

Sec. 117-349. - Accessory uses and buildings.

- (a) Sport courts and other impervious surfaces must meet the minimum setbacks established for accessory buildings in section 117-111 unless otherwise specified by this Code.
- (b) Every commercial fishing pond shall be enclosed by a fence or wall not less than four feet high to prevent uncontrolled access by small children.
- (c) Swimming pools and spas (also see chapter 105, article III).

(1) *Setback requirements.*

- a. Swimming pools and spas shall be set back a minimum of ten feet from all adjoining lots. For corner lots, swimming pools and spas shall meet the required side yard setback for buildings in the applicable zoning district (section 117-111(d)). Swimming pools and spas may not extend closer to the front lot line of the parcel than the principal structure located on said parcel, except that on residential parcels of one acre or more in size, a swimming pool or spa may be constructed closer to the front lot line than the principal structure, provided that such swimming pool or spa can maintain a 200-foot setback from the property line.
- b. A swimming pool or spa may not be located closer than four feet to the principal structure located on the parcel where the swimming pool or spa is to be constructed.
- c. No swimming pool or spa may be constructed within 20 feet of any portion of an on-site sewer system or any private water well.
- d. No person shall build, construct, locate or install a swimming pool and walkway or spa within any easement.

(2) *Fencing.*

- a. *Temporary fencing.* During the construction of any in-ground swimming pool or spa, the construction area must be secured with a portable fence which is not less than four feet in height.
 - 1. Temporary fencing shall be flush with the ground and securely anchored.
 - 2. Supportive posts shall be placed no more than eight feet apart.
- b. *Permanent fencing.*
 - 1. All aboveground swimming pools that have a minimum side-wall height of four feet need not be fenced, but shall have removable steps, which steps shall be removed when the swimming pool is unattended. In the event that an accessory deck to the swimming pool is constructed, which is adjacent to any part of the swimming pool, said deck shall include, on its entire outside perimeter, a 36-inch-high guard rail. The guard rail shall be constructed so that no open space within it is wider than six inches.
 - 2. All outdoor spas shall have either a fence as described in subsection (c)(2)b.1 of this section, or a secured cover.

(3) *Noise.*

- a. The swimming pool or spa shall be designed, constructed and sited in such a way as to limit noise generated by its mechanical equipment, so as not to create a nuisance and/or affect the reasonable use and enjoyment of adjacent property owners.
- b. The swimming pool and/or spa shall be sited on the parcel so that its mechanical equipment, including heating and filtering equipment, is located at least 30 feet from the inhabited portion of neighboring residential structures.

- (4) *Pool walkway deck and deck drains.* Unobstructed deck areas not less than 48 inches wide shall be provided to extend entirely around each in-ground swimming pool. Swimming pool decks shall be constructed above, but not more than nine inches above, the normal water line. The required

deck area shall be constructed of impervious material. The deck shall have a pitch of at least one-fourth inch to the foot, designed so as to prevent back drainage into the pool. If deck drains are provided, drain pipe lines shall be at least two inches in diameter; drain openings shall have an open area of at least four times the cross sectional area of the drain pipe. Deck drains shall not be connected to the re-circulation system pipe.

- (5) *Swimming pool drainage.* To the extent feasible, back flush water or water from pool drainage shall be on the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land.
- (6) *Lighting.* Lights used in conjunction with a swimming pool and/or spa shall be located and constructed so as to deflect away from adjacent property and in such a manner that they do not create a nuisance or affect the reasonable use and enjoyment of adjacent property.
- (7) *Permits.* Swimming pools or spas that are less than 5,000 gallons shall be allowed without the issuance of a building permit; however, a zoning permit must be obtained prior to the swimming pool or spa being constructed, installed, or moved onto a property.

(d) *Accessory buildings.*

- (1) *Future re-subdivision.* Any proposed accessory building should be located on the parcel of land so as to allow for orderly future re-subdivision of a parcel on which the building is to be located.
- (2) *Principal building required.* No accessory building shall be constructed on any lot prior to the time of construction of the principal building.
- (3) *Permits. A permit is required prior to constructing or moving an accessory building on to a property.*

a. Zoning Permit. Detached accessory buildings ~~not addressed by Minnesota State Building Code shall require the issuance of a zoning permit with 120 square feet or less of floor area shall be allowed without issuance of a building permit. However, a zoning permit must be obtained~~ prior to the building being constructed or moved onto a property and shall comply with all required setbacks and zoning regulations.

b. Building Permit. Detached accessory buildings addressed by Minnesota State Building Code shall require the issuance of a building permit prior to being constructed or moved onto a property and shall comply with all applicable building codes and zoning regulations.

