

CITY OF SHOREVIEW

ORDINANCE NO. 1031

AN ORDINANCE TO AMEND CHAPTER 205 OF THE MUNICIPAL CODE PERTAINING TO  
ACCESSORY STRUCTURES AND BUILDINGS

THE COUNCIL OF THE CITY OF SHOREVIEW ORDAINS that Chapter 205, Development Regulations, is hereby amended by revising Section 205.081 Residential Estate District, Section 205.082 Detached Residential District (R1) and Section 205.083 Attached Residential District (R2) pertaining to Accessory Buildings and Accessory Structure bulk standards and setback requirements. The intent of the proposed amendment is to better clarify standards related to accessory buildings and structures for consistency within the development code. The Shoreview City Council ordains that Section 205 of the Shoreview Municipal Code is amended to read as follows (New language is underlined and highlighted red; red stricken text is proposed for deletion):

205.081 Residential Estate District (RE)

(A) Purpose. In addition to the purposes established in Section 205.080 (Residential Overview), the Residential Estate District is established to protect and enhance the character of single-dwelling neighborhoods where lot areas are substantially larger than required in the R1, Detached Residential District and to protect mature trees and other significant natural features that would otherwise be lost if more intensive subdivision were to occur. The term "neighborhood" is intended to consist of several lots with similar development and aesthetic characteristics.

(B) Permitted Uses. As regulated by Section 205.082(B) (Detached Residential).

(C) Required Conditions. As regulated by Section 205.082(D) (Detached Residential), with the following exceptions, unless less restrictive than another section of City Code (e.g., the Shoreland Ordinance), then the most restrictive Code shall prevail.

(1) Lot Area. Except as provided in this section, the minimum lot area shall be determined by the City Council at the time of rezoning but shall be limited to the following alternatives: 20,000 square feet; 40,000 square feet; 60,000 square feet; or 80,000 square feet. Minimum lot area requirements shall be designated on the zoning map in each RE District Title, e.g., RE(20) would indicate a minimum lot area of 20,000 square feet.

(a) The City Council shall base their decision on the character of the developed lots within an existing neighborhood or on the desired

character of lots in an undeveloped or underdeveloped area. Once established, any request to change a district's minimum lot area requirement shall be processed as a request for rezoning.

(b) When a subdivision is proposed for property zoned RE(20), the average area of the lots, less any land dedicated for public street, shall not be less than 20,000 square feet. To qualify to use an average lot area, the smallest lot(s) shall have at least 15,000 square feet of area. When such lot(s) will exceed 20,000 square feet of area, only up to 25,000 square feet of such lot shall be counted for purposes of calculating the average lot area.

(2) Lot Width-Interior Lots.

<u>District Title</u>	<u>Minimum Lot Width*</u>
RE (20)	80
RE (40)	100
RE (60)	100
RE (80)	120

(a) Add 15 feet for the minimum corner lot width requirement.

(3) Setbacks.

- (a) Front Yard. Dwellings and accessory buildings shall have a front yard setback of at least twenty-five (25) feet but in no event more than forty (40) feet.
- (b) Rear Yard. Dwellings shall have a rear yard setback of at least 30 feet, ~~and~~ accessory buildings and accessory structures shall have a rear yard setback of at least 10 feet, regardless of lot area requirements.
- (c) Side Yard. Side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. Dwellings, ~~and~~ accessory buildings and accessory structures shall maintain minimum side yard setbacks as follows:

District	Dwelling	Accessory Building/Structure
RE (20)	10	5
RE (40)	10	5
RE (60)	15	10
RE (80)	15	10

(d) Lot Coverage. Lot coverage shall be restricted as follows:

District Title	Maximum Lot Coverage
RE (20)	30%
RE (40)	20%
RE (60)	15%
RE (80)	15%

(e) Lots of Record. Legal lots of record that existed prior to a rezoning to a Residential Estate District shall continue to be classified as buildable lots, provided any new construction complies with the RE District standards to extent practical, as determined by the Director of Community Development.

#### 205.82 Detached Residential District (R1)

(A) Purpose. In addition to the purposes defined in Section 205.080 (Residential Overview), the Detached Residential District is established to reserve appropriately located areas for single-family living at reasonable population densities consistent with the Land Use Plan Chapter of the Comprehensive Guide Plan.

