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LINWOOD TOWNSHIP-
CODE OF ORDINANCES
Chapter 30 - ZONING
ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 3. ACCESSORY USES, BUILDINGS AND STRUCTURES

DIVISION 3. ACCESSORY USES, BUILDINGS AND STRUCTURES

Sec. 30-665. Where permitted.

Accessory buildings and structures of any kind (pole barn construction or frame construction) are permitted in the R-A and R-1 districts, subject to the restrictions in this division.

(Code 2004, § 807.03(subd. 3(intro. ¶)); Ord. No. 143, § 8(intro. ¶), 3-12-2013; Ord. No. 169, § B(intro. ¶), 5-22-2018)

Sec. 30-666. Construction on parcel without principal dwelling unit.

No accessory building or use shall be constructed or developed on a parcel of land without a principal dwelling unit except under the following conditions:

- (1) If a building permit for a dwelling unit and a detached accessory building or structure has been issued and adequate progress (footings and foundation block work) has been made on the construction of the dwelling, the accessory building may be completed and used for storage.
- (2) If the dwelling unit of the property owner is located on a parcel of land which is adjacent to and contiguous with a parcel proposed for an accessory building or structure, and the parcels have been joined under one property identification number in the offices of the county treasurer and the county recorder, the building official may issue a permit for building on the vacant parcel.
- (3) If the dwelling unit of the property owner is located on a parcel of land which is separated by a road or by another parcel from a parcel proposed for an accessory building or structure, the building official may issue a permit for the accessory building on the vacant parcel, provided that:
 - a. The owner has received the approval of the town board following the recommendation of the planning and zoning commission; and
 - b. The owner has provided proof that the parcels will not be conveyed separately from one another by fully executed and recorded conduit deeds with an appropriate restrictive covenant.

(Code 2004, § 807.03(subd. 3(1)); Ord. No. 143, § 8(1)(A)—(C), 3-12-2013; Ord. No. 169, § B(1), 5-22-2018)

Sec. 30-667. Portable storage structures.

The use of portable storage structures is allowed under the following conditions:

- (1) There shall be no more than one portable storage structure per property.

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- (2) The portable storage structure must be setback a minimum of ten feet from side and rear property lines and 30 feet from road right-of-way.
 - (3) Exterior shall be maintained free from extensive dilapidation due to cracks, tears, breaks, rust, snow or wind damage or deterioration of plastic, fabric, vinyl, aluminum or other materials.
 - (4) Violations shall be corrected or removed within 30 days.

(Code 2004, § 807.03(subd. 3(2)); Ord. No. 169, § B(2), 5-22-2018)

Sec. 30-668. Accessory buildings and structures in the R-1 district.

- (a) *Generally.* The accessory buildings and structures specific requirements in the Single-Family Residential (R-1) District are set forth in this section.
- (b) *Sidewalk specifications.* An accessory building or a private garage shall have sidewalls as follows:
 - (1) *One story.* A minimum of eight feet high and a maximum as set for the acreage in sections 30-671 and 30-672; or
 - (2) *Two stories.* Ceiling height on lower level not to exceed nine feet and upper level not to exceed eight feet. The second story of an accessory building will have a complete floor.
- (c) *Maximum height.* The maximum height shall not exceed the height allowed under division 15 of this article.

(Code 2004, § 807.03(subd. 3(3)); Ord. No. 169, § B(3), 5-22-2018; Ord. No. 188, § A, 2-23-2021)

Sec. 30-669. Harmony with dwelling unit.

Except as provided in this division, private garages and accessory buildings shall be harmonious with the style and color of the siding and roofing of the dwelling unit.

(Code 2004, § 807.03(subd. 3(4)); Ord. No. 169, § B(4), 5-22-2018)

Sec. 30-670. Garages.

All parcels with a dwelling unit shall be allowed to have a minimum garage size of 24 feet by 24 feet with nine-foot sidewalls and a maximum roof pitch of 6/12 as long as it meets setback requirements.

(Code 2004, § 807.03(subd. 3(5)); Ord. No. 169, § B(5), 5-22-2018)

Sec. 30-671. Limitations on accessory buildings and structures in the R-1 district.

