

CITY OF ALBERTVILLE
COUNTY OF WRIGHT
STATE OF MINNESOTA

ORDINANCE NO. 2009-006

AN ORDINANCE AMENDING SECTION 1000.4
(ACCESSORY BUILDINGS, USES AND EQUIPMENT) AND
SECTION 200.2 (DEFINITIONS) OF THE ALBERTVILLE
ZONING ORDINANCE (APPENDIX A) OF THE 2005
ALBERTVILLE MUNICIPAL CITY CODE RELATING TO
ACCESSORY BUILDING REGULATIONS.

THE CITY COUNCIL OF THE CITY OF ALBERTVILLE, MINNESOTA ORDAINS:

SECTION 1. Section 1000.4 is hereby repealed in its entirety and replaced with the following:

1000.4: ACCESSORY BUILDINGS, USES AND EQUIPMENT:

- A. Farm Operations Exempt: Farm operations are exempt from the requirements of this section.
- B. Single-Family Accessory Uses:
1. Setbacks:
 - a. Front Yard: No accessory use, building, structure, or equipment shall be allowed within a required front yard, except by conditional use permit.
 - b. Side Yard: As required by zoning district.
 - c. Rear Yard (includes side yard within rear yard): Allowed to encroach into the required setback, but not less than ten (10) feet.*
 - d. Alley: Private garages having direct access onto an alley shall be set back twenty (20) feet from the alley lot line.
 - e. No accessory building may encroach on a required easement or in a required side yard setback abutting a street on a corner lot.
 2. Size:
 - a. Minimum Size: An attached or a detached garage shall not be less than 530 square feet in floor area.
 - b. Maximum Size: An attached or a detached garage shall not:
 - 1) Exceed 1,000 square feet of floor area, except by conditional use permit;
 - 2) Exceed the ground coverage of the dwelling, except by conditional use permit;
 - 3) Occupy more than 25% of the area of the rear yard; or
 - 4) A second accessory storage building may not exceed 150 square feet in floor area, when accompanied by an attached garage on the same lot, except by conditional use permit.
 - c. Cumulative Area: The total floor area of all accessory buildings and garages shall not exceed 1,150 square feet, except by conditional use permit.

3. Size Exception: An exception to the size requirements may be granted through an administrative permit, provided the following requirements are met:
 - a. The parcel is one acre or greater in size;
 - b. Any accessory building does not exceed the ground coverage of the dwelling;
 - c. Any accessory building shall be screened from adjacent residential property;
 - d. Any accessory building shall be constructed of the same or similar design and material as the principal building; and
 - e. Commercial and home occupation uses are prohibited in any accessory building.
 4. Number:
 - a. No more than two (2) accessory storage buildings or garages shall be allowed on one (1) or more single family lot under common ownership.
 - b. Exception: An exception for a third accessory building may be granted, provided the following requirements are met:
 - 1) Third accessory structure qualifies as an outdoor living space, as defined in Section 200.2; and
 - 2) The cumulative floor area of all three accessory structures does not exceed the maximum allowed floor area (1,150 square feet).
 5. Design Standards/Covenants: These accessory building performance standards are applicable for all single family lots in the City, provided, however that these standards shall not be permitted where these design standards will supersede design standards or covenants that have been established as part of an approved residential planned unit development. Property owners shall demonstrate compliance with approved covenants/ design standards with the submission of a building permit for an accessory building.
- C. Commercial Accessory Uses:
1. Setbacks: All commercial accessory buildings shall meet the setbacks of the principal building.
 2. Size: All commercial accessory buildings shall not exceed thirty percent (30%) of the gross floor space of the principal building.
 3. Number: No more than one (1) accessory building shall be allowed on any commercially-zoned property, except by conditional use permit.
 4. Accessory buildings shall match the exterior finish of the principal building in color and materials.
- D. Multi-Family, Agricultural, & Industrial Accessory Uses: Except as otherwise noted, all accessory buildings and uses for all principal uses (other than single-family detached dwellings) shall conform to the setback requirements specified for the respective zoning district in which they are located.
- E. Height Limits: Except as expressly allowed by conditional use permit, accessory buildings shall comply with the following height limitations:

1.

