

**CITY OF OAK PARK HEIGHTS  
WASHINGTON COUNTY, MINNESOTA**

**ORDINANCE NO. 2017-401-4**

**AN ORDINANCE AMENDING CHAPTER 401, ZONING  
ORDINANCE AS IT RELATES TO THE ACCESSORY  
BUILDING REGULATIONS FOR HEIGHT, SIZE AND  
ALLOWANCES FOR TEMPORARY STRUCTURES IN  
SECTION 401.02.B DEFINITIONS; 401.15.D ACCESSORY  
BUILDINGS, USES AND EQUIPMENT; AND SECTION  
401.15.C.8 BUILDING TYPE AND CONSTRUCTION**

**THE CITY COUNCIL OF OAK PARK HEIGHTS ORDAINS:**

**SECTION 1.** Section 401.02.B Definitions, is amended to include the following:

**Temporary Structures:** Any structure that is designed, constructed and intended to be used on a short-term basis.

**SECTION 2.** Section 401.15.D.1-11. Accessory Buildings, Uses and Equipment, is amended to read as follows:

1. **Connection with Principal Building.** An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

2. **Location.** No accessory buildings shall be erected or located within any required yard other than the rear yard except by approval of a conditional use permit according to the provisions of Section 401.03 and Section 401.15.D.13 of this Ordinance.

3. **Height/Setbacks.** Accessory buildings shall not exceed twenty (20) feet in height or exceed the height of the principal structure on the lot. Accessory buildings shall be five (5) feet or more from side lot lines, eight (8) feet from the rear lot line, and shall be six (6) feet or more from any other building or structure on the same lot. Accessory buildings may be closer than six (6) feet to other buildings or structures provided the requirements of the Building Code are met. Accessory buildings shall not be located within a utility and/or drainage easement unless written approval is obtained from the easement holder. The setback and height requirements under this provision may be varied by approval of a conditional use permit as provided for in Section 401.03 and Section 401.15.D.13 of this Ordinance.

4. **Lot Coverage.** No accessory building or detached garage or combination thereof within a residential district shall occupy more than twenty-five (25) percent of the area of the rear yard except by approval of a conditional use permit according to the provisions of Section 401.03 and Section 401.15.D.13 of this Ordinance.

5. **Number of Structures.** No building permit shall be issued for the construction of more than one (1) accessory structure for each detached single family dwelling, commercial, industrial, public or institutional building except by approval of a conditional use permit according to the provisions of Section 401.03 and 401.15.D.13 of this Ordinance. Every detached single family dwelling unit erected after the effective date of this Ordinance shall be so located on the lot so that at least a two (2) car garage, either attached or detached, can be located on said lot.

6. **Size.** No accessory building for single family dwellings or combination of attached and detached accessory buildings shall exceed one thousand, two hundred (1,200) square feet of floor area, except by conditional use permit as provided for in Section 401.03 and Section 401.15.D.13 of this Ordinance.

7. **Administrative Approvals.** Storage buildings one hundred twenty (120) square feet or less and in conformance with the provisions of this Ordinance may be approved by the Building Official without a building permit, and may be in excess of the number of structures allowable in Section 401.15.D.5. above.

8. **Building Permit.** No building permit shall be issued for the construction of an accessory building in a residential district when an existing detached garage or other accessory building is located on the same lot, except by conditional use permit as provided for in Section 401.03 and Section 401.15.D.13 of this Ordinance.

9. **Accessory Uses.** No accessory uses or equipment such as air conditioning cooling structures or condensers, swimming pools, and the like which generate noise may be located in a side yard except for side yards abutting streets where equipment is fully screened from view.

10. **Compatibility.** The same or similar quality exterior material shall be used in the accessory building and in the principal building except as allowed as a temporary structure in Section 401.15.D. 11. of this Ordinance. All accessory buildings shall also be compatible with the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building including roof pitch and style is not at variance with the principal building from an aesthetic and architectural standpoint.

11. **Temporary Accessory Structures.** Temporary accessory structures shall be allowed in all zoning districts with the issuance of a special event permit for a maximum of 50 days in a calendar year subject to the following:

a. The structure shall be securely fastened to the ground, subject to the safety requirements of the manufacturer.

b. The structure shall be kept in good condition and its appearance shall not be detrimental to the area or adjacent properties.

c. The temporary use does not involve the erection of a substantial structure or require any other permanent commitment of the land.

d. The temporary structure shall be removed at the end of the permit period. If not removed within 10 days thereafter, the City shall have the right to remove the structure at the permittee's expense.

**SECTION 3.** Section 401.15.D.13. Accessory Buildings, Uses and Equipment, is amended to revise Section 401.15.D.13 i and j as follows:

13. **Conditional Use Permits.** Application for a conditional use permit under this sub-section shall be regulated by Section 401.03 of this Ordinance. Such a conditional use permit may be granted provided that:

i. The building height of an accessory building shall not exceed twenty (20) feet.

j. Accessory buildings or detached garages or combination thereof within a residential district shall not occupy more than twenty-five (25) percent of the rear yard.

**SECTION 4.** Section 401.15.C.8. Building Type and Construction, is amended to revise Section 401.15.C.8.a.5) as follows:

8. **Building Type and Construction.**

a. **General Provisions.**

5) **Accessory Buildings.** All accessory buildings to residential dwelling units and non-residential uses shall be constructed with a design and materials consistent with the general character of the principal structure on the lot as specified in Section 401.15.D of this Ordinance except as allowed for temporary accessory structures specified in Section 401.15.D.11.

**SECTION 5.** The Planning Commission of the City of Oak Park Heights held a public hearing at their September 14, 2017 meeting, took comments from the public, and recommended that the City Council approve amendments to the accessory building regulations as it relates to height, size and allowances for temporary structures in Section 401.02.B Definitions; 401.15.D Accessory Buildings, Uses and Equipment; and Section 401.15.C.8 Building Type and Construction.

**SECTION 6.** This Ordinance shall be in full force and effect upon its passage and publication.

PASSED this 10th day of October 2017 by the City Council of the City of Oak Park Heights.

**CITY OF OAK PARK HEIGHTS**

/s/ Mary McComber, Mayor

ATTEST: /s/ Eric A. Johnson

City Administrator

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