbacks.*

(a) *Principal structure.*

1. **Front yard:**

a. Arterial, 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. Collector street: 50 feet from the public right-of-way;

c. Local street: 40 feet from the public right-of-way;

d. Existing private street: 40 feet from edge of road.

2. Side yard: 20 feet.

3. Side street: same as front yard.

4. Rear yard: 50 feet.

(b) *Detached accessory structure.*

1. Front yard: must meet principal building setbacks; however, if located between the principal structure and a road, a 100 foot setback is required. See § 153.110 for requirements relating to exterior designs and color.

2. Side yard: 20 feet.

3. Side street: same as front yard.

4. Rear yard: 50 feet.

(3) *Building height.*

- (a) Principal structure: maximum height of 3 stories or 35 feet.
- (b) Detached accessory structure: maximum height of 1 story or 20 feet.

(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. 676, passed 7-9-2018)

§ 153.318 RURAL RESIDENTIAL (RR) DISTRICT.

(A) *Purpose.* The Rural Residential (RR) District is intended to provide areas for low density housing in rural areas of the city; to allow a mix of large lot residential development and agriculturally related uses in areas of the city not served by public sewer; and to broaden the choice of residential living styles in the city.

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

(1) *Agricultural use;*

- (2) Dwelling, single-family detached;
- (3) Plant nursery, wholesale;
- (4) Recreation, public;
- (5) Amateur radio antenna (subject to the amateur radio antenna standards in §153.096(II)(9)).

(C) *Accessory uses.* Subject to applicable provisions of this chapter, the following accessory uses in the RR 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) *Agricultural business;*

- (2) Accessory structures;
- (3) Day care facility, unlicensed - serving 6 or fewer persons;
- (4) Kennel, private - 3 or fewer pets;
- (5) Pasture;
- (6) Residential facility, licensed - serving 6 or fewer persons;
- (7) Other uses customarily associated with but subordinate to a permitted use as determined by the city.

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

(1) *Principal uses.*

- (a) Agriculture building.

(2) *Accessory uses.*

- (a) Accessory apartment within a single-family dwelling;
- (b) Agricultural building;
- (c) Day care facility, licensed - serving 7 to 14 persons;
- (d) Home occupations;
- (e) Horse training facilities, private;
- (f) Kennel, private - more than 3 pets;
- (g) Residential facility, licensed - serving 7 to 10 persons;
- (h) Solar energy systems, either roof or ground mounted (meeting accessory structure requirements) according to § 153.307.
- (i) Tower (see § 153.096).

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

(1) *Principal uses.*

- (a) Cemetery;
- (b) Essential services, governmental buildings and storage;
- (c) Essential services, utility substations;
- (d) Mining;
- (e) Place of worship;
- (f) Recreation, commercial;
- (g) School;

(h) Yard waste facility.

(2) *Accessory uses.*

- (a) Bed and breakfast inn;
- (b) Columbarium - accessory to place of worship;
- (c) Day care facility, licensed - serving more than 14 persons;
- (d) Feedlot;
- (e) Garden supply store and nursery yard;
- (f) Horse training facilities, commercial;
- (g) Kennel, commercial;
- (h) Residential facility, licensed - serving more than 10 persons;
- (i) Towers (see § 153.096);
- (j) Accessory structure on adjacent non-riparian lot..

(3) 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 RR 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 RR District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) *Minimum lot requirements.*

(a) *Lot area: 5 acres;* except for RR zoned properties located south of Shields Lake, west of Ingersoll Avenue, north of 200th Street and east of Harrow Avenue North all new lot divisions shall be a minimum of 10 acres due to potential of future sewered development within this area.

(b) Lot width: 300 feet.

(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. Collector street: 50 feet from the public right-of-way;

c. Local street: 40 feet from the public right-of-way;

d. Existing private street: 40 feet from edge of road.

2. Side yard: 20 feet.

3. Side street: same as front yard.

4. Rear yard: 50 feet.

(b) *Detached accessory structure.*

1. Front yard: must meet principal building setbacks; however, if located between the principal structure and a road, a 100 foot setback is required. See § 153.110 for requirements relating to exterior design and color.

2. Side yard: 20 feet.

3. Side street: same as front yard.

4. Rear yard: 50 feet.

(3) *Building height.*

(a) Principal structure: maximum height of 3 stories or 35 feet;

(b) Detached accessory structure: maximum height of 1 story or 20 feet.

(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)

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).

Sec. 90-94. - **Agricultural district (AG).**

- (a) **Purpose.** The agricultural district (AG) is to provide an area for the production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forages, grains, timber, trees, or bees and apiary products, and other uses dependent on the inherent productivity of the land. Single-family detached housing at a density of one unit per ten gross acres is also permitted.
- (b) **Permitted uses.** The following are permitted in the AG district:
- (1) Agriculture, including sale of produce grown on premises.
 - (2) Daycare facilities, as defined by statute (refer to section 90-220).
 - (3) Essential public services (refer to section 90-223).
 - (4) Feedlots (refer to section 90-226).
 - (5) Indoor riding arenas (refer to section 90-235).
 - (6) Plant nurseries, wholesale (refer to section 90-256).
 - (7) Recreational fields, structures and buildings, city only.
 - (8) Residential facility (community residence) with one to six individuals (refer to section 90-218).
 - (9) Single-family detached residential dwellings (refer to section 90-266).
- (c) **Accessory uses.** The following are permitted accessory uses in an AG district:
- (1) Accessory buildings (refer to section 90-204).
 - (2) Accessory dwelling unit (refer to section 90-277).
 - (3) Exterior storage (refer to section 90-224).
 - (4) Farm and garden produce sales (refer to section 90-225).
 - (5) Farmhand living quarters (refer to section 90-276).
 - (6) Fences (refer to section 90-227).
 - (7) Garages, private (refer to section 90-230).
 - (8) Home occupations (refer to section 90-232).
 - (9) Horse training and boarding facilities, private (refer to section 90-233).
 - (10) Kennels, commercial (refer to section 90-236).
 - (11) Kennels, hobby (refer to section 90-237).
 - (12) Lighting, outdoor (refer to section 90-239).
 - (13) Livestock and livestock operation (refer to section 90-241).
 - (14) Parking and loading areas (refer to section 90-253).
 - (15) Signs (refer to section 90-265).
 - (16) Water-oriented accessory structure (refer to section 90-270).
- (d) **Conditional uses.** Following are conditional uses allowed in the AG district and require a conditional use permit based upon procedures set forth in and regulated by section 90-37. Additionally, besides the specific standards and criteria, which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated, based upon the standards and criteria in section 90-37.
- (1) Accessory apartments (refer to section 90-203).