(B) Permitted Uses. In addition to the uses defined in Section 205.080 (Residential Overview), the following activities are permitted in the Detached Residential District:

- (1) Single-family structures and accessory structures.
- (2) Accessory apartments subject to permit requirements of Section 203.031 (Accessory Apartment Permit).
- (3) Manufactured homes.
- (4) The keeping of non-domestic animals is permitted on property containing two (2) or more acres. The City Council may require the owner of non-domestic animals to apply for a Conditional Use Permit if the Council determines that it is in the best interest of the public's health, safety or general welfare; except the following:

- (a) The raising and keeping of not more than four (4) hen chickens or pullets is permitted on property less than two (2) acres provided a license is obtained in accordance with Section 601.020(D).
- (b) The raising and keeping of honeybee colonies is permitted on properties less than two (2) acres provided a license is obtained in accordance with Section 601.020(E).

(5) The keeping of Wild Animals is permitted pursuant to the provisions of Section 601.020(B) and provided a license is obtained in accordance with the requirements of that Section.

(C) Conditional Uses. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

- (1) Funeral Homes (mortuaries) provided the site adjoins a collector or arterial roadway. The performance standards set forth in Section 205.043(C) (General Commercial District Conditional Uses) shall also be imposed as a condition(s) of approval.
- (2) Accessory Buildings that exceed the maximum allowable permitted with a conditional use permit provided that the standards in Table 205-A are met.
  - (a) Performance Standards
  - (b) The accessory buildings shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
  - (c) The accessory buildings shall be subordinate to the single-family residential dwelling unit.
  - (d) For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.
  - (e) The accessory buildings shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
  - (f) Greater setbacks may be required to mitigate impacts on adjoining properties.

(D) Required Conditions. In addition to the conditions of Section 205.080(D) (Residential Overview), the following conditions apply:

- (1) Lot Size. A lot of not less than 10,000 square feet with a minimum width of 75 feet and a minimum depth of 125 feet.
- (2) Setback. Dwelling and accessory buildings shall have a front yard setback of at least twenty-five (25) feet but in no event more than forty (40) feet. The side yard setback shall be a minimum of ten (10) feet except that side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. The rear yard setback shall be a minimum of thirty (30) feet. Zero lot line developments are permitted if consistent with adjacent land uses.
- (3) Height. 35-feet maximum.
- (4) Lot Coverage. Maximum of 40%
- (5) Accessory Buildings are subject to the maximum size and setback standards of Table 205-A below.
- (6) Accessory Structures are subject to the setback standards of Table 205-A below.

**Table 205-A**

<b>Lot Area</b>	<b>Type of Accessory Building</b>	<b>Maximum Area</b>	<b>Minimum Side Setback</b>	<b>Minimum Rear Setback</b>
<b>Less than 1/2 acre</b>				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive	5 feet	10 feet
	Detached (with no attached or less than 2-car attached)	750 square feet or 75% of the dwelling unit foundation area, whichever is more restrictive	5 feet	10 feet
	Detached Accessory Building (with 2-car or larger attached garage)	Up to 200 square feet	5 feet	10 feet
		CUP – 200 square feet to 288 square feet	10 feet	10 feet
	Combined – Attached and Detached	1,200 square feet or 90% of the dwelling unit foundation area, <u>whichever is more restrictive</u>		

<b>1/2 acre to less than 1 acre</b>				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive	5 feet	10 feet
	Detached (with no attached or less than 2-car attached)	1,000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive	5 feet	10 feet

	Detached Accessory Building (with 2-car or more attached garage)	Up to 288 square feet	5 feet	10 feet
		CUP – Up to 440 square feet	10 feet	10 feet
	Combined – Attached and Detached	1,200 square feet or 90% of the dwelling unit foundation area, <u>whichever is more restrictive</u>		

**1 acre to less than 2 acres**

	Attached	1,000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive	5 feet	10 feet
	Detached (with no attached or less than 2 car attached)	750 square feet or 75% of the dwelling unit foundation area, whichever is more restrictive	5 feet	10 feet
	Detached Accessory Building (with 2-car or larger attached garage)	Up to 200 square feet	5 feet – under 200 square feet 10 feet – 200 square feet and above	10 feet
		CUP – Larger than 440 square feet	10 feet	10 feet
	Combined – Attached and Detached	1,500 square feet or 100% of the dwelling unit foundation area, <u>whichever is more restrictive</u>		

**2 acres or more**

	Attached	1,000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive	5 feet	10 feet
	Detached (with no attached or less than 2 car attached)	1,000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive	5 feet	10 feet

	Detached Accessory Building (with 2-car or more attached garage)	Up to 440 square feet	5 feet – under 200 square feet 10 feet – 200 square feet and above	10 feet
		CUP – Larger than 440 square feet	10 feet	10 feet
	Combined – Attached and Detached	125% of the dwelling unit foundation area		

~~(67)~~ Alleys.

