

ORDINANCE NO. 165, 2ND SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA,
AMENDING CITY CODE SECTIONS 152.325 THROUGH 152.336,
ENTITLED “ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS”,
AND RELATED SECTIONS

THE CITY COUNCIL OF THE CITY OF WINDOM ORDAINS:

WHEREAS, these City Code Sections were originally adopted by the City Council in December 2003 and since that time the needs for accessory space have changed; and

WHEREAS, there are numerous updates to these Code Sections which the Planning Commission has recommended to the City Council; and

WHEREAS, it is in the best interests of the citizens of Windom that these Code Sections be amended as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, ORDAINS:

THE CITY CODE OF THE CITY OF WINDOM IS HEREBY AMENDED BY DELETING CITY CODE SECTIONS 152.325 THROUGH 152.336, ENTITLED “ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS”, IN THEIR ENTIRETY AND INSERTING THE FOLLOWING IN LIEU THEREOF:

“ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS

§152.325 GENERAL REQUIREMENTS

(A) Each residential lot on which a principal dwelling has been constructed shall be allowed an accessory building not exceeding 200 square feet in area without a building permit.

(B) All accessory buildings shall be constructed of new materials and shall comply with all the requirements of the following Code Sections. Prior to the construction or installation of an accessory building or any structure listed in Section C. below, the property owner shall contact Gopher State One Call to determine the location of underground utilities.

(C) Buildings such as gazebos, outdoor living rooms, pool enclosures and similar buildings are not included in the calculation of total accessory floor area, but are subject to the ground coverage and setback requirements in the following Code Sections.

(D) No more than two detached accessory buildings and one structure listed in Section C. above shall be constructed or installed on any lot without a variance.

(E) Accessory buildings shall not occupy over thirty percent (30%) of the area of the rear yard.

(F) All structures on a lot, including the dwelling, any accessory building(s), and any structure listed in Section C. above, shall not occupy over thirty-five percent (35%) of the total lot area in R-1 Districts and shall not occupy over forty percent (40%) of the total lot area in R-2 and R-3 Districts.

(G) No accessory building or structure, other than a fence or temporary construction, may be constructed prior to the time of construction of the principal building or structure on the lot.

(H) No commercial business shall be conducted in a garage or accessory building on a residential lot except as permitted under the "Home Occupations" sections of the City Code.

(I) No accessory building, other than a new building, may be moved into Windom without a prior inspection of the building by the Windom Building Official. No accessory building may be relocated from one lot to another lot in Windom without a prior inspection of the building by the Windom Building Official.

§152.326 ACCESSORY BUILDING SETBACKS

(A) No accessory use, garage, accessory building, gazebo, outdoor living room, pool enclosure, or any other structure shall be placed in the required front yard setback of a property. Neither any detached garage nor accessory building shall extend further than the front of the dwelling on the property.

(B) The property owner(s) must have sufficient space on his/her/their own property to access any detached garage in the rear yard.

(C) Any detached garage or accessory building shall be placed at least five (feet) from side and rear property lines.

(D) Any detached garage or accessory building cannot be placed on a utility easement without a conditional use permit. If a conditional use permit to allow placement on a utility easement is granted, the building must be movable (on skids) and must not be placed on a concrete slab in the event that utility work is necessary.

(E) Any detached garage and/or accessory building, including those less than 200 square feet, shall be placed at least six feet (6') from any attached garage, dwelling, and any other structure on the property.

§152.327 ACCESSORY BUILDING STANDARDS

(A) The construction of garages and accessory buildings in excess of 200 square feet shall include: The type of construction and building materials similar to the principal building

on the lot. Approved building materials include new dimensional lumber or new material that has been approved by the City's Building Department. Metal buildings and pole buildings in excess of 200 square feet to be constructed in R-1, R-2 or R-3 Districts will require a variance.

(B) Truck and/or van boxes are not approved accessory buildings and will not be allowed for use as accessory buildings. No temporary storage container may be placed on any lot without prior approval of the Building Department and then only for a period of not more than sixty (60) days.

(C) The total square footage of any one detached garage or accessory building on any lot shall not exceed 1,152 square feet (36' X 32') without a variance.

(D) The height of any detached garage or accessory building shall not exceed fifteen feet (15'), except that the height of any detached garage or accessory building on lots exceeding 15,000 square feet shall not exceed twenty feet (20') without a variance. Height shall be measured from grade to the uppermost peak of the building or structure.

