CITY OF MAYER
ORDINANCE # 199

AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 152: ZONING, SECTION 152.030 ACCESSORY STRUCTURES LETTER (A) RELATING TO THE FLOOR AREA FOR WHEN PERMITS ARE REQUIRED FOR DETACHED ACCESSORY STRUCTURES AND SECTION 152.093 FENCES LETTER (E) RELATING TO THE FENCE HEIGHT FOR WHEN PERMITS ARE REQUIRED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYER THAT THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE, RELATED TO ACCESSORY STRUCTURES AND FENCES BE AMENDED TO READ AS FOLLOWS:

SECTION 152.030 - ACCESSORY STRUCTURES.

(A) Accessory buildings and structures in residential districts shall be subject to the following regulations:

(1) No accessory building or structure shall be constructed on a parcel without a principal building.

(2) There shall be no more than one accessory building on a lot, unless no attached garage is present, then there shall be no more than one accessory building permitted in addition to a detached garage. When an attached garage is present, then a detached garage shall be considered an accessory building.

(3) A building permit is required for all accessory buildings and structures over two hundred (200) square feet.

(4) *Setback.* Accessory buildings and structures attached to or part of the principal building shall maintain the same setbacks as required for the principal buildings.

(a) *Decks - or porch extension.* A deck or porch that is attached to the rear (backyard) side of a principal building may extend up to 50% of the required rear setback for the principal building. Such extension shall be subject to council review and approval.

(b) Detached accessory buildings and structures shall be at least five feet from side lot lines, and five feet from rear lot lines.

(5) *Location.*

(a) No accessory building or structure shall be constructed within a front yard or corner side yard.

(b) Accessory buildings and structures shall not be permitted within an easement.

(6) *Size.* Tool houses, sheds, and similar buildings for storage of domestic supplies and non-commercial recreational equipment shall not exceed two hundred (200) square feet.

(7) *Height.* No accessory building or structure shall exceed 17 feet in height.

(8) *Design characteristics.* In all cases, accessory buildings shall be constructed of materials similar to the principal structure, and in character with the surrounding built environment.

(9) The requirements of this section do not apply to domesticated animal enclosures (doghouses) or children's playhouses, provided such structures are less than 25 square feet in area and five feet in height.

(B) Accessory buildings in commercial and industrial zoning districts shall maintain setbacks as defined for principal structures. All accessory buildings and structures for commercial and industrial uses shall require site plan approval.

(C) Accessory structures that are constructed in any required yard shall not occupy more than 30% of the yard area in which it is located. The 30% maximum coverage shall include the total of all accessory buildings and structures.

SECTION 152.093 - FENCES.

(E) *Fencing in residential districts.*

(1) Side and rear yard fences shall not exceed a maximum height of seven (7) feet. Front yard fences and fences located within the side yard abutting a street of a corner lot, shall not exceed a maximum height of four (4) feet.

(2) *Double frontage lots & corner lots.* Fences greater than four (4) feet in height, located within side yards abutting a street on a corner lot, shall be setback thirty (30) feet from the property line. Fences running along arterial or collector roads in the rear yard of a double frontage lot shall not exceed a maximum height of eight (8) feet. Fences in the rear yard of a double frontage lot running along other streets shall not exceed a maximum height of seven (7) feet and shall be setback thirty (30) feet from the property line.

(3) Fences around dog kennels not exceeding fifty (50) square feet in size, fences around garbage cans, and garden fences will not require fence permits but shall adhere to the other regulations of this section.

(G) *Required fences – swimming pools.*

(1) Outdoor swimming pools shall be adequately fenced to prevent uncontrolled access from the street or adjacent property.

(2) Outdoor swimming pools with a capacity of one thousand five hundred (1,500) gallons or more, or with a depth of three (3) feet or more of water shall be fenced in compliance with the following: a fence at least four (4) feet in height measured from ground level shall completely enclose any permanent outdoor swimming pool, whether it is above ground, or below ground. Any fence over seven (7) feet in height measured from ground level shall require a variance.

EFFECTIVE DATE.

This Ordinance shall become effective following its publication in the official newspaper of the City.

ORDAINED by the City Council of the City of Mayer, Carver County, Minnesota this 13th day of April, 2015.

Gerald W. Thomas, Mayor

ATTEST:

Lois A. Maetzlod, City Clerk

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