- (2) Antennas (refer to article VI, division 2, of this chapter).
 - (3) Balloon ports, commercial (refer to section 90-209).
 - (4) Bed and breakfast business (refer to section 90-210).
 - (5) Campgrounds (refer to section 90-211).
 - (6) Cemeteries (refer to section 90-214).
 - (7) Commercial recreational, outdoor.
 - (8) Golf courses (refer to section 90-231).
 - (9) Horse training and boarding facilities, commercial (refer to section 90-233).
 - (10) Hunt and gun clubs (refer to section 90-234).
 - (11) Marinas, commercial (refer to section 90-244).
 - (12) Marinas, private (refer to section 90-245).
 - (13) Mining and excavation (refer to section 90-247).
 - (14) Places of worship (refer to section 90-254).
 - (15) Plant nurseries, retail (refer to section 90-255).
 - (16) Residential facility (community residence) with seven to 16 individuals (refer to section 90-218).
 - (17) Schools (refer to section 90-260).
 - (18) Solar energy systems (refer to section 90-278).
 - (19) Wind-powered generator (refer to section 90-271).
- (e) **Area requirements and construction limitations.** The following minimum requirements shall be observed in an AG district subject to additional requirements, exceptions and modifications set forth in this chapter:

Minimum lot or parcel size	10 acres
Minimum lot width at front setback line	300 ft.
Minimum lot width for corner lots	300 ft.
Minimum lot depth	480 ft.
Minimum lot depth-double frontage lot	480 ft.
Minimum front yard building setback	40 ft.
Minimum side yard building setback	20 ft.
Minimum rear yard building setback	50 ft.
Maximum building height	35 ft.

Maximum lot area to be covered by buildings	20%
Maximum lot area to be covered by impervious surface	35%
Minimum building size of principal building	960 sq. ft.
Maximum garage size	Refer to section 90-230
Maximum size of accessory buildings, excluding garages	Refer to section 90-204

(Prior Code, § 1050; Ord. No. 2010-453, § 3, 12-6-2010; Ord. No. 2011-460, § 1, 11-7-2011; Ord. No. 2015-470, § 3, 5-4-2015; Ord. No. 2016-475, 12-21-2015)

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. 90-95. - Rural residential district (RR).

- (a) **Purpose.** The rural residential district (RR) is to provide a location for single-family detached housing on parcels of land served by private well and septic systems at a density of one home per ten gross acres. Continued use of land for agricultural pursuits listed below will be permitted.
- (b) **Permitted uses.** The following are permitted in the RR district:
 - (1) Agriculture, including sale of products grown on premises.
 - (2) Daycare facilities, as defined by statute (refer to section 90-220).
 - (3) Essential public services (refer to section 90-223).
 - (4) Indoor riding arenas (refer to section 90-235).
 - (5) Plant nurseries, wholesale (refer to section 90-256).
 - (6) Recreational fields, structures and buildings, city only.
 - (7) Residential facility (community residence) with one to six individuals (refer to section 90-218).
 - (8) Single-family detached residential dwellings (refer to section 90-266).
- (c) **Accessory uses.** The following are permitted accessory uses in a RR district:
 - (1) Accessory buildings (refer to section 90-204).
 - (2) Accessory dwelling unit (refer to section 90-277).
 - (3) Exterior storage (refer to section 90-224).
 - (4) Farm and garden produce sales (refer to section 90-225).
 - (5) Feedlots (refer to section 90-226).
 - (6) Fences (refer to section 90-227).
 - (7) Garages, private (refer to section 90-230).
 - (8) Home occupations (refer to section 90-232).
 - (9) Horse training and boarding facilities, private (refer to section 90-233).
 - (10) Lighting, outdoor (refer to section 90-239).
 - (11) Livestock and livestock operation (refer to section 90-241).
 - (12) Parking and loading areas (refer to section 90-253).
 - (13) Signs (refer to section 90-265).
 - (14) Water-oriented accessory structure (refer to section 90-270).
- (d) **Conditional uses.** Following are conditional uses allowed in a RR district and require a conditional use permit based upon procedures set forth in and regulated by section 90-37. Additionally, besides the specific standards and criteria, which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated, based upon the standards and criteria in section 90-37.
 - (1) Accessory apartments (refer to section 90-203).
 - (2) Antennas (refer to article VI, division 2, of this chapter).
 - (3) Balloon port, commercial (refer to section 90-209).
 - (4) Bed and breakfast business (refer to section 90-210).
 - (5) Campgrounds (refer to section 90-211).

- (6) Cemeteries (refer to section 90-214).
 - (7) Commercial recreation, outdoor.
 - (8) Farmhand living quarters (refer to section 90-276).
 - (9) Golf courses (refer to section 90-231).
 - (10) Horse training and boarding facilities, commercial (refer to section 90-233).
 - (11) Kennels, hobby (refer to section 90-237).
 - (12) Marinas, commercial (refer to section 90-244).
 - (13) Marinas, private (refer to section 90-245).
 - (14) Places of worship (refer to section 90-254).
 - (15) Residential facility (community residence) with seven to 16 individuals (refer to section 90-218).
 - (16) Schools (refer to section 90-260).
 - (17) Solar energy systems (refer to section 90-278).
 - (18) Wind-powered generator (refer to section 90-271).
- (e) **Area requirements and construction limitations.** The following minimum requirements shall be observed in an RR district subject to additional requirements, exceptions and modifications set forth in this chapter:

Minimum lot or parcel size	10 acres
Minimum lot width at front setback line	300 ft.
Minimum lot width for corner lots	300 ft.
Minimum lot depth	480 ft.
Minimum lot depth-double frontage lot	480 ft.
Minimum front yard building setback	40 ft.
Minimum side yard building setback	20 ft.
Minimum rear yard building setback	50 ft.
Maximum building height	35 ft.
Maximum lot area to be covered by buildings	30%
Maximum lot area to be covered by impervious surface	50%
Minimum building size of principal building	960 sq. ft.

Maximum garage size	Refer to section 90-230
Maximum size of accessory buildings, excluding garages	Refer to section 90-204

(Prior Code, § 1055; Ord. No. 2010-453, § 3, 12-6-2010; Ord. No. 2011-460, § 1, 11-7-2011; Ord. No. 2015-470, §§ 1, 3, 5-4-2015; Ord. No. 2016-475, 12-21-2015)

ARTICLE XI. RURAL DISTRICTS

§ 154.400 PURPOSE.

The rural districts are established to provide guidance for existing rural development that is served primarily by on-site wastewater treatment facilities in Lake Elmo. The objectives of these districts are to preserve and enhance the quality of living in the existing rural areas, as well as regulate structures and uses which may affect the character or desirability of these areas. The rural districts and their purposes are as follows:

- A. *RT Rural Development Transitional District.* The RT District is an interim holding zone that will regulate land uses within those portions of the City planned and staged for development that will connect to regional sewer service in accordance with the Comprehensive Plan. The future zoning classification for areas zoned RT and the timing for any zoning map amendments to rezone property in this district will be determined by the City Council upon the extension of public sanitary sewer and water services into these areas. In the meantime, agricultural and existing residential uses will be allowed to continue in addition to other uses that are consistent with the A and RR zoning districts.
- B. *A Agricultural District.* The A District will apply to agricultural or undeveloped areas in Lake Elmo, including any newly annexed areas. The purpose of the district is to allow for agricultural and other activities typically associated with agriculture, including non-farm dwellings at a density of 1 unit per 40 acres. Future residential development may occur at the aforementioned density or through the Open-Space Preservation Development process. These parcels are expected to be served by on-site wastewater treatment facilities. In addition, some limited agriculture-related businesses, such as wayside stands and outdoor recreation, are appropriate short-term or interim uses for this district.
- C. *RR Rural Residential District.* The RR District is established for lands that have existing small-scale agricultural activity, as well as single-family residential dwellings. Future residential development may occur at a density of 1 dwelling unit per 10 acres, or through the Open-Space Preservation Development process. These sites are expected to be served by on-site wastewater treatment facilities. Some limited agriculture-related businesses, such as wayside stands, are appropriate as interim uses for this district.
- D. *RS Rural Single Family District.* The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. This district provides an environment of predominantly single-family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services.
- E. *RE Residential Estate District.* The purpose of the RE District is to allow for single-family detached dwellings on large lots. The large lots and setbacks provide for an open-space environment that is consistent with the rural character of Lake Elmo. Planned residential subdivisions are allowed on a minimum of 20 acres (nominal) with an average subdivision density of 3.33 acres per residential unit. Lot sizes should be adequate to provide for on-site wastewater treatment.