- (a) 20 feet if a garage overhead door faces the alley.
- (b) 10 feet if a garage overhead door is side-loaded and does not face the alley.
- (c) Location of the accessory buildings shall not interfere with vehicle visibility or traffic movement in the alleyway.

~~(78)~~ Accessory buildings on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in 205.080(D)(1).

~~(89)~~ No accessory buildings shall be located in the front yard of any lot, except for a riparian lot which shall comply with the provisions of Section 203.039 (Riparian Lot-Detached Accessory Structure Permit).

~~(910)~~ Buildings housing non-domestic animals: 100 feet from all property lines except as permitted by the City’s licensing provisions.

(E) Height – Detached Accessory Buildings

- (1) Height of sidewalls cannot exceed 10 feet.
- (2) Maximum height: 18 feet as measured from the highest roof peak to the lowest finished grade; however, in no case shall the heights of the accessory building exceed the height of the dwelling unit.

- (3) Storage areas are not permitted above the main floor provided they do not exceed an interior height of 6 feet.

(F) Maximum Number of Detached Accessory Buildings: 2

(G) Exterior Design and Construction

- (1) The exterior design and materials shall be compatible with the dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.
- (2) Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.
- (3) All accessory buildings shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.
- (4) All accessory buildings shall have a finished flooring system, with the exception of boathouses.
- (5) No accessory buildings shall be constructed prior to the construction of a principal structure.

(H) Use: Accessory buildings are to be used for personal use only and no commercial use or commercial related storage is permitted.

(I) Escrow: A cash escrow may be required to insure the removal of any accessory buildings on the property if said structure must be removed to comply with this Ordinance.

(J) Evaluation of Impact. The proposed design, scale, massing, height and other aspects related to the accessory building of any permit requested herein shall be evaluated by the City Manager with respect to the structures and properties in the surrounding area. A building permit may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not reasonably detract from the appearance of the area or city as a whole. Conditions may be attached to the approval of any building permit to

ensure that the proposed structure does not have a negative impact on the surrounding areas.

## 205.083 Attached Residential District (R2)

(A) Purpose. In addition to the purposes defined in Section 205.080(A) (Residential Overview), the Attached Residential District is established to:

- (1) Provide for all income levels an opportunity to enjoy a medium density environment.
- (2) Reserve appropriately located areas for family living in a variety of dwellings at a reasonable range of population densities consistent with the Land Use Chapter of the Comprehensive Guide Plan. Developments may be allowed to exceed the density recommendation in the Comprehensive Guide Plan by providing affordable housing consistent with Section 205.080 (E) and (F).
- (3) Provide special requirements for common facilities, parking and other conditions created by an increased population density.

(B) Permitted Uses. In addition to the uses defined in Section 205.080(B) (Residential Overview), buildings with 2-6 residential units are permitted in the Attached Residential District.

(C) Required Conditions. In addition to the conditions of Section 205.080(D) (Residential Overview), the following conditions apply for the Attached Residential District:

(1) Lot size. Minimum zoned area of 5 acres unless being rezoned from Urban Underdeveloped; minimum lot size of 10,000 square feet per building plus 1,000 square feet per unit and a width of not less than 80 feet per building.

(2) Setback. A front yard of 30 feet, a side yard of 10 feet except that side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. Zero lot line developments shall be permitted.

(3) Height. 35-foot maximum.

(4) Lot Coverage. A maximum of 55%. Maximum lot coverage may be increased to 60% if best management practice measures are taken to minimize negative effects on the environment as documented in the current editions of Minnesota Construction Site Erosion and Sediment Control Planning Handbook (MBWSR) and Protecting Water Quality in Urban Areas (MPCA).

(5) Accessory Buildings and Structures.

- (a) Approved accessory structures shall have a rear yard setback of ten (10) feet and side yard setback of five (5) feet, except that accessory structures on corner lots shall be set back the same distance as the principal structure.
- (b) Accessory buildingsstructures are subject to the maximum size and setback standards in Table 205-A.
- (c) Accessory buildingsstructures are subject to the Architectural and Site Design Standards in Section 206.050.
- (d) Accessory buildings and structures must be located entirely on private property. Setbacks are measured from private property lines.

(D) Development of Affordable Housing. Multi-family structures that meet the requirements in Section 205.080 (E) and (F) may be eligible for development and financial incentives, as described in Section 205.080 (G).

Adoption Date: Passed by the city council of the City of Shoreview on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Effective Date: This ordinance shall become effective the day following its publication in the City's official newspaper. 03-13-2024eff

Publication Date: Published on the \_\_\_\_ of \_\_\_\_\_, 2024.

SEAL

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Sue Denking, Mayor

Attest:

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Brad Martens, City Manager