§152.328 ACCESSORY SPACE FOR TWO-FAMILY DWELLINGS

The total area of garages and accessory buildings for a two-family dwelling shall be limited to 776 square feet per unit without a variance.

§152.329 ACCESSORY BUILDINGS ON UNDEVELOPED LOTS

If a property owner(s) own(s) an undeveloped lot which adjoins the lot on which his/her/their personal residence is located ("principal lot") and would like to construct an additional garage or accessory building on the undeveloped lot, the undeveloped lot shall be combined with the principal lot under one parcel number. The total square footage of the combined lots shall be used in calculating the total accessory space (detached garage and/or accessory buildings) allowable on the combined lots. Construction of the additional accessory building is subject to requirements of the City Code.

§152.330 GROUND COVERAGE OF ACCESSORY SPACE

(A) For purposes of these Code Sections, accessory ground coverage includes the total floor area of any detached garage and accessory building on the lot (or combined lots included under one parcel number). The maximum accessory ground coverage (total accessory floor area) for residential lots shall not exceed the following or thirty percent (30%) of the area of the rear yard, whichever is less, without a variance:

(1) Lots 8,000 square feet or less in area: Total accessory floor area shall not exceed 900 square feet without a variance.

(2) Lots over 8,000 square feet and not exceeding 10,000 square feet in area: Total accessory floor area shall not exceed 1,000 square feet without a variance.

(3) Lots over 10,000 square feet and not exceeding 12,000 square feet in area: Total accessory floor area shall not exceed 1,200 square feet without a variance.

(4) Lots over 12,000 square feet and not exceeding 15,000 square feet in area: Total accessory floor area shall not exceed 1,500 square feet without a variance.

(5) Lots over 15,000 square feet and not exceeding 17,000 square feet in area: Total accessory floor area shall not exceed 1,700 square feet without a variance.

(6) Lots over 17,000 square feet and not exceeding 20,000 square feet in area: Total accessory floor area shall not exceed 1,900 square feet without a variance.

(7) Lots over 20,000 square feet in area: Total accessory floor area shall not exceed 2,000 square feet without a variance.”

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

THE CITY CODE OF THE CITY OF WINDOM IS HEREBY AMENDED BY DELETING THE DEFINITIONS OF “*ACCESSORY BUILDING OR STRUCTURE*” AND “*ACCESSORY USE*” CONTAINED IN CITY CODE SECTION 152.002 (B), ENTITLED “DEFINITIONS”, IN THEIR ENTIRETY AND INSERTING THE FOLLOWING IN LIEU THEREOF:

“*ACCESSORY BUILDING OR STRUCTURE.* Any detached building, structure or improvement subordinate to a principal building which is situated on the same parcel as the principal building.

ACCESSORY USE. A subordinate use that is located upon the same parcel on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of the building or main use.”

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

THE CITY CODE OF THE CITY OF WINDOM IS HEREBY AMENDED BY DELETING CITY CODE SECTION 152.279, ENTITLED “ACCESSORY BUILDINGS”, IN ITS ENTIRETY AND INSERTING THE FOLLOWING IN LIEU THEREOF:

“§152.279 **ACCESSORY BUILDINGS.**

(A) In case an accessory building is attached to the principal building, it shall be made structurally a part of the principal building and shall comply in all respects with the

requirements of this chapter applicable to the principal building. See Code Sections under “*ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS*” for additional provisions regulating accessory structures.”

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

THE CITY CODE OF THE CITY OF WINDOM IS HEREBY AMENDED BY DELETING THE LANGUAGE OF CITY CODE SECTIONS 152.054 (D), 152.069 (D), 152.084 (C), and 152.369 (D) IN ITS ENTIRETY AND INSERTING THE FOLLOWING LANGUAGE IN THOSE SECTIONS IN LIEU THEREOF:

“See §§ 152.325 through 152.330 for additional restrictions.”

The numbering of these sections shall remain the same.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

This ordinance, or an approved Title and Summary of this ordinance, shall be published in the COTTONWOOD COUNTY CITIZEN and this ordinance shall be effective immediately upon publication.

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this 1st day of August, 2017.

Dominic Jones, Mayor

ATTEST:

Steven Nasby, City Administrator

1st Reading: July 18, 2017
2nd Reading: August 1, 2017
Adoption: August 1, 2017
Published: August 9, 2017