



**Planning Commission Work Session
Monday, July 7, 2025 at 6:00 PM
Council Chambers**

AGENDA

- 1. Call to Order**
- 2. Items for Discussion**
 - A. Discussion on Accessory Structure Ordinance Amendments
- 3. Routine Business**
- 4. Future Discussion**
- 5. Adjournment**

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Staff Report to the Planning Commission

TO: Planning Commission Work Session
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: July 7, 2025
SUBJECT: Discussion on Accessory Structure Ordinance Amendments

Request:	City will initiate a zoning text amendment to amend the accessory structure ordinance at the request of City Council in conjunction with the Planning Commission.
Recommendation:	Review the peer cities table and draft ordinance changes, then discuss and make any recommended changes to staff.
Recommended Motion:	No formal motion at this time.

Background and Details:

City Council recently approved a set of variances that allowed a much larger accessory structure than previously approved within city limits. City Council directed City Staff and the Planning Commission to review the accessory structure ordinance and make amendments that would allow larger accessory structures on large lots.

In addition to addressing Council's request, staff identified over time a number of issues with the accessory structure ordinance that hinder its administration, clarity, and purpose.

Request:

The request from City Council is for City Staff and Planning Commission to review, discuss, and make amendments to the accessory structure ordinance that would negate the need for variances of a similar nature on future projects. The variances are for having an accessory structure that:

- Exceeds the CUP-extended amount of 1,080 sq. ft. for an accessory structure. The proposed project had 4,000 sq. ft. of floor area.
- Surpasses the amount of principal use and structure living area with accessory structure and uses.

While the primary goal of these amendments is to address Council's request, City Staff sees an opportunity to amend the ordinance to improve its administration, clarity to the public, and tighten its purpose on regulating only what needs to be regulated.

Some examples of where City Staff have struggled with the current code include:

- Accessory structures that are studios, but are required to have a driveway because they have large doors that could permit storing a vehicle inside.
- Accessory structure placement on large lots with principal structures set far from the road.
- Requiring people to demolish dilapidated garages and build a new garage when they hardly have the means to pay someone to demolish the garage.
- Determining how to measure the principal structure or use versus the attached or detached accessory use or structure.

To address both Council and issues discovered over time, City Staff recommends the following amendments and approaches:

- Clarify how principal and accessory "area" is determined with regards to requiring more principal than accessory, and also exempt large lots from this requirement.
- Allow the City Planner to determine whether an accessory structure may be exempt from needing a driveway.
- Allow accessory structure placement in front of the principal structure in cases where the principal structure is set far back or if the property is located along a river.
- Removed the requirement for every single family home to have a garage unless the dwelling is new or significantly improved. This allows properties with a dilapidated garage to remove the garage and meet code compliance requirements without being in violation of zoning code.
- Clarify the different levels of accessory structure tiers.
- Remove the need for a second permit (zoning certificate) for an accessory structure that requires a building permit.
- Clarified that greenhouses may be of a different look and material than the dwelling on the same lot.
- Clarified that carports and storage that use membrane covers are prohibited but carport and storage structures that do not use membrane covers are acceptable.
- Clarified how principal and accessory "area" is calculated for when they are attached.
- Removed the limited divide of accessory structure sq. ft. by first and second structure and instead provided an increased maximum cap for all accessory structures in total.

- Made an allowance for accessory structures to be two stories for the purpose of adding an ADU on top of a garage.
- Create a separate table for accessory structures on large single-family lots.

Discussion:

A breakdown of the necessity and nuances for each of the changes are as follows:

- *Clarify how principal and accessory "area" is determined with regards to requiring more principal than accessory, and also exempt large lots from this requirement.*

There is some debate amongst CED Staff as to whether the original wording for this requirement of "area" should be viewed as footprint of the structure (or part of the structure in the case of attached principal and accessory structures) versus the total floor area which accounts for multiple floors. The City Planning Manager recommends the customer-friendly approach of total floor area, with some exceptions, as that would permit homeowners to have larger accessory structures that aren't limited by footprint. The exemption for large lots is one of two main changes to the ordinance that address Council's request.

- *Allow the City Planner to determine whether an accessory structure may be exempt from needing a driveway.*

City Staff regularly receives interest or proposals for accessory structures that are not intended to house motorized vehicles but trigger the requirement for a driveway with an opening that is just wide or tall enough to permit a small car. The City Planning Manager would like the ability to waive the requirement for a driveway in situations that are constructed to not permit storing a vehicle. If the City Planning Manager does not grant the waiver, the applicant has the ability to appeal to decision to Planning Commission and City Council.

