TOWN of MAY
WASHINGTON COUNTY, MINNESOTA

Ordinance No. 2019-01

AN ORDINANCE AMENDING SECTION 705.05 THE MAY TOWN CODE DEALING
WITH ATTACHED GARAGES AND BACKYARD SHEDS

Section 1. Findings

WHEREAS, the May Town Code currently allows the following relative to attached garages:

1. An accessory building whose foundation is within six (6) feet of the foundation of the house or its attached garage, is considered an attached garage;

2. Although there are limits on the size and number of detached accessory buildings, there is no limit on the size and number of attached garages;

3. Small sheds not requiring a building permit are currently limited to 120 sq feet in size, yet the state building code allows these sheds to be up to 200 sq feet in size, and

WHEREAS, the Town has observed and has allowed per the Town Code, accessory buildings being built six feet from the house and thus be treated as attached garages, yet the look, size and use may be of an accessory pole building in nature; and

WHEREAS, allowing buildings to be as close as six feet apart can create roof storm water issues as this runoff can become combined and concentrated between the buildings and is counter to IRC Section R403.1.7.3 dealing with foundation drainage; and

WHEREAS, accessory uses such as the storage of fuels, paints, lubricants and the like in a building six feet away from the house, adds risk to the house from potential intense fire; and

WHEREAS, for true attached garages there is no limit to their size relative to the size of the house, and no limit to their number, and thus the Town has examples of attached garages having a greater square footage than the main floor of the house, as well as there being multiple attached garages; and

WHEREAS, in such cases the attached garage spaces can appear to be the primary use of the property as opposed to the house, which is supposed to appear, and be, the primary use; and

WHEREAS, the Town now wishes to be in-line with the state building code and allow back yard sheds not requiring a building permit to be up to 200 sq feet in size, but such buildings must still meet all aspects of the Zoning and Building codes, such as meeting setbacks.

WHEREAS, the May Town Board, on advice from its Planner and Building Official, wishes to remedy what it deems to be shortcomings in its Town Code by amending section 705.05 of its Code, as follows:
1. No longer allow buildings whose foundation is within six (6) feet of the foundation of the house or its attached garage to be considered attached.

2. Place reasonable limits on the number and size of attached garages, specifically that the maximum number of attached garages is two (2) and the maximum square footage of all attached garages be no more than the (main) Floor Area of the residential building as that term is defined in the Town Code, and other limits as may be reasonable.

3. That for houses of less than 1,000 sq feet they may have an attached garage up to 1,000 sq feet in size.

4. That for a two-story attached garage the square footage is only that of the main level of the garage, not both levels.

5. That the maximum size of backyard shed exempt from needing a building permit be increased from 120 sq feet to 200 sq feet, and that it be stated that such sheds must meet all other aspects of the Zoning and Building codes, including setbacks.

Section 2. Code Amendment

NOW THEREFORE THE MAY TOWN BOARD does hereby adopt new Section 705.05 of the May Town Code as shown in Exhibit A. attached hereto.

Further, that the definition of Floor Area in Chapter 7 be amended to make it clear that porches and decks are also not counted in the main floor size calculation, as follows:

(83) Floor Area. The gross area of the main floor of a residential building measured in square feet, exclusive of porches, decks, attached garages, breezeways and similar attachments.

Section 3. Effective Date

This ordinance shall be in full force and effect after its passage and publication according to law.

Section 4. Severability

If any part of this ordinance is held invalid by a court of competent jurisdiction, this shall not invalidate any other section, provision or part thereof.

BY ROLL CALL VOTE OF THE MAY TOWN BOARD: ADAMS \(\text{Yes}\); PAZLAR \(\text{Yes}\); VOEDISCH \(\text{Yes}\); THIS ORDINANCE IS HEREBY ADOPTED THIS 7th DAY OF FEBRUARY, 2019.

[Signatures]

Attent: Town Clerk, Linda Tibbets

Board Chair, Bill Voedisch

LINDA M. TIBBETS
Clerk, Town of May, County of Washington
Notarial Officer (ex-officio notary public)
My term is indeterminate
Section 705.05: Accessory Buildings and Structures

A. Types of Accessory Buildings.

1. Types of Accessory Buildings. Types of accessory buildings include, but are not limited to, the following: agricultural building, boat house, storage building, ice fishing house, lean-to, private garage, and storage or tool shed. (See Section 702.01 Definitions.)

B. General Requirements.

1. Detached accessory buildings are approved for personal and/or agricultural use. A small business as defined in 402.02 (1) of this Code may operate within an accessory building, with business equipment stored therein, so long as a Small Business Permit has been issued by the Town. A business operation whose impacts do not rise to the level of a small business as defined in 402.02 (1) of this Code, may store business equipment inside an accessory building only as allowed by 402.02 (1). (Amended Ord. 2014-10, Effective March 20, 2015)

2. In all districts, all structures, landscaping and fencing shall be reasonably maintained so as to avoid health or safety hazards and prevent degradation in the value of adjacent property.

3. No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.

4. A building permit is required for all accessory structures larger than one hundred twenty (120) two hundred (200) square feet except agricultural buildings. Agricultural buildings shall require administrative review and approval of the Town Building Official. All such structures shall meet all Zoning and Building Code provisions including setbacks.

