



STAFF REPORT

DATE: August 7th, 2019

REGULAR 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 in the rural districts (A, RR, RS, RE, and RT). A report was brought to the City Council workshop on June 11th 2019, during which the Council provided Staff with direction about possible code changes. Staff then prepared draft language for the Planning Commission to review at a public hearing.

ISSUE BEFORE THE CITY COUNCIL

Would the City Council like to adopt the proposed ordinance that increases the size limitations for accessory structures?

REVIEW AND ANALYSIS:

Beyond the Council workshop 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 on lots less than 1 acre, 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. If the Council wants to increase the size limits for accessory structures, 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 are 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. Staff found comparable examples from other communities for the review of the accessory building size limits and lot sizes.

Other Communities:

City of Woodbury:

Staff has found that the City of Woodbury and Lake Elmo have code language that is similar in structure. 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. <i>(This district does allow for higher density)</i>	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. They also provide a wider range for accessory structure size compared to lot size.

(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; *One structure is allowed.*
- (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; *Two structures are allowed on lots of 2.5-20 acres*
- (5) Lots greater than 20 acres: no limit; *There is no limit on buildings*

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.

Maplewood:

Maplewood has opted to add an additional column to their code.

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.

FISCAL IMPACT:

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

COMMENTS AND RECOMMENDATION

The Planning Commission recommended amendments to the existing code, which are outlined below (changes shown in red). As shown, the commission is recommending to increase the maximum allowed size of accessory structures on lots between 1-5 acres in size. These amendments were passed by a 6-0 vote. Staff does not believe there is an inherent issue with allowing an increase in accessory building size. The only concern that Staff might see coming up is disproportionate sizing of the home to the accessory structure. However, this is addressed in section 154.405 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.” Furthermore, properties that are 5 acres or more would be allowed to have a 2,000 sqft. building or two buildings totaling 2,000 sqft. If the property owner does not have a home that is larger than 2,000 sqft. they would have to build two structures due to that statement in the code.

Lot Size	Maximum Structure Size a. (sqft.)	No. of Permitted Buildings
Under 1 acre	1,200 b.	1
1-2 acres	1,200 1,500	1
2-5 acres	1,300 1,700	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. c.	Unregulated d. c.

Notes to table 9-3

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

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

c. 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.

Recommendation: *Move to approve Ordinance 08-227 increasing the sizing limitation for accessory structures in the rural residential districts.*

Motion to approve resolution 2019-057 which is a summary publication for Ordinance 08-227

ATTACHMENTS

- Ordinance Amendment 08-227
- Resolution 2019-057
- City of Woodbury Code
- Forest Lake Code
- City of Maplewood Code
- City of Rogers

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

ORDINANCE NO. 08~~227~~

**AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF
ORDINANCES BY AMENDING STANDARDS AND LANGUAGE FOR ACCESSORY
STRUCTURES IN THE RURAL ZONING DISTRICTS.**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XI Rural District: by amending Section 154.406 Accessory Structures, Rural Districts;

154.406 ACCESSORY STRUCTURES, RURAL DISTRICTS.

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

Table 9-3: Accessory Buildings, Rural Zoning Districts

Lot Size	Maximum Structure Size^a (square feet)	No. of Permitted Bldgs
under 1 acre	1,200 ^b	1
1 - 2 acres	1,200 1,500	1
2 – 5 acres	1,300 1,750	1
5 – 10 acres	2,000	2
10 – 15 acres	2,500	2 ^{e.b.}
15 – 20 acres	3,000	2 ^{e.b.}
20 – 40 acres	4,000	2 ^{e.b.}
40+ acres	Unregulated ^{d.c.}	Unregulated ^{d.c.}

Notes to Table 9-3

- a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.
- ~~b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.~~
- ~~e.b.~~ One agricultural building, as defined in §154.213, is allowed in addition to the permitted number and size of accessory structures.
- ~~d.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.

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

SECTION 4. Adoption Date. This Ordinance 08-____ was adopted on this _____ day of ____ 2019, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

| This Ordinance 08-~~_____~~227 was published on the ____ day of _____, 2019.

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

RESOLUTION NO. 2019-056

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-227 BY TITLE AND SUMMARY

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-227, an ordinance amending Section 154.406 as it pertains to accessory structure size limitations within the City; and

WHEREAS, the ordinance contains a chart; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-227 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-227, which amends the language in Section 154.406 as it applies to Accessory Structures within the Rural Residential zoning district within the City of Lake Elmo.