- *Allow accessory structure placement in front of the principal structure in cases where the principal structure is set far back or if the property is located along a river.*

City Staff in previous roles in other cities have seen benefits to allowing accessory structures between principal structures and public roads for certain situations. If a principal structure is far enough away from the road, having a garage closer to the road will not be a serious detriment to the nearby character. In the case of lots along water bodies, there is typically floodplain and shoreland restrictions that would make construction difficult and placement of the structure outside of those areas is both of benefit to the property owner and the public by relocating a structure that may be damaged in a flooding event elsewhere on the property.

- *Removed the requirement for every single family home to have a garage unless the dwelling is new or significantly improved. This allows properties with a dilapidated garage to remove the garage and meet code compliance requirements without being in violation of zoning code.*

This change attempts to delicately balance a few aspects of today's needs and tomorrow's wants regarding garages, storage, and ongoing code compliance headaches. New construction is still required to have a garage, but existing homes have the opportunity to either forego having a garage or make a significant investment in the home—they can't have both. This will help the homeowners that aren't able to pay the cost of a brand new garage but need to remove their dilapidated or old garage because it's a code and safety violation. We have several past and present issues that need relief from this requirement.

- *Clarify the different levels of accessory structure tiers.*

Several applicants have mistakenly applied for 200 sq ft accessory structures, thinking they don't need a building permit. This change clarifies that 200 sq ft or more requires a building permit.

- *Remove the need for a second permit (zoning certificate) for an accessory structure that requires a building permit.*

City Staff proposes removing this in the interest of not over permitting projects and having people pay multiple fees for the same review.

- *Clarified that greenhouses may be of a different look and material than the dwelling on the same lot.*

City Staff in the past have struggled with applying compatibility requirements such as color, material, and character of a principal structure onto a greenhouse, which is nothing like a dwelling in terms of purpose or aesthetics. This change clarifies that greenhouses are allowed to be different—no need to put asphalt shingles or hardie board on a greenhouse.

- *Clarified that carports and storage that use membrane covers are prohibited but carport and storage structures that do not use membrane covers are acceptable.*

This change is requested by Code Enforcement to clarify for the public that carports and structures with membrane covers are prohibited. Code Enforcement has a number of past and present issues with members of the public struggling to understand the prohibition, which is spread out. This change includes references and clarifications needed for Code Enforcement and Planning & Zoning to describe what is prohibited.

- *Clarified how principal and accessory "area" is calculated for when they are attached.*

The previous wording for this section is consistently understood as footprint. However, with the changes to both attached and detached calculated as total floor area, City Staff recommends this be consistent with that measurement method. City Staff regularly runs into issues flipping between footprint for this requirement and total area for the other, where some applicants get confused or lost in understanding the difference.

- *Removed the limited divide of accessory structure sq. ft. by first and second structure and instead provided an increased maximum cap for all accessory structures in total.*

In the spirit and general guidance from Council, City Staff recommend removing the barriers that specify certain sq ft for each structure and instead provide a total overall amount that the owner may divide as desired across one or two structures. This is consistent with some liberal interpretations of the ordinance from past City Staff.

- *Made an allowance for accessory structures to be two stories for the purpose of adding an ADU ontop of a garage.*

This change is only in the case where an ADU is proposed. What this allows for is someone to take an existing garage and add a second story for an ADU and not be required to place the ADU on the ground, which may impact the property's overall building coverage or impervious surface area.

- *Create a separate table for accessory structures on large single-family lots.*

This addresses Council's primary request and would allow large-lot property owners great flexibility in constructing large accessory structures.

2024 Comprehensive Plan

The proposed changes meet the Core and Additional Guiding Principles:

- Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to success.
- Balance individual property rights with community interests and goals.

Recommendation:

Review the peer cities table and draft ordinance changes, then discuss and make any recommended changes to staff.

ARTICLE 4. ACCESSORY USES AND STRUCTURES

Sec. 6-170. General requirements.