5. Square footage shall be determined by measuring the outside dimensions of the structure.

6. An agricultural building or domestic farm animal building may require a Minnesota Pollution Control Agency Permit.

7. Ice fishing houses stored on parcels of land during summer months shall be considered an accessory storage building equivalent to a storage shed. Ice fishing houses shall meet the size limitations of Section 705.05 and all other provisions of this Code.
C. **Dimensional Standards.**

1. The maximum height and total square footage for all detached accessory structures on a property are as follows: (Amended by Ord. 2013-04, Effective 12/13/13; Amended by Ord. 2014-01, Effective 9/10/14)

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Total Square Footage</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcels less than 1 acre</td>
<td>720 sq. ft.</td>
<td>14 feet</td>
</tr>
<tr>
<td>1 acre - 2.49 acres</td>
<td>1,000 sq. ft.</td>
<td>16 feet</td>
</tr>
<tr>
<td>2.5 acres - 5 acres</td>
<td>2,000 sq. ft.</td>
<td>18 feet</td>
</tr>
<tr>
<td>5.01 acres - 20.00 acres</td>
<td>2,500 sq. ft.</td>
<td>21 feet</td>
</tr>
<tr>
<td>20.01 or more acres, non-agricultural buildings*</td>
<td>5,000 sq. ft.</td>
<td>25 feet</td>
</tr>
<tr>
<td>20.01 or more acres, agricultural buildings**</td>
<td>Unlimited</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

* On parcels of 20.01 or more acres, any non-agricultural building over 2,500 sq. ft. in size must meet a minimum 100 foot setback from side and rear lot lines.
** On parcels of 20.01 or more acres, agricultural buildings must be put to an agricultural use immediately after construction.

2. No detached garage used or intended for storage of passenger automobiles, recreational vehicles, boats, tractors or trailers shall exceed one thousand (1,000) square feet, nor shall any attached residential garage exceed the height of the principal structure.

3. The dimensions of a lean-to on a parcel of ten (10) acres or more in size shall not be counted in calculating the square footage of the accessory building to which it is attached and thus shall not be counted in the calculation of the total square footage of all detached structures provided, however, that if one (1) or more sides of a lean-to is closed, whether permanently or temporarily, it will no longer be considered a lean-to and its dimensions will be used to calculate the square footage of its associated accessory building and the total square footage of all detached structures.

4. In addition to the requirements of paragraph 3, the square footage of a lean-to shall not measure more than seventy (70) percent of the square footage of the accessory building to which it is attached, and no more than fifty (50) percent of the allowable lean-to square footage may be located on any one side of the accessory building.

D. **Setbacks.** All accessory buildings shall comply with the required yard setbacks of the zoning district in which it is located and the following regulations:

1. No detached garage or other accessory building shall be located nearer the front lot line than the principal building on the lot. In the case of a corner lot, both lot lines fronting a public street shall be considered a front lot line. Accessory structures located on a lake or stream frontage lot may be located between the public road and the principal structure, provided that all other setback requirements are met.
2. No accessory building in which a business operation is being conducted shall be located closer than 100 feet to any property line.

3. For purposes of this section of the Zoning Ordinance, towers over 35 feet in height shall be considered “Accessory Buildings” and must adhere to all setbacks specified in this ordinance as well as any setback requirements stated elsewhere in the Town Code dealing with towers.

4. For purposes of this section of the Zoning Ordinance, the following structures shall be considered “Accessory Buildings” and must adhere to all setbacks specified in this ordinance: self-standing (not building-mounted) solar panels, dog kennels and dog runs, swimming pools, and outside word burning boilers and furnaces.

5. All accessory buildings and detached garages shall be ten (10) or more feet from any other structure on the same lot.

E. Number of Accessory Buildings.

1. On parcels of two and one-half (2.5) acres or less, one (1) detached accessory structure is allowed. On parcels greater than two and one-half (2.5) acres and up to and including twenty (20) acres, a maximum of two (2) detached accessory structures are allowed. On parcels greater than twenty (20) acres, there is no limit on the number of accessory structures, provided they are agricultural buildings.

2. One (1) single story shed of up to two hundred (200) one hundred twenty (120) square feet is permitted in addition to the number of accessory structures listed above, and the area of such shed shall not be counted in the total square footage area of all accessory structures on a property.

3. For accessory buildings, nominal relief from the setback standards of the Town Code may be applied for under the Certificate of Compliance process as defined in Article 311 of this Code.

F. Accessory Building Integral to Principal Building. An accessory building shall be considered as an integral part of the principal building if it is located six (6) feet or less from the principal building. The exterior design and color shall be the same as that of the principal building or be of an earthen tone.

Attached Garages

1. Attached garages must meet the same setback requirements of principal structures as established by this Code.

2. Attached garages shall not exceed two in number.
4. The square footage of ground level footprint of an attached garage shall not exceed the Floor Area of the principal structure or 1,000 square feet, whichever is greater.

5. No attached garage shall exceed the height of the principal structure.

6. The exterior design and color of any attached garage shall be the same as that of the principal structure.

7. Attached garages shall be structurally attached to heated, habitable space within the principal building. Buildings attached by a breezeway, porch or other similar method is considered a detached building for the purpose of this ordinance.

G. Farmsteads. Land may be subdivided into parcels such that the existing number and square footage of accessory structures may remain as a farmstead so long as such farmstead is subdivided onto a parcel of at least ten (10) acres, subject to the following conditions:

1. The accessory structures existed as part of the farmstead as of January 1, 2001;

2. There shall be no additional accessory buildings constructed on the property;

3. If any accessory structure becomes a hazardous building, as defined by this Code, it shall be repaired or removed by the owner.

H. Lean-Tos.

1. Lean-tos shall be supported by posts only along one side of the lean-to.

2. Lean-tos shall have the same roof pitch as the accessory building to which it they are attached.

3. Lean-tos must be constructed of the same materials and be of like appearance to the accessory building to which they are attached.

4. All lean-tos are to be used for personal or agricultural use only. No commercial use or commercial related storage is allowed in a lean-to unless expressly permitted by the terms of a Small Business Permit issued by the Town.