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

§ 154.401 PERMITTED, CONDITIONAL, AND INTERIM USES.

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. “P” indicates a permitted use, “C” a conditional use, and “I” an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

A. *Combinations of Uses.* Principal and accessory uses may be combined on a single parcel.

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)
Outdoor Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404 (G)
Alternative Energy						
Solar Farm	I	C	C	-	-	154.308 (A)
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Accessory Uses						
Bed and Breakfast	P	P	P	P	P	154.310 (A)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.310 (E)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Solar Energy Systems	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
Open Space Preservation Development						
OP Development	-	C	C	-	-	Article 16

Notes to Rural Districts Table 9-1

- a. Non-Agricultural Low Impact Use (see 154.404 (G))

Note: Standards listed in Table 9-1 are listed by Article, Section and Subsection.

(Ord. 2012-073, passed 3-19-2013) (Ord. 08-136, passed 6-14-16)

(Ord. 08-107, passed 5-6-2014) (Am. Ord. 08-198, passed 2-7-2018) (Am. Ord. 08-199, passed 2-7-2018) (Am. Ord. 08-197, passed 2-7-2018)

§ 154.402 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 9-2, Lot Dimension and Setback Requirements.

Table 9-2: Lot Dimension and Setback Requirements, Rural Districts					
	RT	A	RR	RS	RE
Minimum Lot Area (acres)					
Single Family Detached Dwelling	20	40 ^{a,b}	10 ^c	1.5 ^d	2.5 ^{e,f}
Minimum Lot Width (feet)					
Single Family Detached Dwelling	300	300	300	125	NA ^f
Maximum Principal Structure Height (feet)ⁱ	35	35	35	35	35
Table 9-2: Lot Dimension and Setback Requirements, Rural Districts					
	RT	A	RR	RS	RE
Maximum Impervious Coverage	-	-	-	25%	15%

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}					
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.

(Ord. 2012-073, passed 3-19-2013; Am. Ord. No. 08-198, passed 2-7-2018; Am. Ord. 08-199, passed 2-7-2018)

§ 154.403 DIMENSIONAL REQUIREMENTS AND PRESERVATION OF OPEN SPACE.

- A. Lot Configuration, RR District. All lots must be rectangular in shape and any 2 adjacent sites must have an aspect ratio not exceeding 4:1.

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

§ 154.404 SITE DESIGN AND DEVELOPMENT STANDARDS.

Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 7,8 and 9. (Ord. 08-152, passed 10-01-2016) The following standards apply to specific uses, and are organized by district.

- A. *Single-Family Detached Dwelling, All Rural Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
- B. *Septic Drainfield Regulation, A, RR, and RS Districts.* All applicants for a use or building permit in any district not served by public sanitary sewer must demonstrate that an on-site sewage treatment system (Primary and Secondary Location) as approved by Washington County can be installed in accordance with Washington County Subsurface Sewage Treatment System Regulations.
- C. *Septic Drainfield Regulation, RE District.* All applicants for a use or building permit in any district not served by public sanitary sewer must demonstrate that an on-site sewage treatment system (Primary and Secondary Location) as approved by Washington County can be installed in accordance with Washington County Subsurface Sewage Treatment System Regulations.
- D. *Secondary Dwelling, A District.* One non-farm dwelling per each 40 acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling, is permitted provided:
 - 1. The dwelling unit is located on a separate parcel of record in the office of the County Recorder and/or County Auditor, which shall be at least 1-1/2 acres in size;
 - 2. The parcel on which the dwelling unit is located must have at least 125 feet of frontage along a public street, be rectangular in shape and no dimension to be greater than 3 times the other; and

3. The dwelling is separated by at least 300 feet from the nearest farm building.
- E. *Parking Standards, A, RR and RS Districts.* 3 space of off-street parking required per dwelling unit.
- F. *Parking Standards, RE District*
1. 2 enclosed spaces minimum (200 square feet minimum per space).
 2. 2 exterior spaces within minimum setback of 50 feet from any property line.
- G. *Non-Agricultural Low Impact Use, A, RT Districts.* The City recognizes that allowing non-agricultural low impact uses, strictly controlled and regulated by Interim Use Permit, might allow a farmer or large property owner an economical use of his or her property that is zoned Agricultural. The following standards may apply to these types of uses.
1. All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned Agricultural and remain so zoned while the conditional use permit is in effect.
 2. The area where the non-agricultural low impact use is located shall be legally defined and approved by the city and is hereafter known as the "Non-Ag Area." The Non-Ag Area shall not exceed 4% of the property owner's contiguous agricultural zone gross lot area. The building footprints and asphalt and concrete surfaces within the Non-Ag Area shall not exceed 1.5% of the property owner's contiguous agricultural zone gross lot area. Landscaping, berms, ponds, gravel driveways, and other improvements that would otherwise be permitted in the Agricultural zone may be located outside of the Non-Ag Area.
 3. Non-agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.
 4. Non-agricultural low impact uses shall not generate more than 3 trips per day per acre of contiguous agriculturally zoned area, with the exception of land with sole access to Hudson Boulevard that shall not generate more than 6 trips per day per acre.
 5. Any uses under this section involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the Interim Use Permit which shall clearly demonstrate by view cross-sections that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height or for any other reason shall be grounds for rescinding the outdoor storage portion of the Interim Use Permit.
 6. Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.

7. The property owner shall maintain the remaining land or farm outside of the IUP Area in accordance with the permitted uses of the Agricultural zoning district and the required practices of the Soil and Water Conservation District.
 8. Rate and volume of stormwater runoff must meet the requirements of the City's Stormwater Ordinance.
 9. In the event that the property owner, or future property owner, initiates a Comprehensive Plan amendment and rezoning of any or all of the contiguous real estate from Agriculture to a more intensive use, the Interim Use Permit shall terminate and all non-conforming structures shall be removed from the site within 1 year from the date of the City Council's adoption of the Comprehensive Plan amendment and rezoning, unless the City agrees otherwise. This section shall not apply if the City initiates rezoning or if property owner is forced to transfer title to any part of the contiguous real estate due to eminent domain.
 10. All conditional use permits granted to a non-agricultural low impact shall be reviewed on an annual basis, and may be rescinded, after a 2-week notice and a public hearing, if the Council finds that the public health, safety, or welfare is jeopardized.
 11. The standards for buildings or structures, as listed in the minimum district requirements of the Agricultural Zone, shall not apply to structures built prior to the effective date of this chapter.
- H. *Unserviced Lots, RT, A, RR Districts.* All lots that are subdivided without city sewer and public water service shall meet the following standards:
1. Lots, houses and other structures, driveways and any new streets shall be located in compliance with the comprehensive plan and any more detailed area plans for future roads, public water services, and drainage.
 2. The Planning Commission may require a sketch plan showing how the entire tract could be divided when city services become available. Lots and buildings shall be sited and streets shall be laid out to facilitate future subdivision.
- I. *Commercial Kennel, Commercial Stable, or Accessory Kennel or Stable, RT, A, RR Districts.* The facility shall occupy a site at least ten (10) acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required.
- J. *Agricultural Services and Support, RT, A Districts*
1. A facility established after the effective date of this ordinance shall have direct access to a collector or higher classification street.
 2. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
 3. All processing of animal or dairy products shall take place within an enclosed building.