The following are limitations on accessory buildings and structures in the Single-Family Residential (R-1) District:

- (1) A parcel of land may have one dwelling unit, one private garage (whether attached or detached), and one accessory building or structure, and one storage shed up to 200 square feet in size, and one portable storage structure.
- (2) The maximum size of an accessory building shall be subject to buildable area limitations in section 30-676 and limited by the size of the parcel as follows:

Buildable Area Limitations of Accessory Buildings in R-1 District

1.49 or less acres	Maximum size of 1,200 sq. ft. with 12' sidewalls maximum
1.5 to 2.49 acres	Maximum size of 1,800 sq. ft. with 12' sidewalls maximum
2.5 to 3.99 acres	Maximum size of 2,400 sq. ft. with 14' sidewalls maximum
4.0 acres and larger	Maximum size of 3,600 sq. ft. with 14' sidewalls maximum

- (3) The maximum cumulative square footage may not exceed 3,600 square feet on any size parcel in this zoning district.
- The area of a lean-to shall be included in the allowable square footage of detached accessory buildings or structures.
 - The area of a storage shed shall not be included in the allowable square footage of detached accessory buildings or structures.
- (4) A private garage, whether attached or detached, shall be no larger than 1,200 square feet. The area of a lean-to which is attached to the structure shall be included in the allowable square footage of the private garage.

(Code 2004, § 807.03(subd. 3(6)); Ord. No. 169, § B(6), 5-22-2018; Ord. No. 181, § 1, 5-28-2019; Ord. No. 188, §§ B, C, 2-23-2021)

Sec. 30-672. Specific requirements in the R-A district.

The accessory buildings and structures specific requirements in the Residential-Agricultural (R-A) District are as follows:

- A parcel of land that is smaller than six acres may have one dwelling unit, one private garage (whether attached or detached), one accessory building or structure, one storage shed up to 200 square feet, and one portable storage structure.
- A parcel of land that is six acres or larger may have one dwelling unit, one private garage (whether attached or detached), up to three accessory buildings or structures, two storage sheds up to 200 square feet, and one portable storage structure.
- The maximum size of an accessory building shall be subject to buildable area limitations in section 30-673 and limited by the size of the parcel as follows:

Buildable Area Limitations of Accessory Buildings in R-A District

1.49 or less acres	Maximum size of 1,200 sq. ft. with 12' sidewalls maximum
1.5 to 2.49 acres	Maximum size of 1,800 sq. ft. with 12' sidewalls maximum
2.5 to 3.99 acres	Maximum size of 2,400 sq. ft. with 14' sidewalls maximum
4.0 acres and larger	Maximum size of 3,600 sq. ft. with 14' sidewalls maximum

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- (4) The maximum cumulative square footage may not exceed 3,600 square feet on any parcel in this zoning district.
 - a. The area of a lean-to shall be included in the allowable square footage of detached accessory buildings or structures.
 - b. The area of a storage shed shall not be included in the allowable square footage of detached accessory buildings or structures.
 - (5) A private garage (whether attached or detached) shall be no larger than 1,200 square feet. The area of a lean-to which is attached to the structure shall be included in the allowable square footage of the private garage.
 - (6) Storage sheds shall be no more than 200 square feet and shall be limited to a sidewall height no greater than eight feet.
 - a. Storage sheds less than 120 square feet do not require a building or zoning permit unless they are built on a permanent concrete foundation or are served with electricity.
 - b. Storage sheds 120 square feet to 200 square feet require a zoning permit.
 - c. Storage sheds shall comply with all setback and building requirements.

(Code 2004, § 807.03(subd. 3(7)); Ord. No. 169, § B(7), 5-22-2018; Ord. No. 181, § 1, 5-28-2019; Ord. No. 188, §§ D—F, 2-23-2021)

Sec. 30-673. Lot acreage; building site elevation.

All lot acreages for accessory building size must be 60 percent non-wetland that is one foot above mottled soil. Building site itself must be at least one foot above mottled soil. This shall be considered high ground for accessory building purposes.

(Code 2004, § 807.03(subd. 3(8)); Ord. No. 169, § B(8), 5-22-2018)

Sec. 30-674. Maximum combined area.

The combined area of all buildings and impervious surface on a parcel of land may not exceed 25 percent of the total area of the parcel or 25 percent of the buildable area whichever is more restrictive.

(Code 2004, § 807.03(subd. 3(9)); Ord. No. 169, § B(9), 5-22-2018)

Sec. 30-675. Exemption for land parcels in R-A district.

Parcels of land in the R-A district which are 20 acres or more in size are exempt from the restrictions set forth in sections 30-668 through 30-670.

