

- E. Request of City of Moorhead for text amendments related to Moorhead City Code, Title 10, Chapter 18, Accessory Buildings, Uses and Equipment



**To:** Moorhead Planning Commission  
**Prepared By:** Robin Huston, City Planner/Zoning Administrator  
**Date:** May 6, 2024  
**Subject:** Text Amendments – Accessory Buildings, Equipment and Uses

# PLANNING COMMISSION REPORT

## BACKGROUND

As with the recent changes made to the Residential Zoning Districts, the next step in the Onward Moorhead Comprehensive Plan implementation process is to make more complimentary zoning code updates to Accessory Buildings, Equipment and Uses.

The main purposes of the changes will be to modernize and clarify code language and make corresponding changes to recent residential district changes.

## SUGGESTED CHANGES

Attached are the current and proposed changes.

The main proposed changes are:

1. In the new RLD-1 district (Oakport and Americana Estates annexation areas) adjustments were made to shed/garage size limits in relation to lot sizes. The new code will still give extra allowances for lots over ½ acre but lots less than a ½ acre will be treated the same as other Moorhead residential lots where the accessory size is based on house footprint.
2. Simplification of how we measure structure heights. Before we required grade to peak measurements for accessory structures and grade to average roof line for principal structures, which can be difficult for homeowners to ascertain. Due to the volume of requests, we will simplify this process by requiring sidewall measurements instead of roof measurements.
3. Clarification of new setbacks for attached and detached structures based on new residential setbacks.

## PUBLIC NOTIFICATION & COMMENTS

### Notification:

Required notification was published in The FM Extra on April 25, 2024

### Comments:

No public comments have been received to date.

## SUGGESTED ACTION

**Recommend Approval.** Based on the criteria for consideration, staff suggests that the Planning Commission recommend approval to the City Council the text amendments related to Moorhead City Code including Title 10, Chapter 18, Section 3, Accessory Buildings, Use and Equipment.