~~Detached accessory buildings not exceeding 120 square feet shall comply with all required setbacks and zoning regulations. Detached accessory buildings not exceeding 120 square feet of floor area may be finished with hardboard lap siding, vinyl lap siding, metal siding, metal panels, wood (painted) and/or masonry. Prefabricated molded plastic storage containers not exceeding 120 square feet in floor area are permitted.~~

- (4) *Agricultural buildings.* Agricultural buildings, as defined in Minn. Stats. § 326B.103, subd. 3, shall require a zoning permit prior to the building being constructed or moved onto a property and shall comply with all other zoning regulations.

~~(5) Detached accessory buildings greater than 120 square feet in floor area shall require a building permit and comply with all applicable building codes and zoning regulations.~~

~~(6)~~ (65) *Accessory building height.*

- a. The height of detached accessory buildings shall not exceed 22 feet on parcels two acres (87,120 square feet) or greater in size.
- b. The height of detached accessory buildings shall not exceed 16 feet on parcels less than two acres (87,120 square feet) in size. On parcels less than two acres, the height of side walls shall not exceed fourteen feet.

- c. The height of attached accessory buildings shall not exceed the height of the principal structure.
- d. A variance will be required to exceed the established height restrictions for accessory buildings. The variance shall be processed in accordance with the procedures established in section 117-53. Criteria governing consideration of a variance request to exceed height restrictions on accessory buildings shall include, but not be limited to the following:
 - 1. Whether the variance will impair an adequate supply of light and air to adjacent property.
 - 2. Whether the variance will have the effect of allowing a use that is prohibited in the applicable zoning district.
 - 3. Whether the variance will impair established property values within the neighborhood.
 - 4. Whether the increased height will be compatible with the principal building on the same parcel.
 - 5. Whether the increased height will be compatible with existing development in the immediate neighborhood.
 - 6. Whether the variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.

~~(76)~~ Architectural and exterior standards for accessory buildings:

a. Exterior building materials for detached accessory buildings not addressed by Minnesota State Building Code shall be generally consistent with the exterior finish of the principal building or finished with hardboard lap siding, vinyl lap siding, aluminum or metal siding, metal panels, textured wood (painted) and/or masonry. Prefabricated molded plastic storage sheds shall be permissible.

~~a-b.~~ Gambrel roofs (barn style) are permitted.

~~b.c.~~ Where provided, accessory buildings with metal panel exterior finish must include the following:

- 1. If located in the front yard, shall include at least three of the following:
 - (i) Minimum of three complimentary colors
 - (ii) Minimum of 35 percent brick on front (street facing) façade.
 - (iii) 100 percent vegetative screening. Use of vegetative screening shall require an agreement, recorded against the property with the Anoka County Recorder, specifying replacement standards, species, size of plantings, and other items as required by the zoning administrator.
 - (iv) 10 percent window coverage on front (street facing) façade and common property lines.

~~c.(7) Driveways: shall be required for doorway openings meeting or exceeding eight (8) feet wide by seven feet tall. All driveways must meet underlying zoning district standards in which the property is located, except that Class V shall be permitted as an extension of an existing driveway for the sole purpose of accessing a detached accessory structure if the existing driveway is in compliance with current zoning standards.~~

a. Attached accessory buildings. A driveway shall be required for all attached accessory buildings with a doorway opening meeting or exceeding eight (8) feet wide by seven (7) feet tall. The driveway must meet underlying zoning district standards in which the property is located.

b. Detached accessory buildings. A driveway is not required to service a detached accessory building; however, if installed, it shall meet the underlying zoning district standards in which

the property is located, except that Class V gravel shall be permitted as an extension of an existing driveway for the sole purpose of accessing the detached accessory building if the existing driveway is in compliance with current zoning standards.