Accessory uses and structures shall comply with the following standards and all other applicable regulations of this ordinance:

- (1) 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.
- (2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure except in the case of a detached accessory dwelling unit, as provided elsewhere in this ordinance.
- (3) The total accessory use or structure floor area shall be subordinate in area, extent, and purpose to the total principal use or structure floor area served. Floor area from basements, mezzanines, attics, lofts, and other similar areas shall not count towards the total floor area. Lots meeting the conditions of Table 6-2 are exempt from this provision.
- (4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served, except in the case of a detached accessory dwelling unit, as provided elsewhere in this ordinance. In no case shall an accessory structure be utilized as an independent residence, either permanently or temporarily, except as provided elsewhere in this ordinance.
- (5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure, except for accessory off-street parking and loading facilities, subject to the provisions of Chapter 8, Off-Street Parking and Loading.
- (6) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.
- (7) An accessory structure, ~~when it is capable of storing one or more motorized vehicles, of 200 square feet or more~~ shall be provided with a driveway in compliance with the provisions of Chapter 8, Off-Street Parking and Loading. If an accessory structure is proposed and an interior plan is provided that demonstrates no accessibility for motorized vehicles, the City Planner may waive the requirement for a driveway to the accessory structure.
- (8) Accessory structures located on lots with frontage on a water body may be located between the public road and the principal structure, provided it is clearly demonstrated that physical conditions require such a location, such as floodplain, shoreland, or topographical restrictions, but must adhere to setbacks applicable to the principal structure.
- (9) When a principal structure is 200 feet or more from a public road right-of-way, an accessory structure may be located in the front yard, but must adhere to setbacks applicable to the principal structure.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2009-12, § 2, 10-27-09)

Sec. 6-180. Residential accessory buildings.

- (A) *In general.* In all ~~residential~~ districts, all new single family residential construction, or existing single family where remodeling or additions cumulatively exceed 50% of the total floor area or property's market value, whether attached or detached units, shall require the construction or retention of at least a single stall garage. If changes to the dwelling do not trigger the conditions stated above, the property owner may remove or convert an existing garage. In no case shall a single family use, whether detached or attached, with a garage be permitted to eliminate the garage or to provide less than a one stall garage on the property, either through conversion, demolition or other means of destruction.
- (1) In no case shall an accessory ~~structures~~ structure be placed less than five (5) feet from a property line nor less than ten (10) feet from other structures except as provided in paragraph two (2) of this section.
 - (2) Accessory structures shall be properly anchored with tie downs or strapped, bolted or otherwise properly connected to concrete peers or other types of permanent foundations to secure it from high winds in accordance with manufacturer's specifications or as may be approved by the City Building Official.
 - (3) Accessory structures of less than eighty (80) square feet shall not require zoning certificates and shall not be subject to building separation requirements, but if placed within ten (10) feet of another structure must meet the applicable setback requirement for that structure.
 - (4) Accessory structures between eighty (80) square feet and less than two hundred (200) square feet require a zoning certificate prior to installation on site and shall be subject to all building separation and setback requirements for accessory structures, but shall not be subject to building design and compatibility requirements set forth in elsewhere in this section. Accessory structures less than two hundred (200) square feet shall not be subject to building permits and no color or design standards shall be required.
 - (5) Accessory structures of two hundred (200) square feet or more in area shall be subject to building permit approval ~~and a zoning certificate shall be required~~ (which shall constitute a zoning certificate) prior to installation on site. Enclosed accessory structures such as sheds and garages, of two hundred (200) square feet or greater (accessory buildings), ~~shall have the same or similar exterior finish and building materials as those of the principal building. Accessory buildings shall be compatible with the principal building on the lot.~~
 - (a) "Compatible" for the purpose of this section shall mean that the exterior appearance of the accessory building is not at variance with that of the principal building from an aesthetic and architectural standpoint as to cause a degree of incongruity or a nuisance. The exterior colors of the roofing and siding materials shall match or compliment that of the principal structure. Greenhouses may utilize different building materials and finishes from the principal structure, provided that the greenhouse is translucent or transparent by means of glass, vinyl, or other similar materials.
 - (6) Carports and similar open sided roofed structures shall be subject to the same setbacks, size limits and design compatibility requirements as other accessory structures. Carports and similar open sided roofed structures shall be constructed of durable construction materials secured to a permanent foundation (as approved by the Building Official) and shall have a parking surface that is paved with concrete, asphalt or paver bricks and shall be compatible with the principal building on the lot. Carports must have a paved driveway with access to the public street. Steel tube framed carports, structures as described in (8) below, and similar open sided roofed structures with metal siding and roofs are prohibited.