## ATTACHMENTS

1. Current & Proposed Zoning – Accessory Buildings, Equipment and Uses
2. Notice of Hearing

Proposed Accessory Structure Code	RLD-1 (Oakport & Americana Estates Annexation areas)			All 1F, 2F, 3F on indiv lots in other Residential & MU	All Apartments or Cluster Developments in Residential & MU	Commercial Uses in Mixed Use; Commercial & Industrial
	less than 21,780 sf (1/2 acre)	21,780 sf (1/2 acre) - 2 acres	over 2 acres			
Accessory Floor Area Limit	Up to principal structure total footprint or 800 sf, whichever is greater				no more than 50% of gross floor area of PS	
Accessory Floor Area Limit Exceptions	no exception	500 sf	1000 sf or more by CUP	no exception		
Number of Accessories permitted	2	3	4 or more by CUP	2	no more than 50% of gross floor area of PS	
Maximum Accessory Height <sup>1</sup>	side walls no higher than 12 ft or height of principal structure side wall, whichever is greater <sup>3</sup>		side walls no higher than 12 ft or height of principal structure side wall, whichever is greater <sup>3</sup> except by CUP	1F & 2F: side walls limited to 12 ft or height of principal structure side wall, whichever is greater <sup>3</sup> TH/RH/stacked duplex/triplex: side walls limited to 15 ft or height of principal structure side wall, whichever is less	sidewalls limited to 15 ft or height of principal structure side wall, whichever is less	no higher than PS
Maximum Impervious Coverage	35%			35-60-70%	35-60-70%	70% (MU2) - 85%(RC&CC) - 100% (LI & HI)
Architectural detailing and fenestration required. Architectural design and orientation review by Zoning Administrator required	over 1000 sf footprint and wall length in excess of 30 ft					
Accessory Setbacks <sup>2</sup>						
Attached						
Front Yard	30			20 or 25'	25	Same as PS or 25 if OH door faces street
Rear Yard	30			20 or 25'	25	Same as PS or 25 if OH door faces street
Interior Side Yard	10			5	10-25	Same as PS
Street Side Yard	15 or 25'			12 or 25'	25	Same as PS or 25 if OH door faces street
Detached						
Front Yard	Not permitted in front of principal structure façade except for guard, dispatch, security or gate houses, which require at least 10 ft Front & Side setback.					
Rear Yard	3-5-15-25 <sup>2</sup>				10 <sup>2</sup>	10 <sup>2</sup>
Interior Side Yard	3-5-15 <sup>2</sup>				10 <sup>2</sup>	
Street Side Yard - less than 200 sf					10-25	
Street Side Yard - over than 200 sf	15 or 25'			12 or 25'	10-25	10 or 25'
Permitted Accessory Appendage Extension into Setbacks						
Accessory structure projecting elements = chimneys, sills, eaves, gutters, entryways, balconies, decks, porches, fire escapes, window wells, stairs, stoops						
Front Yard	15				Per Building Code	
Rear Yard						
Interior Side Yard	at least 2					
Street Side Yard	7					
Solar & Wind Energy Systems (ground-mounted)						
Front Yard	Not permitted in front of principal structure façade					
Rear Yard	10				Per Building Code	
Interior Side Yard						
Street Side Yard						
Walks, ramps, utilities other than HVAC equipment, steps, landscaping, fences, playsets and other private recreation (except swimming pools)						
Front Yard	0				Per Building Code	
Rear Yard						
Interior Side Yard						
Street Side Yard						
HVAC equipment including wood boilers, geothermal						
Front Yard	Not permitted in front of principal structure façade. If HVAC can only be placed in front yard, zoning administrator may allow if screening can be provided.				Per Building Code	
Rear Yard						
Interior Side Yard	0 (but refer to product specifications)					
Street Side Yard						
Swimming pools						
Front Yard	Not permitted in front of principal structure façade				Per Building Code	
Rear Yard						
Interior Side Yard	5					
Street Side Yard						
Notes						
<sup>1</sup> WHERE OVERHEAD DOORS FACE STREETS: For attached or detached garages and other buildings with OH doors, if a garage overhead door faces street, the front, rear or street side yard setback is 25 ft to provide adequate driveway depth to prevent vehicles overhanging onto sidewalk or boulevard.						
<sup>2</sup> ACCESSORY SETBACKS: 3 ft - zoning/alley setback; 5 ft - non-fire-rated structures 200 sf or over; 15 ft - structures over 576 sf in floodplain; additional 1 ft setback for every 2 ft over 10 ft in structure height; MF, MU, Commercial & Industrial setbacks must also provide room for screening to residential properties (see 10-19-18, Screening & Buffering for residential properties).						
<sup>3</sup> ACCESSORY STRUCTURE HEIGHT - the vertical distance measured from the grade plane to the base of a primary sidewall roof truss (i.e., dormers and other additions cannot be used in height determination). The accessory roof pitch shall be similar to that of the principal structure or Zoning Administrator approval required.						
ACCESSORY DEFINITION: Accessory Building, Structure, Equipment or Use = A subordinate building, structure or use which is located on the same lot as the principal building or use and which is incidental to the conduct of the principal use. Includes attached & detached garages, sheds, etc						
ACCESSORY EXEMPTIONS: Accessory Structures that do not count toward accessory number limits but may be subject to maximum impervious coverage = gazebos, outdoor living room, pool & pool enclosure, green houses, chicken coops, kennels/runs, hot tubs.						
ACCESSORY BUILDING PERMIT: Accessory Structures in excess of 200 sf require a building permit, permanent foundation and shall be constructed of durable like materials as the principal structure.						
EASEMENTS: Accessory buildings or structures, other than fencing, may not be placed in easements.						
ACCESSORY MATERIALS: Accessory buildings or structures shall be comprised of materials and colors customarily used on dwellings. Temporary accessory structures utilizing non-durable materials (e.g. cloth, nylon, tarps, etc) are prohibited.						
CARPORTS: Only permanent carports, with 2 or more sides open and made of durable materials, are permitted if they meet Building Code (e.g. must be anchored)						
ANCHORING: All accessory structures must be anchored to the ground to prevent movement during wind storms						
ACCESSORY BUILDINGS, STRUCTURES, EQUIPMENT OR USES ON THEIR OWN PARCELS - Not permitted on a parcel without Principal Building or Use						
TEMPORARY STORAGE: containers like moving pods or shipping containers are not subject to 10-18-3 but are subject to 10-19-8.						
PERMANENT STORAGE: Shipping containers are subject to 10-18-3 and may only be used as permanent storage if:						
1. Commercial and Industrial zoning districts only						
2. Must not be placed along street frontages						
3. Must not be visible from Gateway Streets (I-94, Hwy 10, Hwy 75, Main Ave SE, 34th St)						
4. Installation meets Building Code (e.g., must be placed on paved surface)						
5. Must be camouflaged by painting the same color as PS and/or adding similar materials as PS.						

[illegible]

# Public Hearing Notice

Notice is hereby given that the Planning Commission of the City of Moorhead will hold a Public Hearing at the Hjemkomst Center Auditorium, 202 1st Ave N, on Monday, May 6, 2024 at 5:30 pm to consider the following items:

1. Request of City of Moorhead for vacation of 1st Avenue S Right-of-Way lying between the West line of BNSF Railroad Right-of-Way and the East line of BNSF Railroad Right-of-Way, Schreiber's Addition, Moorhead, Minnesota (abbreviated description – full description available upon request).

2. Request of Buffalo Red River Watershed District for a Conditional Use Permit to allow excavation and development in the Floodway and Flood Fringe at Clay County Ditch No. 41, also known as Snakey Creek, for Parcels:

3201 OAKPORT ST N (Nymark) - 58.889.4402 – 3.61 ACRES OF LOT 4 BEGINNING AT THE NE CORNER; W 495'; S 562.32'; E 662.64' & N 87.12' TO BEGINNING, SECTION 29, TOWNSHIP 140, RANGE 048 (abbreviated description – full description available upon request)

3601 OAKPORT ST N (MB Johnson Park) - 58.900.1714 – GOVERNMENT LOT 2 LESS 11.99 ACRES; 19.85 ACRES OF SW1/4 & GOVERNMENT LOTS 1 & 2 IN SECTION 29, SECTION 28 TOWNSHIP 140 RANGE 048 (abbreviated description – full description available upon request)

2901 OAKPORT ST N (Riverside Cemetery) - 58.900.1719 - PART OF GOVERNMENT LOT 4, SECTION 29 TOWNSHIP 140 RANGE 048 (abbreviated description – full description available upon request)

3. Request of City of Moorhead for Preliminary and Final Plat relating to Moorhead Downtown Addition, a replat of the Moorhead Center Mall area between 1st Ave N and Center Ave between 3rd St N and 7th St N (abbreviated description – full description available upon request).

4. Request of City of Moorhead for text amendments related to Moorhead City Code, Title 10 Zoning, Chapter 18 Use Regulations, Section 3, Accessory Buildings, Uses and Equipment.

5. Request of City of Moorhead for text amendments related to Moorhead City Code, Title 10, Chapter 15, Mixed Use Districts and Title 10, Chapter 13, Neighborhood Commercial and related Zoning Map Amendments.

At the hearing, the City of Moorhead will afford an opportunity for interested persons to be heard with respect to these items.

If you cannot attend the hearing in person and wish to make a comment, please submit oral or written comments no later than noon the day of the meeting to:

Planning & Zoning, PO Box 779, Moorhead, MN 56561 or contact staff at [planning@moorheadmn.gov](mailto:planning@moorheadmn.gov) or 218.299.5374

The meeting will be live-streamed on the City's YouTube Channel [www.youtube.com/moorhead](http://www.youtube.com/moorhead) and on Moorhead Community Access Media (MCAM) - Midco Channel 12 or Sparklight Channel 58.

To request this information in a different language, please contact:

218.299.5374

Para solicitar esta información en otro idioma, comuníquese con:

218.299.5374

Ji bo daxwaza vē agahdariyē bi zimanekî din, ji kerema xwe re tēklīiyē pēve bikin: 218.299.5374

Si aad u codsato macluumaadkan oo ku qoran luqad kale, fadlan la xiriir:

218.299.5374

لطلب هذه المعلومات بلغة مختلفة ، يرجى الاتصال بـ: 218.299.5374

Published this 25th day of April, 2024.

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