



**STAFF REPORT**

DATE: July 8<sup>th</sup>, 2019

**PUBLIC HEARING**

ITEM #: 4c

**MOTION**

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

**BACKGROUND:**

The City Council had asked Staff to look into the sizing requirements for accessory structures, specifically on properties of 1 acre or less. A report was brought to the City Council workshop on June 11<sup>th</sup> 2019 and there was a general consensus there could be grounds to amend the code. Since then Staff has refined the report and prepared draft language for the Commission to review.

**ISSUE BEFORE THE COMMISSION**

Would the Planning Commission like to recommend approval of the proposed ordinance amendments?

**REVIEW AND ANALYSIS:**

City Staff has had several residents ask to build a larger accessory building than what the Code would allow. Because the maximum square footage is shared between the garage and accessory building the size becomes limited. This often leads into the discussion of a variance and Staff believes it would be difficult for a resident to meet all of the criteria for variance approval when it comes to size limits for accessory structures. Staff would like to say that if the size of a structure is increased there are other measures that could keep the size in check including, impervious surface limits, setbacks, in some cases utility easements, etc.

**Variance Requirements:**

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

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

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

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

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

**Lake Elmo:**

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

Lot Size	Maximum Structure Size a. (sqft.)	No. of Permitted Buildings
Under 1 acre	1,200 b.	1
1-2 acres	1,200	1
2-5 acres	1,300	1
5-10 acres	2,000	2
10-15 acres	2,500	2 c.
15-20 acres	3,000	2 c.
20-40 acres	4,000	2 c.
40+ acres	Unregulated d.	Unregulated d.

**Notes to table 9-3**

a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.

b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.

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

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

Because the square footage for accessory buildings on properties under 1 acre is limited to 1,200 square feet between the garage and any accessory building, residents are finding the accessory buildings are smaller than what they want or need. Also, building an addition to their existing garage may not be feasible due to setbacks or structural constraints of the existing garage. Staff found comparable examples from other communities. For this review only the accessory building and lot size will be compared.

**Other Communities:**

**City of Woodbury:**

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

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

a. *Attached garage space.*

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

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

**City of Forest Lake:**

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

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

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

**Maplewood:**

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

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

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

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

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

**Rogers:**

The City of Rogers Code provides a table and some language to explain the expectations for their different zoning districts. As you can see in their code, properties from 1- 2 acres are generally limited to 800 square feet for accessory buildings.

**FISCAL IMPACT:**

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

**COMMENTS AND RECOMMENDATION**

The Planning Commission may:

- Recommend approval to amendments drafted for Section 154.406.
- Recommend approval to the drafted language for Section 154.406 with amendments.
- Do not recommend approval of amendments drafted for Section 154.406.

At this point Staff does not believe the Lake Elmo sizing requirements are drastically different from other Cities. Nonetheless, the Lake Elmo code may be more restrictive given that the square footage needs to be shared between the attached garage and detached structure. Because of this Staff is recommending an amendment to the City Code. The existing code limits properties of less than one acre to share 1,200 sqft. between the attached garage and the accessory structure (one building allowed). The proposed amendment removes this standard. The proposed Code will allow properties less than one acre to have one detached accessory building up to 1,000 sqft. and this total square footage does not need to be split between the garage and a detached structure. Attached garage space is regulated by section 154.406 G. which states that attached garages cannot exceed the footprint of the principal building (the home).

**ATTACHMENTS**

- Ordinance Amendments XXX-08
- City of Woodbury Code
- Forest Lake Code
- City of Maplewood Code
- City of Rogers