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

§ 154.405 ACCESSORY USES AND STRUCTURES.

Accessory uses are listed in the Rural District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the rural districts shall comply with the following standards and all other applicable regulations of this ordinance:

- A. *Phasing*. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- B. *Incidental to Principal Use*. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- C. *Subordinate to Principal Use*. The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.
- D. *Function*. The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.
- E. *Location*. The accessory use or structure shall be located on the same zoning lot as the principal use or structure.
- F. *Exemption*. Fish houses as defined in this code and located in the RS Rural Single Family District are exempt from this requirement provided the following criteria are met: must be located on a lot half acre in size or more with direct access to a water body; is 120 square feet or less; and complies with Shoreland regulations and RS Rural Single Family setback requirements. One fish house per lot may exist without a principal structure. The structure must maintain a current fish house license with the Minnesota Department of Natural Resources regardless if it is left on a water body overnight. If a current Minnesota Department of Natural Resources Fishhouse License is not obtained for the structure, the structure must be removed from the property within 60 days.

(Ord. 2012-073, passed 3-19-2013; Am. Ord. 08-138, passed 6-21-2016)

§ 154.406 ACCESSORY STRUCTURES, RURAL DISTRICTS.

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

Table 9-3: Accessory Buildings, Rural Zoning Districts

Lot Size	Maximum Structure Size^a (square feet)	No. of Permitted Bldgs
under 1 acre	1,200	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.
 - c. Agricultural buildings, as defined in §154.213, are allowed in addition to up to two permitted accessory structures which total 4,000 square feet.
- B. *Structure Height, Rural Districts.* 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.
- C. *Structure Location, Rural Districts.* No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot.
- 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.
- E. *Attached Garages, Size.* Attached garages must not exceed the footprint size of the principal building.

(Ord. 08-104, passed 3-18-2014; Am. Ord. 08-138, passed 6-21-2016; Am. Ord. 08-210, passed 5-15-2018) Penalty, see § 154.999

§ 154.407 ACCESSORY USES.

A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:

1. Laundry drying
2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
3. Agricultural equipment and materials, if they are used or intended for use on the premises.
4. Off-street parking and storage of trailers 25ft. in length or less as regulated in Article 7, Section 154.210, are licensed (when applicable) and kept in operable condition.
 - a. Trailers shall be licensed to a resident of the property.
 - b. Residential properties are allowed to store one trailer (boat trailer, snowmobile trailer, utility trailer, recreational vehicle, etc.) within the front yard. All other trailers must be stored either in the side or rear yard, and must be at least 5 ft. from all property lines.
 - c. All trailers must be stored on a durable surface with suitable drainage that is not subject to rutting and/or erosion.
 - d. Trailers must not be used as temporary or permanent storage of items as described in Chapter 96 of the City Code.
5. Firewood storage, for personal use only.
 - a. Firewood must be stacked in a stable manner, cannot exceed 5 feet in height, and stored only in the side or rear yards. In the case of properties with multiple street frontages, fire wood shall not be stored on a side that abuts a public street.
6. Outdoor parking

B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length.

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

§ 154.408 ACCESSORY USES AND STRUCTURES NOT LISTED.

Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in Article 9, Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.

(Ord. 2012-073, passed 3-19-2013) (Ord. 08-152, passed 10-01-2016)

CHAPTER 8**LAND AND BUILDING REGULATIONS****826. ZONING - DISTRICT PROVISIONS**

Section 826.01. Zoning Districts. For the purpose of this Section, the City is hereby divided into the following use districts:

Subd. 1. AG - Agricultural Preservation. (Sections 826.07 – 826.15)

Subd. 2. RR - Rural Residential. (Sections 826.09 – 826.25)

Subd. 3. UR - Urban Reserve. (Sections 826.25.1 – 826.25.5)

Subd. 4. RR 1 - Rural Residential 1. (Section 826.26)

Subd. 5. RR 2 - Rural Residential 2. (Section 826.26.1)

Subd. 6. SR - Suburban Residential. (Sections 826.26.2 – 826.26.7)

Subd. 7. UR - Urban Residential. (Sections 826.27 – 826.35)

Subd. 8. MR - Multi Family Residential. (Sections 826.37 – 826.45)

Subd. 9. RC - Rural Commercial. (Sections 826.47 – 826.51)

Subd. 10. UC - Urban Commercial. (Sections 826.53 – 826.56)

Subd. 11. RI - Rural Industrial. (Sections 826.59 – 826.63)

Subd. 12. RPS – Rural Public/Semi-Public. (Sections 826.64 – 826.67)

Subd. 13. PS - Public/Semi-Public. (Sections 826.69 – 826.73)

Subd. 14. FP - Floodplain. (Sections 826.74 – 826.97)

Subd. 15. SH - Shoreland. (See Sections 827.01 – 827.07)

Subd. 16. SL - Sanitary Landfill. (See Sections 827.09 – 827.23)

Subd. 17. PUD - Planned Unit Development. (See Sections 827.24 – 827.43)

Section 826.03. Zoning Map. The Zoning Map of the City is hereby adopted by reference as though shown in all details herein. The boundaries of the Districts are hereby established as shown on said Map, provided, however, that minor amendments to the boundaries may be shown by legal description. Said Map shall be kept on file in the office of the City Clerk-Treasurer hereinafter referred to as the "Zoning Map."

Section 826.05. District Boundaries. District boundary lines as indicated on said Map follow lot lines, the center line of streets, the center line of streets projected, the center line of railroad right-of-way, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this Section. If District boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the Zoning Map. Where a district boundary line divides a lot of record which was in single ownership at the time of enactment of this Section and places portions of such lots of record in two or more Use Districts, any position of such lot within 50 feet on either side of such a dividing district boundary line may be used for any use of either Use District; provided, however, if any portion of such lot shall extend beyond the 50 foot limitation, the district line as shown shall prevail.

AGRICULTURE PRESERVATION ZONING DISTRICT (AG)

Section 826.07. Agricultural Preservation Zoning District (AG) - Purpose. The purpose of the agricultural preservation zoning district is to maintain and enhance the use of land for commercial agriculture.

Section 826.09. (AG) Permitted Uses. Within the agricultural preservation zoning district, no structure or land shall be used except for one or more of the following uses:

Subd. 1. Agriculture.

Subd. 2. Essential services.

Subd. 3. Home occupations in conformance with section 825.07 subd. 49 of this ordinance.

Subd. 4. Single family detached residences.

Subd. 5. Landspreading of yard waste in compliance with the conditions of section 828.73 of this ordinance.

Subd. 6. Seasonal produce stands.

Subd. 7. Licensed day care facilities serving 12 or fewer persons.