- Properties of 1 acre in size or less are allowed one 1,200 sqft. accessory structure and the square footage is no longer required to be shared with the attached garage, if present.
- Properties of 1-2 acres received an increase of square footage of 1,200 sqft. to 1,500 sqft. and properties of 2-5 acres received an increase from 1,300 sqft. to 1,750 sqft.

The full text of Ordinance No. 08-227 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: August 7, 2019

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk
(SEAL)

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

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

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

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

(C) *Location.*

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

(2) See the zoning district setback requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

buildings;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 44-114. - Accessory buildings.

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

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

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

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

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

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

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

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

Sec. 125-323. - Accessory structures.

(a) *Agriculture district standards.*

- (1) Accessory structures shall not be located within 20 feet of the side and rear lot lines.
- (2) Accessory structures associated with active agricultural activities on properties greater than ten acres in size shall not be limited in size or number allowed but must follow all other provisions herein.
- (3) In agriculture zoning districts, an administrative site plan shall accompany all requests for accessory structures but construction shall be exempt from building permit fees for all structures for the use of legitimate farming operations, including sheltering animals, agricultural machinery and storage of agricultural products, but this exemption is not intended to include horse barns, commercial stables, or other activities not qualifying as active farming. Administrative review of the application and site plan is required.
- (4) Maximum size of detached accessory structures:

Agriculture Detached Structure Size Allowance	
Acreage	Square Feet
1.00—1.99	800
2.00—3.99	1,300
4.00—4.99	1,700
5.00—6.99	1,900
7.00—7.99	3,150
8.00—8.99	3,600
9.00—9.99	3,900
10.00+	4,200

(b) *Rural residential district standards.*

- (1) One private garage or accessory structure on parcels of three acres or less.
- (2) Up to two private garages or accessory structures on parcels greater than three acres.

- (3) An accessory structure shall be considered attached to the principal building if it is within six feet or less from the principal building.
- (4) No portion of the accessory structure shall be closer than six feet to another structure or building on the same property.
- (5) The following criteria shall be used to determine the maximum square footage for accessory structures:
 - a. When determining lot size, wetlands and lakes shall not be included in the lot area.
 - b. Attached garages shall not be considered as part of the maximum accessory building square footage.
 - c. Lean-tos, car ports and open wall structures are to be included in the calculation of total square footage, except gazebos.
- (6) Accessory structures may be located in the side or rear yard but shall not be located within 20 feet of the rear lot line.
- (7) Accessory structures may exceed the height of the principal building, with the approval of a conditional use permit.
- (8) No detached accessory structure, including storage sheds, shall be located closer to the road right-of-way than the principal building unless all the structure is at least 200 feet from the road right-of-way on a lot of five acres or more; and all other setbacks are met.
- (9) All detached accessory structures are to be used for personal use only. No commercial use or commercial related storage is allowed in residential zoning without a conditional or interim use permit.
- (10) Maximum size of accessory structures in RE-2 zoning district:

Residential Detached	
Structure Size Allowance (RE-2)	
Acreage	Square Feet
1.00—1.99	800
2.00—3.99	1,300
4.00—4.99	1,700
5.00—6.99	1,900
7.00—7.99	2,100
8.00—8.99	2,400
9.00—9.99	2,600

10.00+	2,800
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(11) Maximum size of accessory structures in RE-5 zoning district:

Residential Detached	
Structure Size Allowance (RE-5)	
Acreage	Square Feet
1.00—1.99	800
2.00—3.99	1,300
4.00—4.99	1,700
5.00—6.99	1,900
7.00—7.99	3,150
8.00—8.99	3,600
9.00—9.99	3,900
10.00+	4,200

(c) *Urban residential standards.*

- (1) One detached accessory structure is allowed per lot.
- (2) No detached accessory storage type building shall be located in any yard other than a rear yard except by conditional use permit.
- (3) In the event the accessory structure is movable, the structure may be placed in the side or rear yard but not closer than five feet to the lot line.
- (4) No accessory structure shall exceed ten percent of the available rear yard measured from the rear of the residence (extending in straight lines) to the side lot lines.
- (5) No accessory structure shall exceed the height of the principal building.