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- (a) "Compatible" for carports and similar open sided roofed structure shall mean that the exterior appearance of the structure is not at variance with that of the principal building from an aesthetic and architectural standpoint as to cause a degree of incongruity or a nuisance. The exterior colors of the roofing materials and supporting members shall match or compliment that of the principal structure.
- (7) Temporary accessory uses:
- (a) Temporary reception/special event tents shall be permitted for up to seven (7) days per event and no more than fourteen (14) days per year without a zoning certificate. A zoning certificate shall be required for temporary reception/special event tents needed for events or activities greater than seven (7) days in duration. Reception/special event tents and enclosures shall not be permitted for more than thirty (30) days per year in residential districts.
- (b) Personal camping/recreational tents for personal recreational uses of persons residing at the premise shall be exempt from this section.
- (c) Storage Pods used for a short term during remodeling and household moving are permitted for up to six (6) months without a zoning certificate and up to one (1) year with a zoning certificate or current building permit.
- (8) Prohibited accessory structures or uses:
- (a) ~~Membrane-covered~~Membrane-covered accessory structures, ~~which may including-include~~ carports and storage enclosures utilizing membrane covers or a similar fabric-like material, are prohibited except as provided in paragraph (7) of this section.
- (b) Cargo or shipping containers except as provided in paragraph (7)(c) above.
- (c) Greenhouses shall not be used for storage of materials or equipment not used in the greenhouse.
- (B) *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:
- (1) The structure shall meet the required setbacks for a principal structure, as established for the zoning district in which it is located.
- (2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ~~ground-total~~ floor area of the principal building located on the same lot. Floor area from basements, mezzanines, attics, lofts, and other similar areas shall not count towards total floor area.
- (3) The structure shall not exceed the height of the principal building to which it is attached.
- (C) *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the requirements shown in Table 6-1 and as follows:
- (1) Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the front yard or within a corner side yard. When such structure is located in a side yard, the required setback shall be the same as that for the principal structure.
- (2) The maximum size may be increased by up to twenty-five (25) percent upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
- (3) Structures with a corrugated metal exterior finish shall not be permitted.
- (4) Garages, when accessed from and situated perpendicular to a public alley, shall maintain a setback of at least twenty (20) feet from said alley right-of-way.

- (5) Maximum lot coverage for detached structures is regulated under Section 10-130. For those properties that are exempted under Section 10-130, no more than thirty (30) percent of the rear yard area may be covered by accessory structures.
- (6) Distance between structures shall be measured from wall to wall.

Table 6-~~1-2~~. Requirements for detached accessory structures, residential districts.

Use	One or two-family residential use**	Other multi-family residential use	Permitted non-residential use
Number of Structures Allowed	2	2	2
Maximum Combined Size of all Detached Accessory Structures	<u>1,200 sq. ft.****</u>	<u>350 sq. ft./unit</u>	<u>1,250 sq. ft.</u>
Maximum Size—1st structure	<u>864 sq. ft.</u>	<u>300 sq. ft./unit</u>	<u>1,000 sq. ft.</u>
Maximum Size—2nd structure	<u>120 sq. ft.</u>	<u>250 sq. ft.</u>	<u>250 sq. ft.</u>
Maximum Height	16 feet***	<u>16</u> 20 feet	20 feet
Maximum Side Wall Height	9 feet*	9 feet*	9 feet*
Required Setbacks			
Side	5 feet	10 feet	15 feet
Rear	5 feet	10 feet	15 feet
Between structures	10 feet	10 feet	10 feet

* See Section 6-190.

** See exceptions for larger properties in Table 6-2 below.

*** May be increased to two (2) stories or 24 feet to accommodate a second-story accessory dwelling unit.

**** Accessory structures over 1,000 square feet must meet building code requirements, which may include construction standards and permitting similar to a commercial building, or segmented building construction into no larger than 1,000 square foot sections.

Table 6-2. Detached accessory structure allowances for large single-family lots.*

	<u>Lots over 2 acres</u>	<u>Lots over 4 acres</u>	<u>Lots over 6 acres</u>
Number of Structures Allowed	<u>2</u>	<u>2</u>	<u>2</u>
Maximum Combined Size of all Detached Accessory Structures	<u>2,000 sq. ft.</u>	<u>3,000 sq. ft.</u>	<u>4,000 sq. ft.</u>
Maximum Height	<u>16 feet**</u>	<u>20 feet**</u>	<u>24 feet</u>
Maximum Side Wall Height	<u>9 feet</u>	<u>12 feet</u>	<u>15 feet</u>
Required Setbacks			
Side	<u>10 feet</u>	<u>15 feet</u>	<u>20 feet</u>
Rear	<u>10 feet</u>	<u>15 feet</u>	<u>20 feet</u>
Between structures	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>

* Accessory structures over 1,000 square feet must meet building code requirements, which may include construction standards and permitting similar to a commercial building, or segmented building construction into no larger than 1,000 square foot sections.

** May be increased to two (2) stories or 24 feet to accommodate a second-story accessory dwelling unit.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2001-24, § 1, 1-8-02; Ord. No. 2009-12, § 2, 10-27-09; Ord. No. 2010-04, § 2, 5-25-10; Ord. No. 2018-3, § 1, 8-15-18)

Sec. 6-190. Increase in wall height.