Subd. 8. Licensed group family day care facilities servicing 14 or fewer children.

Subd. 9. Licensed residential facilities serving six or fewer persons.

Section 826.11. (AG) Conditional Uses. Within the agricultural preservation zoning district, no structure or land shall be used for the following uses except by conditional use permit:

Subd. 1. Home occupations in conformance with section 826.98, Subd. 2 (c) of this ordinance.

Subd. 2. Private use of windmills or wind energy conversion systems (WECS).

Subd. 3. *RESERVED.*

Subd. 4. Accessory Dwelling Units in conformance with section 826.98 subd. 2(p) of this ordinance.

Subd. 5. Other uses similar to those permitted in this subdivision, as determined by the city council.

Section 826.13. (AG) Permitted Accessory Uses. Within the Agricultural Preservation zoning

district, the following uses shall be permitted accessory uses:

Subd. 1. Private garages.

Subd. 2. Fences.

Subd. 3. Gardening and other horticultural uses.

Subd. 4. One lodging room per single family dwelling.

Subd. 5. Private recreation equipment and facilities.

Subd. 6. Private horse facilities, animal structures and kennels.

Subd. 7. Farm buildings and agricultural structures.

Subd. 8. Solar equipment, if affixed to a structure and in compliance with performance standards of section 828.09 subd. 1 of this ordinance.

Subd. 9. Receive only satellite dish antennas and other antennas.

Subd. 10. Other uses customarily associated with but subordinate to a permitted use, as determined by the city council.

Subd. 11. Ground-mounted Solar Equipment, subject to compliance with performance standards of section 828.09 subd. 2(b) of this ordinance.

Section 826.15. (AG) Lot Area, Height, Lot Width, Yard Requirements and Parking.

Subd. 1. Within the agricultural preservation zoning district, no building shall be constructed or used except in conformance with the following:

- (a) No building shall exceed two and one half (2-1/2) stories or thirty (30) feet in height as defined in section 825.07, subd. 12, except as regulated by subd. 5 of this section. Farm buildings and agricultural structures are not subject to the height restrictions of this ordinance.
- (b) The following minimum requirements shall be observed:
 - a) lot size - 40 acres;
 - b) lot width - 500 feet;
 - c) lot depth - 500 feet;
 - d) front yard setback - 100 feet;
 - e) side yard setback - 50 feet;
 - f) rear yard setback - 100 feet.

Subd. 2. Animal structures shall not be erected within 150 feet of any lot line.

Subd. 3. Feed lots, runs, pens, and similar intensively used facilities for animal raising and care shall not be located within 300 feet of any lot line.

Subd. 4. The lot must contain an area of contiguous soils of one or more of the permitted types large enough to support a primary site and an area of contiguous soils for a secondary site for a standard on-site sewage disposal system and both sites must be protected during construction. For newly created lots, the systems must be a standard system as defined by the Medina Individual Sewage Treatment and Disposal ordinance. Alternate systems may be installed only where a standard system has failed and the sewage disposal needs of the site cannot be met through a replacement standard system.

Subd. 5. The height of single family detached residences may exceed 30 feet, but may not exceed 40 feet or two and one-half (2 1/2) stories, if the following standards are met:

- (a) Accurate building plans and elevation drawings shall be submitted to the City;
- (b) Those portions of the residence greater than 30 feet in height shall be uninhabited and not planned for storage;
- (c) Those portions of the residence greater than 30 feet in height shall be no larger than 500 sq. ft. or shall be divided into spaces no greater than 500 sq. ft. and separated by an approved draft stop;
- (d) The height from the lowest ground level (and 8 feet out) to the eave shall be no greater than 30 feet; and
- (e) There shall be a two (2) story height limitation at the driveway or point of access to the residence.

Subd. 6. Parking. Refer to Section 828.51. Subd. 2.

RURAL RESIDENTIAL ZONING DISTRICT (RR)

Section 826.17. Rural Residential (RR) - Purposes. The purpose of this District is to allow for a "rural life-style" by permitting low-intensity uses, such as single family detached residences, farming, hobby farms, horticulture, conservation of ecologically significant natural resources and passive and private recreational uses.

Section 826.19. (RR) Permitted Uses. Within the Rural Residential District, no structure or land shall be used except for one or more of the following uses:

Subd. 1. Single family detached residences.

Subd. 2. Agricultural land uses, including hobby farms.

Subd. 3. Essential Services.

Subd. 4. Public Recreation.

Subd. 5. Home occupations in compliance with the conditions of Section 825.07, Subd. 49 of this ordinance.

Subd. 6. Stands for the sale of agricultural products provided a majority of said products are raised or grown on the premises.

Section 826.21. (RR) Conditional Uses. Within the Rural Residential District, no structure or land shall be used for the following uses except by conditional use permit:

Subd. 1. Home occupations in compliance with the conditions of Section 826.98, Subd. 2 (c) of this ordinance.

Subd. 2. Cemeteries in compliance with the conditions of section 826.98, subd. 2 (d) of this ordinance.

Subd. 3. Outdoor recreational facilities, including non-commercial parks, golf courses, and driving ranges in compliance with the conditions of section 826.98, subd. 2 (g) of this ordinance.

Subd. 4. Wind Energy Conversion Systems (WECS) in compliance with the conditions of section 826.98, subd. 2 (e) of this ordinance.

Subd. 5. On parcels of 40 acres or larger, a second principal residential dwelling structure.

Subd. 6. Accessory Dwelling Units in conformance with section 826.98 subd. 2(p) of this ordinance.

Section 826.23. (RR) Permitted Accessory Uses. Within any Rural Residential District the following uses shall be permitted accessory uses:

Subd. 1. Garages.

Subd. 2. Fences.

Subd. 3. Gardening and other horticultural uses.

Subd. 4. One lodging room per single family dwelling.

Subd. 5. Recreation equipment.

Subd. 6. Farm building, used principally for agriculture activities.

Subd. 7. Home Occupations in compliance with the conditions of section 825.07, subd. 49 of this ordinance.

Subd. 8. Private riding stable.

Subd. 9. Landspreading of yard waste in compliance with the conditions of section 828.73 of this ordinance.

Subd. 10. Solar equipment, if affixed to a structure and in compliance with performance standards of section 828.09 subd. 1 of this ordinance.

Subd. 11. Beekeeping or apiaries for the private production of honey.

Subd. 12. Maple tree tapping and sap collection for the private production of maple syrup. Outdoor evaporators, flue pans and collection houses under 120 sq. ft. in size shall be considered ancillary to this activity.

Subd. 13. Ground-mounted Solar Equipment, subject to compliance with performance standards of section 828.09 subd. 2(b) of this ordinance.

Section 826.25. (RR) Lot Area, Height, Lot Width, Setbacks, Animal Unit Density Standards, and Parking.

Subd. 1. No building hereafter erected shall exceed 30 feet in height, as defined in section 825.07, subd. 12, except farm buildings and except as regulated by subd. 7 of this section.

Subd. 2. The following minimum lot sizes, width, depth and setback requirements shall be observed, subject to additional requirements, exceptions, and modifications set forth in other sections of this ordinance. For purposes of calculating the amount of contiguous suitable soils available on a lot, only acceptable soils from the Medina Soils List in section 820.29 subd. 5 shall be considered suitable. The amount of contiguous suitable soils shall not include the areas outlined in section 820.29, subd. 4(a).

