

*The purpose of these standards is to regulate the size, use and location of accessory structures.*

*Definition Accessory Structure: A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.*

*Definition Temporary Structure: a building or other structure that is erected on a seasonal or other temporary basis for up to 180 days. Temporary structures include Intermodal Shipping Containers. Temporary structures do not include camping tents, events tents or other tent structures erected on a short-term basis.*

## 1.2

### Accessory Structures/Attached Garages

- (1) Required Permits. A building permit is required for all accessory structures except the following: (1) agricultural buildings on a farm of forty acres or more, as defined in Minnesota Statute 16B.61 and (2) accessory structures that are 120 square feet or smaller. A certificate of compliance is required for all agricultural buildings and accessory structures over 1,000 square feet in size. A site permit is required for temporary accessory structures.
- (2) Performance Standards. The following standards apply in all districts.
  - (A) No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a rural farm containing forty (40) acres or more.
  - (B) The following standards must be met on any lot or parcel with an existing or proposed accessory structure, except for small structures (25 square feet or less) used to shelter children waiting for school buses:
    1. The setbacks required in the zoning district must be met.
    2. Stormwater Best Management Practices: Use gutters, rain gardens, rain barrels, swales and other techniques to best manage stormwater and to mitigate the effects of impervious surfaces.
    3. Screening and Landscaping: Provide landscaping and trees to screen the building or buildings from the road and neighboring properties, per the Township Screening Policy.
    4. Environmental Impact: Plan the structure or structures on the site to preserve plant communities, woods, prairie, animal habitat or other natural resources which are not protected by existing requirements (i.e., protected wetlands and waters).
    5. In all cases, the total amount of impervious surface, including but not limited to the primary structure, driveways, tennis courts, parking areas, and existing and proposed accessory structures shall not exceed the

maximum lot coverage permitted by this Ordinance for the district where the parcel is located. Temporary structures are not included in the total amount of impervious surface. (Permit applications shall include calculations of existing and proposed impervious surfaces.)

(C) No detached accessory structure shall be located closer to the road right-of-way than the principal building on a lot without obtaining a Variance, unless all of the following conditions are met:

1. The structure is a small structures (twenty-five [25] square feet or less) used to shelter children waiting for school buses, if all setbacks are met.
2. The accessory structures is located at least two hundred (200) feet from the road right-of-way on lots of five (5) acres or larger and meeting all setback requirements.
3. Township screening policies are applied, where appropriate.

(3) For attached garages, the maximum footprint of the attached garage shall not be more than one hundred (100) percent of the footprint of the primary structure. (This limit shall not apply to “bonus rooms” or “underground garages.”)

(4) In Agricultural (A-4), Conservancy (C), St. Croix River (SCR) and Transitional (TZ) districts, the following additional standards apply to all land within these districts:

(A) Storage, boat or tool sheds are defined as one hundred and twenty (120) maximum square feet, twelve (12) feet maximum roof height, maximum door opening area of twenty-eight (28) square feet and maximum one story. Structures defined in this section shall count towards the square footage referenced in Section 4(B) 1.

(B) Detached accessory buildings are allowed.

1. For buildings larger than one hundred and twenty (120) square feet, a building permit is required. For buildings larger than one thousand (1,000) square feet, a building permit and a Certificate of Compliance are required.

The permitted size and number of accessory buildings are as follows:

Acres	No. of buildings allowed	Maximum sq. ft. (footprint)	Maximum Height in ft. for structures in <b>Front Yards</b>
less than 5	1	1,600	No taller than the primary structure or 18' maximum
5 to less than 8	2	2,400	21'
8 to less than 11	2	2,600	25'
11 to less than 14	2	2,900	30'
14 to less than 17	2	3,200	30'
17 to less than 20	2	3,600	30'
20 or greater	unlimited*	unlimited*	35'

*\* provided they are agricultural buildings*

2. The maximum permitted height for accessory structures located in the side or rear yard is the maximum building height permitted in the zoning district.
3. On parcels of twenty thousand (20,000) square feet in area or less no detached garage shall exceed seven hundred and twenty (720) square feet in floor area.
4. In Shoreland Districts, the maximum height of non-agricultural structures is one (1) story.
5. Accessory storage structures that are less than one hundred and twenty (120) square feet in size are included in the maximum total square feet of accessory structures allowed, but are

not included in the maximum number of buildings allowed.

6. Agricultural buildings that the Township considers to be of historic character may be exempt from the limitations on the number and size of accessory structures.
  7. Accessory Buildings may not include kitchen facilities or full bathrooms. Accessory buildings used for non-storage use must comply with all rules and regulations, including related building codes, of federal, state, county, and local government agencies. They may not be rented, leased or sold separately from the rental, lease or sale of the main single-family dwelling unit on the lot. The accessory structure may be no more than two (2) stories and may not exceed thirty-five (35) feet in height.
- (C) Temporary structures are allowed. For structures larger than one hundred and sixty (160) square feet, a site permit is required. Permits for temporary structures shall be limited to no more than one hundred and eighty (180) days in a calendar year. The building inspector may grant extensions of up to sixty (60) days for demonstrated cause. Temporary structures defined in this section shall not count towards the square footage referenced in Section 4(B) 1.
- (D) All detached accessory buildings and temporary structures are to be used for personal use or agricultural use only. No commercial use or commercial-related storage is allowed in these structures.
- (E) On parcels of twenty thousand (20,000) square feet in area or less, no detached garages shall exceed seven hundred and twenty (720) square feet in floor area.
- (F) No land shall be subdivided so as to have a larger building or structure and/or exceed the total number of buildings and structures as permitted by this Zoning Ordinance. In the event that a landowner wishes to subdivide a parcel, the accessory building or buildings must be removed or reduced in size to comply with Section 1.2 of the Zoning Ordinance.

*Accessory structures used to house domestic farm animals are subject to additional regulations.*

(G) Domestic Farm Animals. Accessory buildings and structures used to shelter domestic farm animals must meet the following requirements:

1. All domestic farm animal structures, feedlots and manure storage sites shall be setback as follows:

<u>Natural/ Man-Made Features</u>	<u>Horizontal Setbacks</u>
(a) Any property line	100 feet
(b) Any existing well or residential structure on the same parcel	50 feet
(c) Any existing well or residential structure on adjacent or nearby parcel	200 feet
(d) Seasonal or year-round body of surface water	200 feet

2. Said structure, feedlot or manure storage shall not be placed on slopes which exceed thirteen (13) percent.

3. Evidence of seasonally high ground water level or mottled soil (as established by six (6) foot borings) shall not be closer than four (4) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.

4. No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot or grazing area.

(5) Reference Guidelines:

(A) The following are guidelines or suggestions to be considered when planning an accessory building.

1. Architectural Character: Design the structure for architectural interest, including the use of windows, shutters, gambrel roof, cupolas, or other features; architectural quality elevations/pictures/site plans; and/or building

with non-metal siding and concrete or other hard-surface floor.

2. Agricultural or Equestrian Use: Show that the use of the structure contributes to Stillwater Township's rural character.
3. Unique Design Features: Utilize design elements related to the history of Stillwater Township.
4. Renewable Energy: Use of proven wind, solar, or other non-petroleum based energy sources.