The maximum side wall height for a detached garage in a residential district may be increased up to twelve (12) feet provided that the maximum building height provision is satisfied and that an additional setback of ~~two (2)~~ one foot is provided from side and rear lot lines for each additional foot of side wall height over nine (9) feet.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2001-24, § 1, 1-8-02)

		Faribault	All Other Residential	Owatonna All Residential	Northfield All Residential	Mankato All Residential	Albert Lea All Residential		Red Wing All Other Residential	Multi-Family	Willmar All Residential	1-Family Residential	Buffalo All Other Residential	Rice County All Residential
Structure Building Envelope		1- & 2-Family												
Number of Structures Allowed		2			3 (exception for multi-family 4+ units)	3 (only one may be a garage)	N/A	3	2			2 (unless lot is over one acre); only one may be a garage	2	Unlimited (except in Shoreland)
Maximum Size -- 1st Structure	864 sq ft	300 sq ft/unit	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	Major accessory is 200 sq ft and up	Unlimited (except in Shoreland, which is 200 sq ft)
Maximum Size -- 2nd Structure	120 sq ft	250 sq ft	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	Minor accessory is 199 sq ft and smaller	Unlimited (except in Shoreland, which is 120 sq ft)
Maximum Size	N/A			1,000 sq ft (can request up to 1,500 sq ft with CUP) and no more than 30% of rear yard area	864 sq ft for garage; 200 sq ft for sheds	No more than 50% of rear yard	<1.5 ac = max structure size at 1080 sq ft and 1400 sq ft for all accessory; 1.5 to 2 ac = max structure size at 1280 sq ft and 1600 for all accessory; > 2 ac = max structure size at 1480 sq ft and 2000 for all accessory; > 2 ac and 80 feet from city limits = max structure size at 1680 sq ft and 3000 for all accessory	1,200 sq ft total; 1,000 sq ft per unit; 500 sq ft per unit	Only one garage of 1,000 sq ft permitted	Maximum 1,200 sq ft (without a CUP)			N/A	
Overall Size Limitations	Incidental and accessory to primary structure; footprint of attached garage less than footprint of house			Incidental to primary structure	Incidental to primary structure	Incidental and accessory to principal	Incidental and accessory to principal; 3:1 ratio of width and depth; building coverage maximum of 40% of lot area	Incidental and accessory to principal	Incidental and accessory to principal	Incidental and accessory to principal	Incidental and accessory to principal	Incidental and accessory to principal; Attached accessory may not exceed the footprint of principal residence; may not exceed 25% of rear yard	N/A	
Maximum Height	16 feet			15 feet (up to 20 feet with bigger setbacks)	13 feet for sheds; 18 feet for detached garage (24 feet if includes ADU); 10 feet all others	20 feet	15 feet; 25 feet (incl. for 2nd story ADU); may be higher with a 2+ story house, but no taller than house	16 feet (CUP allows higher)	2 stories	20 feet; 15 feet	15 feet	16 feet/35 feet		
Maximum Side Wall Height	9 feet (up to 12 feet with bigger setbacks)			N/A	8 ft max for sheds	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Maximum Opening Size	N/A			N/A	12 feet for detached garages	N/A	N/A	12 feet (CUP allows higher)	12 feet	N/A	N/A	N/A		
Required Setbacks														
Front	Behind Principal Façade			Behind Principal Structure	Behind Principal structure	Behind principal structure	Behind Principal Façade (or 25 feet); if Principal is 60 feet back or greater, then maximum setback is 60 feet	4 feet behind Principal Façade; side- or rear-loaded	Behind Principal Façade; unless Principal is 100 feet back or greater	Behind Principal Façade	Same as Principal			
Side	5 feet	10 feet	3 feet (5 feet for garages)	Same as Principal (3 feet for existing nonconforming)	Not allowed (3 feet in rear yard)	3 feet	8 feet; 5 feet	5 feet	5 feet	5 feet	10 feet/20 feet			
Corner Side	Behind Principal Façade			N/A	Same as principal	Not allowed	12.5 feet	20 feet	N/A	N/A	N/A			
Rear	5 feet	10 feet	3 feet	N/A	3 feet	3 feet/ 5 feet (alley)	10 feet/8 feet (alley); 5 feet	8 feet	5 feet	5 feet (20 feet for garages on an alley)	10 feet/20 feet			
Between Structures	10 feet			3 feet	5 feet	N/A	N/A	10 feet	N/A	10 feet	10 feet			