(a) **Lot Size.** The lot must contain at least five acres of contiguous soils suitable for a standard sewage disposal system as defined in section 720 Individual Sewage Treatment Systems and in section 826.25 subd. 2. The lot must contain a primary and secondary site for an on-site sewage disposal system and both sites must be protected during construction.

(b) **Lot Width** - 300 feet.

(c) **Lot Depth** - 200 feet.

(d) **Front Yard Setbacks** - 50 feet.

(e) **Side Yard Setbacks** –

- (1) 50 feet for lots five acres or larger
- (2) 20 feet for lots of less than five acres

(f) **Rear Yard Setbacks** –

- (1) 50 feet for lots five acres or larger
- (2) 40 feet for lots of less than five acres

Subd. 3.

- (a) Notwithstanding anything herein to the contrary, a lot shall meet minimum lot size if all the following conditions are met:
- (1) Lot of record on July 1, 1999;
 - (2) Lot contains at least two acres of contiguous soils of one or more of the types listed in section 820.29, subd. 5 of this ordinances; and
 - (3) Lot contains a primary and a secondary site for an on-site sewage disposal system.

The provisions of this subdivision are in addition to those in section 825.13.

- (b) Notwithstanding anything herein to the contrary, a lot shall meet minimum lot width requirements if it was conforming with regard to minimum lot width on March 1, 2006.

Subd. 4. Hard surface coverage may not exceed 40 percent of the lot area, excluding road right-of-way. For purposes of this section, hard surfaces include structures, decks, patios, paved areas, septic and drainfield areas, driveways, parking areas, feed lots, and paddocks. For the purpose of this subdivision, outdoor riding rings shall be given an equivalent factor of 0.6 in determining their hard surface percentages.

A site may exceed the allowable 40 percent of hard surface coverage indicated above, but shall not exceed a maximum amount of 50 percent of the lot area, if the development incorporates various Low Impact Design (LID) features and/or Best Management Practices (BMPs) such that no net increase in runoff occurs from the site, as determined by the City Engineer.

Subd. 5. Animal structure setbacks;

- (a) Structures or buildings used to house, exercise or accommodate animals, including paddocks, shall not be erected within 150 feet of any lot line.
- (b) Notwithstanding the foregoing, a structure or building to house chickens (“chicken coop”) may be erected within 150 feet of any lot line, but may not be erected within 50 feet of any lot line, provided the following standards are met:
 - i. No person shall keep a rooster or crowing hen unless the chicken coop is located 150 feet or more from lot lines.
 - ii. No person shall keep more than eight chickens unless the chicken coop is located 150 feet or more from lot lines.
 - iii. Chicken coops and/or runs shall be kept clean and in good repair so as to not constitute a nuisance.
 - iv. A chicken coop located less than 150 feet from a lot line shall not exceed 200 square feet in area.
 - v. Permit required. No chicken coop of any size may be erected less than 150 feet from a lot line until the owner has received a chicken coop permit.

Subd. 6. Feed lots, runs, pens, and similar intensively used facilities for animal raising and care shall not be located within 300 feet of any property line, 100 feet of wetlands or 300 feet of any shoreland or stream, and shall be subject to the following additional standards:

- (a) The subject site shall incorporate various Low Impact Design (LID) features and/or Best Management Practices (BMPs) that provide for the most effective means of manure management, such that no net increase in runoff occurs from the site as determined by the City Engineer.
- (b) The subject site shall construct a concrete manure containment or composting area, the design of which shall be consistent with the recommendations of the University of Minnesota Extension Service. Owners of a feed lot shall provide a schedule for removal of manure or compost from affected sites, subject to the approval by the City.
- (c) A grading plan shall be submitted and approved by the City in accordance with the recommendations of the University of Minnesota Extension Service and approved by the City Engineer. Said plan shall clearly demonstrate that storm water runoff from the hard surfaces on the property is directed away from the feed lot area and manure containment area, and any surrounding wetlands, streams or lakes, and the site must maintain these drainage patterns to the satisfaction of the City;
- (d) The site shall include runoff retention and vegetative infiltration systems, consistent with the recommendations of the University of Minnesota Extension Service and as approved by the City, down slope from the feed lot and manure containment area. The vegetation adjacent to any wetlands shall be subject to the city’s wetland protection ordinance. and

- (e) a pasture management program shall be instituted in accordance with the recommendation of the University of Minnesota Extension Service and as approved by the City.

Subd. 7. The height of single family detached residences may exceed 30 feet, but may not exceed 40 feet, if the following standards are met:

- (a) Accurate building plans and elevation drawings shall be submitted to the City;
- (b) Those portions of the residence greater than 30 feet in height shall be uninhabited and not planned for storage;
- (c) Those portions of the residence greater than 30 feet in height shall be no larger than 500 square feet or shall be divided into spaces no greater than 500 square feet and separated by an approved draft stop;
- (d) The height from the lowest ground level (and eight feet out) to the eave shall be no greater than 30 feet; and
- (e) There shall be a two story height limitation at the driveway or point of access to the residence.

Subd. 8. Animal Unit Density Standards.

- (a) The purpose of the following animal density standards are to promote and preserve the natural resources within the City of Medina by regulating the keeping of livestock. Erosion as a result of overgrazing and leeching of manure into groundwater have adverse and potentially irreversible impacts on water quality and environmentally sensitive lands.
- (b) Livestock or traditional farm animals are permitted on properties two acres or larger at a maximum density of one animal unit for the first two Grazable Acres of land and one additional animal unit for each Grazable Acre of land thereafter. For properties less than two acres, the maximum number of animal units shall be 0.1
- (c) Property owners shall be responsible for management and proper disposal of all animal waste.
- (d) The number of permitted animals shall be determined by the following table:

TYPE OF ANIMAL	ANIMAL UNITS
One mature cow, over 1,000 lbs.	1.4
One mature cow, under 1,000 lbs.	1.0
One cow and calf pair	1.2
One calf	0.2
One slaughter steer	1.0
One head of feeder cattle or heifer	0.7

One hog/swine over 300 lbs.	0.5
One hog/swine under 300 but greater than 55 lbs.	0.3
One hog/swine under 55 lbs.	0.05
One mature horse/mule/donkey	1.0
One mature horse with foal pair	1.5
One foal	0.5
One sheep/lamb/goat	0.1
One llama or alpacas	0.5
One domestic chicken/duck or similar fowl	0.01
The number of animal units for animals that are not listed above shall be determined by taking the average weight of the animal in pounds and dividing it by 1000 pounds.	

- (e) Animal units in excess of those permitted above may be allowed by conditional use permit, subject to the conditions of Section 826.98 Subd. 2 (o) of this ordinance.

Subd. 9. Parking. Refer to Section 828.51. Subd. 2.

RURAL RESIDENTIAL URBAN RESERVE ZONING DISTRICT (RR-UR)

Section 826.25.1. Rural Residential-Urban Reserve (RR-UR) Purpose. The purpose of this district is to provide a zoning district which is consistent with the area guided for future residential or mixed-use development in the city's comprehensive plan. The district includes areas which are not currently served by municipal urban services but are planned to be at some time in the future. Development within the RR-UR district shall be limited as specified in this section of the ordinance in order to accommodate efficient future development.

