

ZONING

Sec. 32-313. Accessory buildings and other non-dwelling structures.

(a) *Types of buildings.* Accessory buildings and other non-dwelling structures include the following: storage or tool sheds; detached residential garages; detached rural storage buildings; detached domesticated farm animal buildings; agricultural farm buildings; non-accessory, non-dwelling structures. Said buildings are defined as follows:

- (1) *Storage or tool shed* means an accessory building of less than 120 square feet gross area with a maximum roof height of 12 feet.
- (2) *Detached residential accessory building* means an accessory building used or intended for the storage of motor driven passenger vehicles, hobby tools, garden equipment, workshop equipment, etc., with a maximum gross area regulated in subsection (b) of this section.
- (3) *Detached domesticated farm animal building* means an accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. Said building shall be regulated by subsections (b), (m) and (n) of this section.
- (4) *Agricultural farm building* means an accessory building used or intended for use on a rural farm as defined in section 32-1, the definition agricultural building.
- (5) *Non-accessory, non-dwelling structures* means a structure intended for uses permitted by conditional use permit. (Refer to section 32-245 and subsection (b) of this section.)
- (6) *Greenhouses, private* means a structural building with different types of covering materials, such as a glass or plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants. Such buildings may be temporary or permanent, with a maximum gross area regulated in subsection (b) of this section. Greenhouses of a commercial nature shall be regulated by section (4) or (5) of this section.

(b) *Permitted uses and sizes of accessory buildings and other non-dwelling structures.* The limitations in this subsection (b) also govern sizes of structures granted under a conditional use permit (CUP). Abbreviations used in this subsection are: CUP=conditional use permit; CC=certificate of compliance

- (1) *Storage, boat or tool shed.*
 - a. Permit required: None. See subsection (a)(1) of this section.
 - b. Maximum square footage: 120.
 - c. Maximum roof height: 12 feet.
 - d. Maximum number allowed: One.
- (2) *Detached accessory building.*
 - a. All parcels with less than one buildable acre:
 1. Permit required: Building.
 2. Maximum combined total square footage: 1,000.
 3. Maximum roof height: 35 feet.
 4. Number of buildings allowed: 2.
 - b. All parcels 1.01 acre to 2.99 acre:
 1. Permit required: Building and CC.
 2. Maximum combined total square footage: 1,500.
 3. Maximum height: 35 feet.

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4. Number of buildings allowed: 2.
 - c. All parcels 3 acres to 4.99 acres:
 1. Permit required: Building and CC.
 2. Maximum combined total square footage: 2,000.
 3. Maximum height 35 feet.
 4. Number of buildings allowed: 2.
 - d. All parcels 5 to 9.59 acres:
 1. Permit required: Building and CC.
 2. Maximum combined total square footage: 2,500.
 3. Maximum Height: 35 feet.
 4. Number of buildings allowed: 3.
 - e. All parcels 9.6 to 14.99 acres:
 1. Permit required: Building and CC.
 2. Maximum combined total square footage: 3,500.
 3. Maximum height: 35 feet.
 4. Number of buildings allowed: 4.
 - f. All parcels 15 to 19.99 acres:
 1. Permit required: Building and CC.
 2. Maximum combined total square footage: 4,000.
 3. Maximum Height: 35 feet.
 4. Number of buildings allowed: 4.
 - g. All parcels 20 acres or more: No limit.
- (3) Non-accessory, non-dwelling structures:
- a. Permits required: CUP and building.
 - b. Maximum combined total square footage: Under 20 acres: as per permit.
 - c. Twenty or more acres: as per permit.
- (4) A certificate of compliance is required on all buildings over 1,000 square feet in area and for all buildings housing animals. For agricultural buildings on rural farm (as defined in section 32-1, agricultural building) only a CC is required.
- (5) No land shall be subdivided so as to have a larger building and/or exceed the total number of buildings as permitted by this section. The square footage of a building is calculated based upon the footprint of the foundation or main floor, whichever is larger, and includes any overhangs which are supported by posts or additional foundation support. Any accessory building may have a lower level, main level and loft area and still be considered an accessory building.
- (6) No portion of an accessory building may be used for human habitation.
- (c) *Tool sheds.* A tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.

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(d) *Building permit for principal building a prerequisite.* No accessory building shall be constructed nor accessory use permitted on a lot until a building permit has been issued for the principal building to which it is accessory.