(Code 2004, § 807.03(subd. 3(10)); Ord. No. 169, § B(10), 5-22-2018)

Sec. 30-676. Subdivision of land.

If a parcel of land is subdivided, any existing accessory building needs to be downsized to match the allowable size on the parcel on which it remains.

(Code 2004, § 807.03(subd. 3(11)); Ord. No. 169, § B(11), 5-22-2018)

Sec. 30-677. Location of detached garages and accessory buildings.

Detached garages and accessory buildings and structures shall not be located nearer the front property line than the dwelling unit with the following exceptions:

- (1) Lakeshore parcels of land of record on the effective date of the ordinance from which this chapter is derived that are less than one acre, the garages and accessory buildings must be harmonious with the dwelling unit and surrounding properties, and shall have the facade match the materials and colors of the dwelling unit. For purposes of this chapter, a facade shall be defined as the face of a building, especially the principal front that looks onto a street. Where a building is on the corner of two streets, there may be two facades. Shoreland properties must also comply with shoreland ordinances.
- (2) A private garage or accessory building may be placed closer to an adjacent road than the dwelling unit based upon the following criteria:
 - a. The lot size and width are consistent with the yard and area regulations for the district.
 - b. Building size may never exceed 3,600 square feet in a location closer to an adjacent road than the dwelling unit.
 - c. A private garage or accessory building must not be placed within the front or side yard setbacks.
 - d. The placement of a private garage or accessory building must comply with the minimum applicable requirements for location from a well or onsite sewage treatment system.
 - e. Any accessory building built in front of the rear line of the dwelling unit, or nearer to the road than the dwelling unit, shall have the facade facing the adjacent road match the materials and colors of the dwelling unit. This includes stone and brick, which may be closely matching, lightweight hang-on type products.

(Code 2004, § 807.03(subd. 3(12)); Ord. No. 169, § B(12), 5-22-2018; Ord. No. 188, § G, 2-23-2021)

Sec. 30-678. Restrictions on bathrooms, kitchens, etc.

Accessory buildings are allowed to have a half bath or utility room but no provision for kitchens, tubs, or showers.

(Code 2004, § 807.03(subd. 3(13)); Ord. No. 169, § B(13), 5-22-2018)

Sec. 30-679. Exemptions.

Proposed accessory buildings which meet the definition of the term "agricultural building" in Minn. Stats. § 326B.103, subd. 3 may be exempt from the requirement to obtain a building permit but are subject to all standards of this division, with the exception of size restrictions and total number restrictions. A site plan must be submitted and administratively approved by the building official or zoning administrator or designee prior to commencing construction on any accessory structure which qualifies as an agricultural building.

(Ord. No. 188, § H, 2-23-2021)

Secs. 30-680—30-699. Reserved.

DIVISION 15. BUILDING HEIGHT

Sec. 30-1021. Height limitations.

- (a) *R-A, B districts.* No building or structure shall exceed three stories in height.
- (b) *R-1, R-2 districts.* No building or structure shall exceed two stories in height.
 - (1) Accessory buildings in front yards shall not exceed the height of the house, unless subject to section 30-670.
 - (2) Accessory buildings in rear yards shall not exceed the height of the house or the allowable sidewall height for the acreage plus a 6/12 roof, or as allowed by ordinance for two stories.
- (c) *Shoreland district.* On small lots of less than one acre, accessory buildings shall not exceed the height of the house or as allowed in section 30-670, unless a variance for overall height is issued.

(Code 2004, § 807.03(subd. 16(8)(A), (B)); Ord. No. 169, §§ C, D, 5-22-2018)

Sec. 30-1022. Exceptions.

The building height limits established herein for districts shall not apply to belfries, chimneys or flues, church spires, cooling towers, cupolas and domes which do not contain useable space, elevator penthouses, flag poles, monuments, parapet walls extending not more than three feet above the limiting height of the building, water towers, poles, towers and other structures for essential services, necessary mechanical and electrical appurtenances, television and radio antennas not exceeding 20 feet above the roof, and farm buildings.

(Code 2004, § 807.03(subd. 16(8)(C)); Ord. No. 169, § D, 5-22-2018)

Sec. 30-1023. Limitation on area occupied by roof equipment or other structural elements.

No excluded roof equipment or structural element beyond the limited height of a building may occupy more than 25 percent of the area of such roof nor exceed ten feet unless otherwise noted.

(Code 2004, § 807.03(subd. 16(8)(D)); Ord. No. 169, § D, 5-22-2018)