Section 826.25.2 (RR-UR) Permitted Uses. Within the Urban Reserve district, no structure or land shall be used except for one or more of the following uses:

Subd. 1. Single family detached residences.

Subd. 2. Agricultural land uses, including hobby farms.

Subd. 3. Essential Services.

Subd. 4. Public Recreation.

Subd. 5. Home occupations in compliance with the conditions of Section 825.07, subdivision 49 of this ordinance.

Subd. 6. Stands for the sale of agricultural products provided a majority of said products are raised or grown on the premises.

Section 826.25.3. (RR-UR) Conditional Uses. Within the Urban Reserve district, no structure or land shall be used for the following uses except by conditional use permit:

Subd. 1. Home occupations in compliance with the conditions of section 826.98, subd. 2 (c) of this ordinance.

Subd. 2. Cemeteries in compliance with the conditions of section 826.98, subd. 2 (d) of this ordinance.

Subd. 3. Outdoor recreational facilities, golf courses, and driving ranges in compliance with the conditions of section 826.98, subd. 2 (g) of this ordinance.

Subd. 4. Wind Energy Conversion Systems (WECS) in compliance with the conditions of section 826.98, subd. 2 (e) of this ordinance.

Subd. 5. Accessory Dwelling Units in conformance with section 826.98 subd. 2(p) of this ordinance.

Section 826.25.4. (RR-UR) Permitted Accessory Uses. Within the Urban Reserve district, the

following uses shall be permitted accessory uses when used in conjunction with a principal structure:

Subd. 1. Garages.

Subd. 2. One lodging room per single family dwelling.

Subd. 3. Recreation equipment.

Subd. 4. Farm building used principally for agriculture activities.

Subd. 5. Home occupations meeting the definition of section 825.07, subd. 49 of this ordinance.

Subd. 6. Private riding stable.

Subd. 7. Landspreading of yard waste in compliance with the conditions of section 828.73 of this ordinance.

Subd. 8. Solar equipment, if affixed to a structure and in compliance with the performance standards of section 828.09 subd.1 of this ordinance.

Subd. 9. Ground-mounted Solar Equipment subject to compliance with performance standards of section 828.09 subd. 2(b) of this ordinance.

Section 826.25.5. (RR-UR) Lot Area, Height, Lot Width Setbacks, Animal Unit Density Standards, and Parking.

Within the Urban Reserve district, the following development standards shall apply:

Subd. 1. No building hereafter erected shall exceed two and one half stories or 30 feet in height, as defined in section 825.07, subd. 12, except for farm buildings and except as regulated by subdivision 7 of this section.

Subd. 2. The following minimum lot sizes, width, depth and setback requirements shall be observed, subject to additional requirements, exceptions, and modifications set forth in other sections of this ordinance. For purposes of calculating the amount of contiguous suitable soils available on a lot, only acceptable soils from the Medina Soils List in section 820.29 subd. 5 shall be considered suitable. The amount of contiguous suitable soils shall not include the areas outlined in section 820.29 subd. 4(a).

(a) Lot Size - 20 acres with at least five acres of contiguous soils suitable for a standard individual sewage disposal system as regulated by section 720 Individual Sewage Treatment Systems et seq. of this ordinances. The lot must contain a primary and secondary site for an on-site sewage disposal system and both sites must be protected during construction.

(b) **Lot Width** – 300 feet.

(c) **Lot Depth** – 200 feet.

(d) **Front Yard Setbacks** – 50 feet.

(e) **Side Yard Setbacks** –

(1) 50 feet for lots five acres or larger

(2) 20 feet for lots of less than five acres

(f) **Rear Yard Setbacks** –

(1) 50 feet for lots five acres or larger

(2) 40 feet for lots of less than five acres

(g) **Setbacks from Commercial Zoning Districts** – 75 feet.

Subd. 3. Notwithstanding anything herein to the contrary, lots of less than 20 acres may be established in compliance with one of the following:

(a)

(1) all lots must meet all requirements of section 826.25, subd. 2 and section 820.29 subd. 4(a) and subd. 5 of this ordinance and an overlay or ghost plat must be submitted at the time of application for subdivision approval which demonstrates the feasibility of subdividing the lot in the future at a density of no less than three dwelling units per buildable acre. For purposes of this subdivision, buildable acres includes the gross area of the lot minus open water, wetlands, rights-of-way and drainage and utility easements; or

(2) smaller lots may be created through a planned unit development consistent with the provisions of section 827.24 et seq. of this ordinance and with the intent of this section.

(b) Notwithstanding anything herein to the contrary, a lot shall meet minimum lot width requirements if it was conforming with regard to minimum lot width on March 1, 2006.

Subd. 4. Hard surface coverage may not exceed 20 percent of the lot area, excluding road right-of-way. For purposes of this section, hard surfaces include-structures, decks, patios, paved areas, septic and drainfield areas, driveways, parking areas, feed lots and paddocks. For the purpose of this subdivision, outdoor riding rings shall be given an equivalent factor of 0.6 in determining their hard surface percentages.

A site may exceed the allowable 20 percent of hard surface coverage indicated above, but shall not exceed a maximum amount of 30 percent of the lot area, if the development incorporates various Low Impact Design (LID) features and/or Best Management Practices (BMPs) such that no net increase in runoff occurs from the site, as determined

Sec. 24-132. R-1 urban reserve district.

- (a) *Purpose and scope.* This section applies to the R-1, urban reserve district. The main purpose of this district is to encourage existing productive agricultural areas to remain in agricultural uses and to allow limited rural residential development on large parcels of land. This district is also designed to serve as a rural holding area until such time that urban services are available per the comprehensive plan and any amendments thereto. It is planned that at some future time, these lands will be rezoned to allow urbanized uses. Land areas zoned R-1 are shown as "Places to Live, Low Density Residential" and "Places to Live, Urban Reserve" on the comprehensive plan and any amendments thereto.
- (b) *Permitted uses.* Permitted uses are as follows:
- Agricultural building.
 - Agricultural use.
 - Essential services including power lines less than 35 KV.
 - Historic site.
 - Nursery, horticultural.
 - Open space, public or private.
 - Residential care facility serving six or fewer persons.
 - Single-family detached dwelling.
- (c) *Permitted accessory uses.* Permitted accessory uses are as follows:
- Accessory structures in accordance with section 24-281.
 - Daycare, home-based and licensed, serving 12 or fewer persons.
 - Daycare, licensed, within a place of worship or school.
 - Drainage and irrigation system.
 - Ground source heat pump system in accordance with section 24-404.
 - Home business in accordance with section 24-263.
 - Retail sales accessory to golf course/driving range, ice arena or park facility.
 - Satellite dish for residential use.
 - Solar energy system in accordance with section 24-406.
 - Temporary seasonal roadside stand not to exceed one per farm selling only products produced on that farm.
 - Wind energy system on lots at least three acres in size up to 60 feet in height in accordance wi
- (d) *Conditional uses.* Conditional uses are as follows:
- Accessory uses for a place of worship or school in addition to those listed as permitted may be allowed as a conditional use.
 - Cemetery.
 - Daycare, home-based and licensed, serving from 13 to 16 persons.
 - Golf course, driving range.

Government use.

Place of worship in accordance with section 24-303.

Power line 35 KV or above.

Radio and television broadcast transmitting antenna and supporting towers and structures in the north half of the southwest quarter of section 35, township 28 north, range 21 west.