<u>Zoning District</u>	<u>Maximum Height</u>
<u>A-1</u>	<u>16 feet</u>
<u>A-2</u>	<u>16 feet</u>
<u>R-1</u>	<u>16 feet</u>
<u>R-1A</u>	<u>16 feet</u>
<u>R-2</u>	<u>16 feet</u>
<u>R-3</u>	<u>16 feet</u>
<u>R-4</u>	<u>16 feet</u>
<u>R-5</u>	<u>16 feet</u>
<u>R-6</u>	<u>16 feet</u>
<u>R-7</u>	<u>16 feet</u>
<u>R-8</u>	<u>25 feet</u>
<u>R-MH</u>	<u>15 feet</u>
<u>B-2</u>	<u>35 feet</u>
<u>B-2A</u>	<u>35 feet</u>
<u>B-3</u>	<u>35 feet</u>
<u>B-4</u>	<u>35 feet</u>
<u>B-W</u>	<u>35 feet</u>
<u>I-1</u>	<u>35 feet</u>
<u>I-2</u>	<u>35 feet</u>
<u>P/I</u>	<u>35 feet</u>

2. Accessory buildings, other than garages, shall be limited to ten (10) feet in height on all two-family, quadraminium, or townhouse unit lots.

F. Building Type And Standards:

1. The same or similar quality exterior building material (meaning exterior finish and color) shall be used in the accessory building and in the principal building.
2. All accessory buildings shall also be compatible with the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building is not different from the principal building from an aesthetic and architectural standpoint, as to cause:
 - a. A difference to a degree to cause incongruity, as determined by the City Council;
or
 - b. A depreciation of neighborhood or adjacent property values.
3. Pole buildings, as defined in Section 200.2 of this Ordinance:
 - a. Are prohibited in residential and commercial districts.
 - b. Are permitted within the A-1 and A-2 Districts, only in association with agricultural operations.
 - c. Are allowed in industrial districts as a conditional use; provided, the following are met:
 - 1) The structure involves an expansion of an existing pole building;

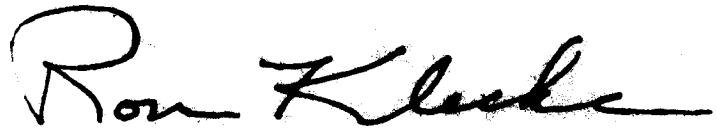
- 2) The design and building material conform to the character of the area in which the structure is located;
 - 3) There is documented need for this type of construction; and
 - 4) The provisions of Subsection 400.2F of this Ordinance are considered and satisfactorily met.
- G. Noisy Uses and Equipment in Side Yards: No accessory uses or equipment, such as air conditioning units or condensers, which generate noise, may be located in a side yard, except for side yards abutting streets where equipment is fully screened from view.
- H. Conditional Use Permits: Application for a conditional use permit under this Section shall be regulated by Chapter 400 of this Ordinance. Such a conditional use permit may be granted; provided, the following are met:
1. There is a demonstrated need and potential for a continued use of the structure and the purpose stated;
 2. The building has an evident reuse or function related to the principal use;
 3. Accessory building shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety, and general welfare; and
 4. The provisions of Subsection 400.2E of this Ordinance shall be considered and a determination made that the proposed activities is in compliance with such criteria.

SECTION 2. Section 200.2 is hereby amended as follows:

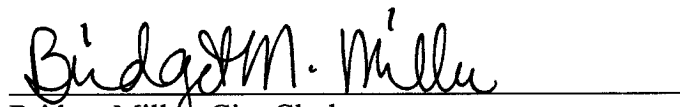
OUTDOOR LIVING SPACE: Any detached accessory building utilized as a living space such as a gazebo, screened porch, or play house.

THIS AMENDMENT SHALL BE IN FULL FORCE AND EFFECTIVE IMMEDIATELY FOLLOWING ITS PASSAGE AND PUBLICATION.

Approved by the Albertville City Council this 16th day of March 2009.



Ron Klecker, Mayor



Bridget Miller, City Clerk