- (6) An accessory structure shall be considered an integral part of the principal building if it is connected to the principal building by a covered, enclosed passageway built on a slab or other suitable foundation.
 - (7) No detached accessory structure shall be located closer than six feet from the principal structure.
 - (8) No private garage used or intended for the storage of passenger automobiles shall exceed 950 square feet of gross area. One-family and two-family dwellings constructed after November 1, 1989, are required pursuant to section 125-313 to have two enclosed spaces per unit attached to the dwelling.
 - (9) When a private garage is oriented so as to face onto a public street, it shall not be less than 20 feet from the front lot line.
 - (10) No detached accessory structure, excluding decks not enclosed and covered shall be greater than 528 square feet.
 - (11) In no case shall a detached accessory structure be located in a required front yard or a required side yard paralleling the depth of the principal structure.
 - (12) An accessory structure shall not be a pole barn nor of pole barn type construction. As used in this subsection, pole barn is defined as a structure, the basic support and framework of which is provided by wooden poles inserted vertically into the ground similar to telephone poles. A permitted accessory structure exceeding 200 square feet in size shall be an on-site custom-made stick-built structure, and is to mean a structure which is wholly constructed on the lot. A structure shall be deemed constructed on the lot if 90 percent of the value of the structure is constructed on the lot from individual block, board, plywood, siding, roofing, finishing and other individual construction materials. Value shall be measured on the basis of the cost of the materials used in the construction of the structure.
- (d) *In commercial and industrial districts.*
- (1) No accessory structure shall exceed the height of the principal building except by conditional use permit.
 - (2) Accessory structures may be located any place in the rear yard of the principal building subject to the building code and the fire zone regulations.
 - (3) Accessory structures shall not exceed ten percent of the gross floor area of the principal structure except after obtaining a conditional use permit authorizing the same.
- (e) *In all districts.*
- (1) No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal building, except as approved by the city council.
 - (2) Where the natural grade of a lot at the building line is eight feet or more above the established curb level, a private garage may be erected within any yard provided one-half or more of its height is below grade level and it is not located less than ten feet from any street line.
 - (3) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location. In no event, however, shall the structure be located closer than 20 feet to the public road right-of-way. The more restrictive of requirements shall apply for all properties located in the shoreland overlay district.
 - (4) A site plan shall be submitted with all requests for detached accessory structures. Accessory structures in excess of 120 square feet, or on a permanent foundation, shall require the issuance of a building permit and subject to all requirements in this section. Site plans must include the following information (and other information required by zoning officials):
 - a. Existing buildings and their relationship to property lines.

- b. Indication of location for well, septic system and driveways.
 - c. Any easements.
 - d. Property lines and setback requirements.
 - e. Rural or agricultural lots requiring an on-site septic system area by the building inspector, shall include the location of a certified alternate septic system area in accordance with the applicable codes for on-site sewage treatment.
- (5) All detached accessory structures shall be both designed and constructed to meet minimum standards as required for residential accessory structures under the state building code, compatible with the principal building and general neighborhood environments, including, but not limited to, exterior finish, materials, overhangs, soffets and fascia.
- (6) All accessory structures shall be constructed to comply with the following side wall height, eaves and overhang restrictions:

Side Wall Heights* (feet)	Eaves (inches)	Overhang (inches)
10 or less	12	12
12 or less	12	18

*A sidewall height greater than 12 feet shall not be constructed except after obtaining a conditional use permit authorizing the same.

- (7) Accessory structures shall not be placed within the setback or buffer areas of delineated wetlands.
- (f) *Interpretation; abrogation and greater restrictions.* It is not the intention of this section to interfere with, advocate or annul any covenant or any other agreement between any parties; provided, however, where this section imposes a greater restriction upon the use of the premises for detached accessory structures than are imposed or required by other ordinances, rules or regulations or permits, or by covenants or agreements, the provisions of this ordinance shall govern.
- (g) *Setbacks.*
- (1) Accessory structures may encroach into required side and rear yards provided such structures are no closer than 10 feet from side and rear property lines.
 - (2) Accessory structures located within side yards which abut public streets shall meet principal building setback requirements of the applicable zoning district.

(Ord. No. 2011-02, § II, 4-26-2011; Ord. No. 2013-06, § 5, 6-11-2013; Ord. No. 2013-09, § 15, 7-9-2013; Ord. No. 2015-14, 7-28-2015)

Editor's note— Ord. No. 2011-02, § II, adopted April 26, 2011, repealed former § 125-323, and enacted a new § 125-323 as set out herein. Former § 125-323 pertained to the accessory buildings and structures and derived from Ord. No. 80-4, § 716, adopted July 1, 1980; Ord. No. 93-9, § 1, adopted Sept. 28, 1993 and Ord. No. 93-11, § 1, adopted Nov. 9, 1993.

Sec. 24-281. - Residential districts.

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

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

a. **Attached garage space.**

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

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

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

b. **Detached garages.**

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

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

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

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

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

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

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

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

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

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

c. *Accessory buildings.*

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

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

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

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

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

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

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

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

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

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

(b) *Miscellaneous structures.*

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

(c) *Recreational facility.*

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

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

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