1. If a driveway is not installed to service a detached accessory building, there shall be no off-street parking unless in accordance with City Code Section 117-355.

- (8) Detached accessory buildings shall be prohibited from containing complete independent living facilities (accessory apartments), which would include permanent provisions for living, sleeping, eating, and sanitation. Independent living facilities shall be considered those which meet three or more of the criteria in subsection (6)d of this section and have provisions for separating the living space.
- (9) Two-story accessory buildings shall be permitted on properties under the following conditions:
 - a. Within MUSA with the issuance of a conditional use permit in accordance with City Code section 117-51
 - b. Outside the MUSA on parcels less than two acres in size with the issuance of a conditional use permit in accordance with City Code section 117-51
 - c. Outside the MUSA on parcels two acres in size or greater.
- (10) No part of an accessory building shall extend into a drainage and utility easement or any required setback.
- (11) Any accessory building proposed to be within five feet, overhang to overhang, of the principal building shall either be made structurally a part of the principal building or the wall and soffit area of the accessory building that is within five feet of the principal building shall be constructed to a one-hour fire rating.
- (12) Accessory building location.
 - a. On lots two acres (87,120 square feet) or greater in size, the detached accessory building may be located nearer the front property line than the principal building provided the following criteria are met:
 1. The placement of the detached accessory building maintains compliance with the standard front yard structure setback requirement for the respective zoning district;
 2. The exterior materials used on the detached accessory building match those of the principal building on the subject property unless otherwise provided for in this section;
 3. The accessory building is designed with soffit, fascia and eave overhang; and
 4. The accessory building does not exceed the height of the principal building or 22 feet, whichever is less.
 - b. On lots less than two acres (87,120 square feet) in size, the accessory building shall be located in the side or rear yard and shall not be located nearer the front property line than the principal building on that lot, unless a variance is obtained. This provision shall not apply to attached garages that maintain compliance with the applicable front yard setback requirement.
 - c. Front, side and rear yard accessory building setback requirements are outlined in section 117-111(d).
 - d. Detached accessory buildings may be located in the front (street facing) yard when located riparian lots in the wild and scenic, critical area, or shoreland overlay districts, provided the structure meets the underlying front yard setback and cannot exceed the height of the principal structure. Detached accessory buildings located nearer the front property line than that of the principal structure must meet the same general design and materials as the principal structure.

(13) All accessory buildings, with the exception of attached garages, shall be included when calculating the maximum square footage of accessory building space allowed on a property. All accessory buildings, ~~including~~ ~~excluding~~ attached garages, shall be included when determining the total number of accessory buildings on a property.

(14) Accessory building size restrictions. Size restrictions and performance standards for accessory buildings in residential districts shall be as follows:

a. *R-1 Residential (MUSA).*

Parcel Size (sq. ft. and acres) (excl. road right-of-way)	Maximum Square Footage Allowed for Accessory Buildings ¹	Maximum # of Acc. Bldgs. Allowed <i>(includes primary garage)</i>	Exterior Finish Permitted	Architectural Standards Required <i>(for buildings regulated by MN State Building Code)</i>	Maximum Allowable Height in Feet (one story buildings permitted, two with CUP and 2 acres)
0—21,779 (0 to 0.5 acre)	10% of lot, or 1,500 square feet, whichever is smaller	2	Same general design and materials as home	Soffit, fascia, eave overhang to match home	16
21,780—43,559 (0.5 acre to 1 acre)	1,800	3	Same general design and materials as home	Soffit, fascia, eave overhang to match home	16
43,560—65,339 (1 acre to 1.49 acres)	2,200	3	Same general design and materials as home	Soffit, fascia, eave overhang to match home	16
65,340—87,119 (1.5 to 1.99 acres)	2,400	3	Same general design and materials as home	Soffit, fascia, eave overhang to match home	16

