



Ordinance 22 - 17

An Ordinance Amending Chapter 30, Section 30-793, Accessory buildings of the City of Elk River, Minnesota, City Code

The City Council of the City of Elk River does hereby ordain as follows:

SECTION 1. That § **Section 30-793**, Accessory buildings of the City of Elk River Code of Ordinances shall be amended to read as follows:

- (a) *Time of construction.* No accessory building or structure shall be constructed on any residential lot prior to the time of construction of the principal building to which it is accessory.
- (b) All accessory structures greater than 200 square feet shall require a building permit and comply with all applicable building codes. In any zoning district, all metal finishes/coverings shall be factory pre-finished.
- (c) *R-1a district.* Restrictions on the number of agricultural accessory structures shall not apply to parcels that are 40 acres or larger. The total area of attached garages and number of detached accessory buildings shall not exceed the following:

R-1a Accessory Building Requirements		
Parcel Size	Max Accessory Structure Area	Number of Detached Structures
less than 1 acre	2,000 sq. ft. attached and detached	2
1 acre to < 2.5 acres	2,500 sq. ft. attached and detached	2
2.5 acres to < 5 acres	3,000 sq. ft. attached and detached	2
5 acres to < 10 acres	4,000 sq. ft. attached and detached	4
10 acres to < 20 acres	8,000 sq. ft. attached and detached	4
20 acres to < 40 acres	16,000 sq. ft. attached and detached	4
40 acres	Not to exceed 2% of the lot area	Unlimited

- (d) *Other R-1 districts.* In the R-1b, R-1c, and R-1d zones, two detached accessory buildings are allowed per single-family parcel. The total area of attached garages and accessory buildings shall not exceed the following scale:

Parcel Size	Maximum Accessory Structure Area
Less than 1 acre	1,200 sq. ft. attached and detached
1 acre to < 5 acres	2,500 sq. ft. attached and detached
5 acres to < 10 acres	3,500 sq. ft. attached and detached
10 acres to < 20 acres	4,500 sq. ft. attached and detached
20 acres to < 40 acres	6,000 sq. ft. attached and detached
40 acres or more	Unlimited

- (e) *Attached accessory buildings; separation between accessory building and main building.* In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this article applicable to the main buildings. An accessory building, unless attached to and made a part of the main building, shall not be closer than five feet to the main building.
- (f) All accessory structures, whether a building permit is required or not, shall comply with the required minimum setbacks and shall be anchored to the ground in compliance with all applicable building codes. Accessory structures are permitted in any zone and may be finished with metal panels, wood, vinyl lap siding, metal siding, and/or masonry. Canvas, fabric or plastic covered structures and prefabricated molded plastic storage containers less than 120 square feet in floor area are permitted as an accessory structure in any residential zoning district.
- (g) On lots less than 2½ acres in the R-1b, R-1c, R-1d, R-1e and residential PUD districts, detached accessory structures greater than 200 square feet may be finished with wood, vinyl lap siding, metal siding, and/or masonry. In the A-1 and R-1a districts, and on lots greater than 2½ acres in the R-1b, R-1c, R-1d, R-1e and residential PUD districts, accessory structures may be finished with metal panels, wood, vinyl lap siding, metal siding, and/or masonry.
- (h) Accessory structures exceeding 120 square feet in floor area, in any zoning district, may not be finished with canvas, fabric and/or plastic membranes with the following exception:
In the R1a and A1 districts, engineered fabric accessory structures shall be allowed provided the following conditions are met:
- i. The parcel is ten acres or greater.
 - ii. The applicant shall obtain a building permit and the structure shall meet the wind and snow load requirements of the building code.



- iii. The structure will be considered permanent and shall be included in the maximum number of detached structures and total square footage of accessory structure calculation.
- iv. The structure shall meet the required accessory structure setbacks for the zoning district and shall be no closer than 250 feet from a residential structure on any adjacent lot.
- v. The structure shall be removed if the parcel is subdivided into lots smaller than five acres in area.

With the exception of the A-1 district, galvanized corrugated panels shall not be allowed. Metal panels shall be allowed as a roofing material on any accessory structure.

- (i) Temporary tent structures of any size will be allowed for, but not limited to, family gatherings, weddings and special occasions/events. Temporary accessory structures shall not be erected for more than four consecutive days and shall not be erected again for a period of three days thereafter. Temporary tent structures shall comply with the required minimum setbacks and shall be anchored to the ground in compliance with all applicable building codes. For events requiring more than four days, a general planning permit shall be required.
- (j) In all single-family residential zoning districts, a minimum 20-foot × 22-foot single garage shall be constructed with a minimum of 440 square feet in area.

(Code 1982, § 900.20(3); Ord. No. 02-18, § 2, 12-16-2002; Ord. No. 04-21, § 1, 12-20-2004; Ord. No. 05-16, § 1, 7-18-2005; Ord. No. 15-14, § 1, 5-18-2015; Ord. No. 15-19, § 1, 7-20-2015)

SECTION 2. That this ordinance shall take effect upon adoption and be published as provided by law.

Passed and adopted by the City Council of the City of Elk River this 18th day of July, 2022.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk

