

**City of South St. Paul  
Dakota County, Minnesota  
Ordinance No. 1380**

**AN ORDINANCE AMENDING THE SETBACK STANDARDS AND PERMITTING  
REQUIREMENTS FOR ACCESSORY STRUCTURES**

The City Council of the City of South St. Paul does ordain:

**SECTION 1. AMENDMENT.** South St. Paul City Code Section 106-56 is hereby amended as follows:

Sec. 106-56. - Permits; application.

An owner or an authorized agent of the owner who intends to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment the installation of which is regulated by this chapter, or any person wishing to construct, enlarge, alter, repair, move, demolish, or change a building or structure, including, without limitation, new construction, garages, decks, sheds (~~120 square feet or larger~~), roof replacement, soffit, fascia, gutters, siding, windows, doors, interior remodeling, fences, concrete work, asphalt, sheetrock, stucco work, retaining walls more than four feet tall, or cause any such work to be done, shall first make application to the building official and obtain the required permit. The application shall be, on forms provided by the city, filed in the office of the city engineer and contain or be accompanied by the following information:

**SECTION 2. AMENDMENT.** South St. Paul City Code Section 118-121 is hereby amended as follows:

Sec. 118-121. - R-1, single-family district

- (5) *Side yard.* There shall be a side yard of not less than five feet along each side of each building located on an interior lot having a frontage of 60 feet or less; such side yard on a lot having a frontage of more than 60 feet shall be not less than nine feet; provided, however, that a garage having no basement below it may have a side yard of not less than five feet if located in the front two-thirds of the lot, and no less than three feet if located entirely within the rear one-third of the lot. There shall be a side yard of not less than nine feet on the street side of any structure constructed on a corner lot. No building shall be placed within ten feet of any dwelling unit on an adjacent lot. When an alley runs parallel to a side property line, a garage with an entrance facing said alley must be set back at least eight feet from the alley right-of-way line.
- (6) *Rear yard.* Each lot shall have a rear yard of not less than 25 feet in depth, except that a garage may be constructed within the 25-foot rear yard. A garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley.

~~or street.~~ If the garage entrance faces an alley, then the garage shall be set back no less than eight feet from the ~~rear property line~~ alley right-of-way line.

**SECTION 3. AMENDMENT.** South St. Paul City Code Section 118-208 is hereby amended as follows:

Sec. 118-208. - Accessory buildings and structures.

The requirements and regulations specified in this chapter shall be subject to the following:

- (a) *Purpose.* The purpose of this section is to regulate the number size, location and appearance of all buildings accessory to and detached from principal buildings on lots within the city. These regulations shall apply to all detached structures, including but not limited to garages, carports, storage buildings, gazebos, screen houses, play houses, and similar structures.
- (b) *Number.*
  - (1) ~~Single family~~— All residential zoning districts: Up to two detached accessory structures are allowed as follows:
    - a. One detached garage used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted. If there is an attached garage, a detached garage may only be allowed by conditional use permit.
    - b. One detached accessory building or structure (i.e. shed) the use of which is incidental to and located on the same lot as the dwelling, which cannot be used as a garage.
  - (2) All other districts:
    - a. One per principal building.
- (c) *Location.*
  - (1) All zoning districts:
    - a. No accessory building shall be located nearer the front lot line than the principal building on that lot.
    - b. The required setbacks shall apply to all types of corner lots and accessory buildings shall adhere to any front or side setbacks as may be applicable to any principal building on such lots from both streets.
    - c. The minimum distance between the principal building and a detached accessory building shall be determined by the Minnesota State Building Code.
    - d. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.
    - e. No accessory buildings shall be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines.

(2) ~~Single family~~ All residential zoning districts:

a. Side yard setbacks:

i. Accessory buildings in a residential district must be located at least five feet from the side lot line in the front two-thirds of the lot and three feet in the rear one-third of the lot. Accessory buildings and projections (soffits or overhang) located less than five feet from the property line are subject to additional fire separation requirements from the Minnesota State Building Code.

ii. An accessory buildings must be located at least nine feet from the street side property line on a corner lot.

iii. When an alley runs parallel to a side property line, a garage with an entrance facing said alley must be set back at least eight feet from the alley right-of-way line.

b. Rear yard setback:

i. A garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley. ~~or street,~~ If the entrance faces an alley, then the garage shall be set back no less than eight feet from the ~~rear property line~~ alley right-of-way line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are subject to additional fire separation requirements from the Minnesota State Building Code.

ii. All other accessory buildings shall be set back at least three feet from the rear property line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are subject to additional fire separation requirements from the Minnesota State Building Code.

c. Setbacks for through lots:

i. The minimum setback from the rear street of a through lot shall be 30 feet.

(3) All other districts:

a. Accessory buildings in the business, mixed use, and industrial districts may be located to the rear of the principal building, subject to rear setbacks, the Minnesota State Building Code and any fire separation requirements.

b. No accessory building in the industrial district shall be located less than ten feet from a rear or side lot line unless otherwise provided for herein.

(d) *Maximum height.*

(1) ~~Single family~~ All residential zoning districts:

a. Garages or any accessory structure intended to or capable of storing vehicles:

- i. No detached garage shall exceed one story. As used in this subsection, the word "story" means the portion of the garage between the surface of the floor and the roof above.
      - ii. In the case of a hip roof or gable roof, no part of the garage shall exceed a height of 16 feet measured from the garage floor to the highest point of the roof; in all other cases the highest point of the garage shall not exceed a height of 12 feet above the surface of the garage floor.
      - iii. The exterior side walls of a garage shall not exceed ten feet in height.
    - b. All other accessory buildings:
      - i. The height of a detached building shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.
  - (2) All other districts:
    - a. No accessory building in a business, mixed use or industrial district shall exceed the height of the principal building except by conditional use permit.
- (e) *Maximum size.*
- (1) Single- and two- family residential dwelling in any residential-zoning districts:
    - a. Garages or any accessory structure intended to or capable of storing vehicles:
      - i. The maximum size for a garage shall be 1,000 square feet.
    - b. All other accessory buildings:
      - i. Structures larger than 200 square feet shall require a conditional use permit.
    - c. The maximum allowable size for all accessory buildings combined (garages and other accessory buildings) is 1,200 square feet.
  - (2) ~~All other districts~~-All other uses:
    - a. Accessory buildings shall not exceed the footprint to the principal building to which they are accessory.
    - b. Accessory buildings larger than 200 square feet shall require a conditional use permit.
- (f) *Construction and finish.*
- (1) All zoning districts:
    - a. All accessory buildings shall require a surfaced floor, except greenhouses.
    - b. Accessory buildings shall be anchored to a concrete slab, or otherwise securely fastened to the ground by other methods approved by the building inspection department.
    - c. Exterior materials and finish must match or complement the exterior finish of the principal structure in material, color and texture. Exterior surfaces of all accessory buildings shall be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.

- (2) ~~Single-family~~All residential zoning districts:
- a. If constructed of metal, the accessory structure shall have prefinished enamel siding and roof.
  - b. No galvanized siding or roofing shall be used.
  - c. Galvanized steel-covered pole buildings are prohibited.
  - d. Wood frame accessory buildings or structures shall conform to the Minnesota State Building Code and shall have one of the following types of siding: Masonite, shakes, redwood, exterior plywood panel, hardboard, decorative steel, decorative aluminum, vinyl, hardie-board, decorative fiberglass and/or rough-cut exterior siding, and the roofing material shall consist of asphalt shingles, standing-seam metal roofing, or when the pitch of the roof is less than 5/12, decorative rolled roofing will be permitted.
- (3) All other districts:
- a. In business, mixed use, and industrial districts, all accessory structures, screen walls, and exposed areas of retaining walls shall be of a similar type, quality, and appearance as the principal structure.

(g) *Approvals.*

- (1) Except for in single-~~and two-family dwellings-family residential zoning districts~~, no accessory building shall be constructed, erected or installed without approval of final site plans and building plans by the city.
- (2) No accessory building occupying an area greater than 200 square feet shall be constructed erected or installed without a building permit issued by the city. No accessory building occupying an area of 200 square feet or less shall be constructed without a permit from the Zoning Administrator.

**SECTION 4. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The proposed ordinance clarifies the setback standards and permitting requirements for accessory structures.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

Approved: May 3, 2021

Published: May 6, 2021

---

Christy Wilcox, City Clerk