(e) *Garages.* A detached garage, when there is no garage attached to the principal building, which is 720 square feet or less in size shall not count as one of the accessory buildings or in calculating the square footage limitation, even if it is more than six feet from the principal building, as long as the detached garage exterior matches the exterior design and color of the principal building. If a garage meeting this provision is constructed within 6-feet of the principal building, the structure shall be constructed in compliance with all state fire and building codes.

(f) *Height restrictions.* No accessory building in a commercial district shall exceed the height of the principal building, except by conditional use permit.

(g) *Placement.* Accessory buildings in the commercial districts may be located to the rear of the principal building, subject to the building code and fire zone regulations.

(h) *Conforming lots.*

(1) A detached garage or other accessory building which is in front of the principal structure and set back 300 feet or more from the front lot line may be constructed after the issuance of a certificate of compliance without having to meet the requirements set forth in subsection (i)(2)a, b, and c of this section.

(2) A detached garage or other accessory building which is less than 300 feet from the front lot line and in front of the principal structure on the lot may be constructed after the issuance of a certificate of compliance, provided that the detached garage or accessory building meets the following requirements:

- a. The detached garage or accessory building meets the setback requirements of the underlying zoning district; and
- b. The exterior of the detached garage or other accessory building is consistent with the design and character of the principal structure on the lot on the effective date of the ordinance from which this article is derived; and
- c. The applicant is issued a building permit for the detached garage or accessory building if one is required.

(3) Nonconforming lots. A detached garage or other accessory building may have the same setback as the principal building on a lot by issuance of a certificate of compliance, provided that the detached garage or accessory building meets the following requirements:

- a. The exterior of the detached garage or other accessory building is consistent with the design and character of the principal structure; and
- b. The applicant is issued a building permit for the detached garage or accessory building if one is required.

(i) *Lake frontage lots.* Accessory structures located on lake frontage lots may be located between the public road and the principal structure, provided they can meet all other setbacks of the district.

(j) *Ice fishing houses.* Licensed ice fishing houses stored on parcels of land during summer months shall not be considered an accessory storage building. Licensed ice fishing houses shall meet the size limitations of subsection (b)(1) of this section and all other provisions of this chapter, except subsection (l) of this section.

(k) *Requirements for larger accessory buildings.* Accessory buildings larger than 120 square feet shall require a building permit regardless of improvement value. Roof and wind load shall conform to requirements as

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contained in the state building code. Agricultural buildings shall be exempt from the state building code and do not require a building permit.

(l) *Certificate of compliance.* An application for a certificate of compliance required for approval and construction of a detached domesticated farm animal building shall include the following:

- (1) A site plan illustrating, within 500 feet of the proposed structure, all adjacent property owners' lot lines, houses, septic systems, fences, wells, animal buildings and other structures and feed storage areas; all wet marshy areas, drainageways and shorelines; all proposed grazing areas on the site; all new utility extensions and driveway accesses to the proposed building; all manure storage and disposal areas.
- (2) A written soil inventory and evaluation from the county soil conservation district, if requested by the city council.
- (3) Details of the building floor plan, elevations, materials and color of structure.

(m) *Placement for agricultural buildings.* The placement of detached agricultural buildings and domestic farm animal buildings shall be according to the following performance standards:

- (1) Setbacks. All domestic farm animal buildings and manure storage sites shall be set back horizontally from natural or manmade features as follows:
 - a. Any property line: 100 feet.
 - b. Any existing well or residential structure on the same parcel: 50 feet.
 - c. Any existing well or residential structure on adjacent or nearby parcel: 200 feet.
 - d. Any body of seasonal or year-round surface of water: 200 feet.
- (2) Slopes. Said building, feedlot or manure storage shall not be placed on slopes which exceed 13 percent.
- (3) Evidence of the seasonally high groundwater level or mottled soil (as established by six foot borings) shall not be closer than four feet to the natural surface ground grade in any area within 100 feet of the proposed building and/or feedlot.
- (4) No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot or grazing area.

(Ord. No. 50, § 703, 12-7-1982; Ord. No. 54, § 2, 1-3-1984; Ord. No. 54-A, § 2, 1-3-1984; Ord. No. 60, § 1-3, 9-1-1987; Ord. No. 67, §§ 1, 2, 4-6-1992; Ord. No. 68, § 1, 2-1-1994; Ord. No. 2002-93, § 1, 5-7-2002; Ord. No. 2004-112, § 1, 10-5-2004; Ord. No. 2015-43, 12-1-2015)