Residential care facility serving from seven to 16 persons.

School in accordance with section 24-303.

(e) *Interim conditional uses.* Interim conditional uses are as follows:

Agricultural service.

Compost site.

Home business, parking and storage of business equipment and vehicles in accordance with section 24-264.

Horse boarding/training.

Kennel.

Mining in accordance with chapter 18.

Telecommunication tower in accordance with article VI, division 4.

Wind energy system on lots at least three acres in size up to 120 feet in height in accordance with section 24-405.

(f) *Zoning district standards.*

(1) Minimum lot area: 20 acres provided that a parcel of more than three acres and less than 5 acres may be created as a minor subdivision as long as the following criteria is met:

- a. The initial parcel is 20 acres or more in size and must be a parcel of record as of the date of this chapter and must have an inhabited residential structure.
- b. Only one minor subdivision from the initial parcel is allowed until the property receives full public utilities.
- c. The existing residential dwelling must be on the smaller of the two parcels.
- d. Original accessory buildings can be on larger lot but must meet R-1 setbacks.
- e. Two hundred feet of street frontage is required for each parcel.
- f. Existing buildings must meet current setback standards from the new property lines.
- g. No residential building permit shall be issued on the larger property unless the property is platted and all area utility charges are paid in full and a "ghost" plat is submitted showing how the area around the proposed home site can be subdivided in the future.
- h. All area charges in effect at the time of the subdivision shall be paid on the smaller newly created lot.
- i. The applicant shall prepare a "ghost" plat showing how the smaller lot may be subdivided in the future.

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- j. Lots of record that are less than 20 acres but are five acres or more with at least 20 feet of frontage on a public right-of-way as of the effective date of this chapter shall be considered a buildable lot and shall not be subject to the minimum frontage requirements in subsection (b)(1).
 - k. Lots created solely for municipal utility facilities shall not be subject to minimum lot width, depth and area requirements.
- (2) Minimum lot width: 500 feet.
 - (3) Minimum lot frontage: 500 feet on a public street.
 - (4) Access: Maximum of two public street accesses per lot.
 - (5) Maximum height: Two and one-half stories or 35 feet, except for silos, grain elevators, water towers, spires, or similar uses.
 - (6) Minimum front yard setback: 50 feet.
 - (7) Minimum side yard setback: 25 feet.
 - (8) Minimum rear yard setback: 50 feet.
 - (9) Minimum setback, buildings housing livestock or kennels: 125 feet from all property lines.
 - (10) Maximum building coverage: 35 percent.
- (Ord. No. 1858, § 1858.01, 9-26-2012; Ord. No. 1913, § 1, 4-27-2016 ; Ord. No. 1957 , § 2, 12-12-2018)

- CITY CODE
Chapter 24 - ZONING
ARTICLE VI. - SUPPLEMENTAL PERFORMANCE STANDARDS
DIVISION 2. ACCESSORY BUILDINGS, GARAGES, RECREATIONAL FACILITY AND MISCELLANEOUS STRUCTURES

***DIVISION 2. ACCESSORY BUILDINGS, GARAGES, RECREATIONAL FACILITY AND
MISCELLANEOUS STRUCTURES***

Sec. 24-280. Generally.

- (a) This section applies in all districts.
 - (b) No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal building.
- (Ord. No. 1863, § 1863.02, 10-24-2012)

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. Prohibited building materials.

- i. Plastic sheets, cloth, canvas, tarps and the like are prohibited from exterior use.

Exception: Agricultural buildings as defined by Minnesota Statutes.

- ii. Corrugated materials are prohibited from exterior use in platted residential areas.

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; Ord. No. 1963 , § 4, 6-26-2019)

Sec. 24-282. Nonresidential districts.

- (a) One accessory building is allowed. Exception: Picnic shelters, gazebos and similar structures may be allowed as additional accessory structures.
- (b) The maximum floor area allowed is 1,000 square feet or up to ten percent of the floor area of the primary structure in accordance with section 24-123(c). Exception: Size may be increased with a conditional use permit.
- (c) Exterior finish shall be of materials matching the principal structure in color and texture.
- (d) Architectural design must be similar to the principal structure.
- (e) Location of the accessory structure shall be approved by the zoning administrator and shall meet the following standards:
 - (1) The location shall have minimal negative impact on the site and adjacent properties and be outside any easement or drainage areas.
 - (2) The location shall meet the following minimum setbacks:
 - a. Front setback: 50 feet.
 - b. Rear setback: Ten feet.
 - c. Side setback: Ten feet.
 - d. Adjacent residential use: 30 feet.
 - e. From any public right-of-way: 50 feet.
- (f) Accessory structures shall not exceed the height of the principal structure. Exception: Height may be increased with a conditional use permit.

(Ord. No. 1863, § 1863.02, 10-24-2012)

Sec. 24-283. Height limitation and setbacks for certain accessory structures.

- (a) Accessory structures such as antennas or other similar structures, other than those identified in section 24-314, shall be limited to 45 feet in height in all districts. Such structures shall be so constructed as to have a minimum setback equal to the height of the structure.
- (b) Except for the R-4, urban residential district, flagpoles shall be limited to 45 feet in height and have a minimum setback equal to the height of the structure

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- (c) In the R-4, urban residential district, flagpoles shall be limited to 25 feet in height. No more than three flagpoles shall be allowed on a single lot. Flagpoles shall have a minimum five-foot setback from side and rear property lines. No minimum setback is required from the front property line or side property line on a corner lot adjacent to a public street. Flagpoles may be permitted in public drainage and utility easements provided that there is no interference with the underlying purpose of the easement. Any flagpole placed within an easement that impedes the access of or intended use of that easement may be removed by the city or the city's representative at the owner's expense

(Ord. No. 1863, § 1863.02, 10-24-2012)

Sec. 24-284. Agricultural buildings.

Agricultural buildings as defined in Minn. Stat. § 16B.60, subd. 5, are allowed on agricultural land as defined in Minn. Stat. § 273.13, subd. 23.

(Ord. No. 1863, § 1863.02, 10-24-2012)

Secs. 24-285—24-300. Reserved.

Sec. 24-301. Agricultural uses.

- (a) Agricultural uses, in existence upon April 14, 1971, within the city shall be a permitted use. However, all regulations contained in article V, supplemental district regulations, shall apply to all changes to the agricultural use which will cause an increase in the intensity of the use or when the surrounding area becomes more urban in character. The Minnesota State Building Code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized. The city council may require any farm operator to secure a conditional use permit to expand or intensify the operations in the event of the following:
- (1) The agricultural use is adjacent to, or within 400 feet of any dwelling unit and may be detrimental to living conditions by creating safety hazards or by emitting noise, odor, vibrations or similar nuisances.
 - (2) The agricultural use is so intensive as to constitute an industrial type of use consisting of the compounding, processing, and packaging of products for wholesale or retail trade.
- (b) Any building housing livestock shall be a distance of 125 feet or more from all lot lines. The city council may order the owner of any livestock to apply for a conditional use permit if it is deemed to be in the interest of the public health, safety or general welfare. Livestock shall not be permitted on parcels of less than five acres in area. The keeping of more than one livestock animal per acre shall require a conditional use permit.

(Ord. No. 1863, § 1863.02, 10-24-2012)