87,120—108,899 (2.0 to 2.49 acres)	2,400	3	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
108,900—152,459 (2.5-3.49 acres)	2,700	3	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
152,460—196,019 (3.5-4.49 acres)	3,000	4	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
196,020—239,579 (4.5-5.49 acres)	3,500	4	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
239,580—283,139 (5.5-6.49 acres)	3,900	4	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
283,140—326,699 (6.5-7.49 acres)	4,300	5	Same general design and materials as home or color	Soffit, fascia, eave overhang to match home	22 ³

			compatible metal panels ²		
326,700— 370,259 (7.5- 8.49 acres)	4,700	5	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
370,260— 413,819 (8.5- 9.49 acres)	5,100	5	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
413,820— 435,599 (9.5 to 9.99 acres)	5,500	5	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
435,600— 871,199 (10 to 19.99 acres)	6,000	6	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
871,200— 1,742,399 (20 to 39.99 acres)	8,000	7	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³

1,472,400 plus (40 acres or more)	12,000	8	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
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¹ A portion of the square footage allowed for accessory buildings shall be utilized or reserved for a primary garage. The primary garage shall be at least 400 square feet in size.

² If the accessory building is closer to the front property line than the principal building, then the construction must have the same general design and materials as the home.

³ If the accessory building is closer to the front property line than the principal building, then the height of the accessory building cannot exceed the height of the principal building or 22 feet, whichever is more restrictive.

b. *R-1 Residential (Rural Developing).*

Parcel Size (sq. ft. and acres) (excl. road right-of- way)	Maximum Square Footage Allowed for Accessory Buildings ¹	Maximum # of Acc. Bldgs. Allowed <i>(includes primary garage)</i>	Exterior Finish Permitted	Architectural Standards Required <i>(for buildings regulated by MN State Building Code)</i>	Maximum Allowable Height in Feet (one story buildings permitted, two with CUP and 2 acres)
0—21,779 (0 to 0.5 acre)	10% of lot, or 1,500 square feet, whichever is smaller	2	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	16
21,780— 43,559 (0.5 acre to 1 acre)	1,800	3	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	16

43,560— 65,339 (1 acre to 1.49 acres)	2,200	3	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	16
65,340— 87,119 (1.5 to 1.99 acres)	2,400	3	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	16
87,120— 108,899 (2.0 to 2.49 acres)	2,400	3	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
108,900— 152,459 (2.5- 3.49 acres)	2,700	3	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
152,460— 196,019 (3.5- 4.49 acres)	3,000	4	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
196,020— 239,579 (4.5- 5.49 acres)	3,500	4	Same general design and materials as home or color	Soffit, fascia, eave overhang to match home	22 ³

			compatible metal panels ²		
239,580— 283,139 (5.5- 6.49 acres)	3,900	4	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
283,140— 326,699 (6.5- 7.49 acres)	4,300	5	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
326,700— 370,259 (7.5- 8.49 acres)	4,700	5	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
370,260— 413,819 (8.5- 9.49 acres)	5,100	5	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
413,820— 435,599 (9.5 to 9.99 acres)	5,500	5	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³

435,600— 871,199 (10 to 19.99 acres)	6,000	6	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
871,200— 1,742,399 (20 to 39.99 acres)	8,000	7	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³
1,472,400 plus (40 acres or more)	12,000	8	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ³

¹ A portion of the square footage allowed for accessory buildings shall be utilized or reserved for a primary garage. The primary garage shall be at least 400 square feet in size.

² If the accessory building is closer to the front property line than the principal building, then the construction must have the same general design and materials as the home or with metal panels as outlined in this section.

³ If the accessory building is closer to the front property line than the principal building, then the height of the accessory building cannot exceed the height of the principal building or 22 feet, whichever is more restrictive.

(Code 1978, § 9.11.02; Ord. No. 73-05, 5-21-1973; Ord. No. 74-08, 12-21-1974; Ord. No. 79-04, 4-8-1979; Ord. No. 87-4, 8-10-1987; Ord. No. 91-09, 6-30-1991; Ord. No. 91-17, 12-23-1991; Ord. No. 92-09, 7-13-1992; Ord. No. 97-15, 12-1-1997; Ord. No. 98-04, 4-13-1998; Ord. No. 99-05, 5-31-1999; Ord. No. 01-11; Ord. No. 03-30, 9-15-2003; Ord. No. 03-01, 3-7-2003; Ord. No. 05-12, 7-25-2005; Ord. No. 06-05, 3-28-2006; Ord. No. 08-18, § 2, 7-8-2008; Ord. No. 11-08, § 1, 6-14-2011)