

ORDINANCE 22-082

Introduced by Councilor Howland

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE I, SEC 50-0018 – ACCESSORY BUILDINGS, FENCES AND SITE APPURTENANCES

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50, Article I, Sec.50-0018 of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50-0018. – Accessory buildings, fences and site appurtenances.

(a) Fences and walls.

- (1) No fence or wall shall be permitted which materially impedes vision across a required front yard.
- (2) In residential zones, no fence shall be more than six (6) feet in height in any side yard or rear yard or more than three (3) feet in height in any front yard.
- (3) In commercial and industrial districts, fences greater than seven (7) feet in height are required to have a building permit.
- (4) Retaining walls over four (4) feet in height require a building permit.
- (5) Fences shall be required to meet the visibility sight triangle requirement of section 50.0013(e) but no additional setback requirements apply.
- (6) All walls and fences shall be durable and kept in a condition so as not to become a nuisance. Drywall, cardboard, plywood and particle panels shall not be used as fencing materials. Standard fence materials shall include cedar fence posts and boards, treated wood fence posts and boards, PVC or vinyl fence posts and panels designed and manufactured for use as fence sections, aluminum fence posts and panels, wrought iron fence panels, steel fence panels designed and manufactured for use as fencing, chain link fencing with wood or tubular steel posts and frames and other materials as approved by the Zoning Administrator.

(b) Accessory structures in all residential districts, agricultural districts, and residential uses within a PD district unless specifically addressed in the accepted PD plan or CUP shall meet the following requirements.

- (1) The height of all accessory structures shall meet the requirements of section 50.0199 with the following exceptions:

- a. Accessory buildings containing a dwelling unit for servants' quarters or for private guests on a second story may have a height not exceeding twenty-five (25) feet.
 - b. Where the principal structure is a residence and is two (2) stories or taller, one (1) accessory structure may be taller than the maximum height specified in section 50.0199, but shall be no taller than the principal structure.
- (2) All accessory buildings or structures shall be no less than three (3) feet from a side or rear lot line or less than five (5) feet from any alley property line.
 - (3) Accessory buildings (garages, carports, or sheds) shall not be located closer to the front lot line than the principal building. In no case shall an accessory building be located less than twenty-five (25) feet to the front lot line. On lots of record where the primary structure setback is sixty (60) feet or greater, a maximum required setback of sixty (60) feet shall apply.
 - (4) An accessory building or structure attached to or part of the main building or located within the ten (10) feet of the rear or side wall of the main or principal building shall maintain the same side yard or rear yard as is required for the main or principal building.
 - (5) Individual private residential accessory structures shall meet the following standards based on lot sizes and other limitations found in City Code.

Lot Size	Maximum Size for Each Accessory Structure	Maximum Total Square Footage of Carports, Garages and Sheds Per Lot
Under 1.5 acres	1,080 square feet	1,400 square feet
1.5 to 2 acres	1,280 square feet	1,600 square feet
2 acres or larger	1,480 square feet	2,000 square feet
2 acres or larger and located within 80ft of Albert Lea city limits	1,680 square feet	3,000 square feet

- (6) No more than three (3) accessory structures (carports, garages or sheds) shall be allowed per lot or parcel in residential and agricultural districts.

- (7) Detached carports may be allowed as an accessory structure (garage or shed) in a back yard only. Attached carports may be located in the side or front yard subject to all setbacks.
 - (8) The dimensions of any accessory structure shall not exceed a three to one (3:1) ratio between width and depth.
 - (9) All development on a lot including principal and accessory structures shall not exceed more than forty (40) percent of total lot area.
 - (10) This subsection shall not prevent the construction or use of a private garage for joint storage of automobiles by two (2) owners built upon the dividing lot lines when no more than the total size, number and area of accessory structures is met for each lot.
 - (11) Temporary accessory structures may be allowed for thirty (30) days within any given calendar year or up to six (6) months within any calendar year with a permit issued by the inspection department. Conditions of a six (6) month approval shall relate to public safety, visibility of the structure from neighboring private or public property, general site conditions, limits on period of use, and the general health, safety, and well-being of the neighborhood. Additional time will be considered under the application for an interim use permit (per section 50.0053). Temporary structures shall not be allowed in any side or front yard for longer than thirty (30) days.
- (c) Accessory building and structures in business and industrial districts may occupy any of the ground area which the principal building is permitted to occupy.
- (1) Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in the front or side yard in I-2 district.
 - (2) Temporary accessory structures allowed in B-1, B-2, B-3, B-4, IDD, I-1, I-2, I-3, and DCD districts.
 - a. Tents over four hundred (400) square feet in size require a permit issued by the city fire department. Conditions of approval shall relate to public safety, visibility of the tent from neighboring private or public property, general site conditions and limits on period of use and the general health, safety, and well-being of the neighborhood.
 - b. Cargo containers are permitted as temporary accessory structures only. (Subject to applicable building and structure setbacks.)
 - c. Temporary accessory structures shall be allowed for thirty (30) days within any given calendar year or up to six (6) months within any calendar year with a permit issued by the inspection department. Conditions of a six (6) month approval shall relate to public safety, visibility of the structure from neighboring private or public property, general site conditions, limits on period of use, and the general health, safety, and well-being of the neighborhood. An extended period of use may be granted if an applicant seeks an interim use permit pursuant to section 50.0053.

- d. In all zoning districts accessory structures including fences and walls and associated landscaping shall meet the requirements of subsection 50.0013(e) for vision clearance.

	Residential Districts					PD**	Business Districts			Industrial Districts		
	R-1	R-2	R-3	R-O	R-P		DCD	B-2	B-3	I-1	I-2	I-3
Accessory structures												
Maximum heights*	15 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	50 feet	25 feet	25 feet	25 feet
Minimum front setback***	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	Same as principal structure					
Minimum side setback (interior lot)	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet	Same as principal structure					
Minimum side setback (corner lot street line)	12½ feet	12½ feet	12½ feet	12½ feet	12½ feet	12½ feet	Same as principal structure					
Minimum rear setback (no alley)	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet	Same as principal structure					
Minimum rear setback from alley edge	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	Same as principal structure					
Fences and walls												
Maximum height front yard***	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet	No maximum height. All fences over 7 feet tall require a building permit. See subsection 50.0013(a) for additional requirements for fence opacity in front yards.****				
Maximum height side and rear yards	6 feet	6 feet	6 feet	6 feet	6 feet	6 feet	6 feet					
Minimum setback interior lot lines (side and rear)	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
Other structures or appurtenances—Side setback												

Nothing over 2 feet in height shall be constructed or placed in a permanent manner within 1½ feet from any side property line.

*See subsection (b)(1) of this section for exemptions on height requirements for accessory structures.

**Dimensional standards in the PD zone apply to those situations only where the standard is not otherwise established in the PD site plan or CUP.

***See subsection (c) of this section for exemptions on front yard setbacks for accessory structures on properties with steep slopes.

****See subsection (a) of this section for additional requirements for fences in front yards.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor Brooks, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Rasmussen Jr.

And, the following voted against the same: None

Introduced the first time on the 26th day of September, 2022

Introduced the second time on the 10th day of October, 2022

Mayor Vern Rasmussen Jr.

Filed and attested to the 11th day of October, 2022

Secretary of the Council