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MEMORANDUM

TO: Otsego Planning Commission
FROM: D. Daniel Licht
DATE: 14 January 2026
RE: Otsego – Zoning Ordinance; Accessory Buildings/Fences
TPC FILE: 101.01

BACKGROUND

City staff is initiating discussions with the Planning Commission as to possible amendments of the Zoning Ordinance provisions regulating accessory buildings and fences. The purpose of the amendments is to provide clarity to the regulations so that they are easier to understand and apply. Making zoning regulations has become more important with the availability of the City Code on the internet accessible to residents. Technical provisions of the Zoning Ordinance can often require more explanation as to the purpose, intent, and application of the regulations.

Exhibits:

- Draft ordinance

ANALYSIS

Accessory Buildings. The following changes are proposed for the regulation of accessory buildings for single and two family dwellings:

- Relocate provisions regulating building location within front yard to the section addressing setbacks.
- Repeal provisions governing the area of detached accessory buildings as a percentage of lot area. This limit is generally addressed by establishment of maximum allowed area for all detached accessory buildings based on lot area already included in the Zoning Ordinance.
- Revise the section with regulations on location and setbacks to address front yards and simplify the provisions in table format.

- Eliminate the limits for detached accessory structures as a percentage of the area of a principal building. This limit is again addressed by establishment of maximum allowed area for all detached accessory buildings based on lot area already included in the Zoning Ordinance. Furthermore, the ability to have a detached accessory building or buildings with more floor area than that of the house isn't necessarily uncharacteristic of large lot or rural single family properties.
- The Zoning Ordinance was amended to allow for residential uses within the A-2, Agriculture Long Range Urban Service District on lots 10 acres in area or larger. The table establishing area limits for accessory buildings within the A-1 and A-2 District is proposed to be amended to change the allowance for lots larger than 10 acres from 6,000 square feet to two percent of the area of the lot or parcel allowing for a continuation of the sliding scale based on the area of the property. It is also proposed to remove the limit on the number of detached accessory structures for parcels greater than 10 acres in area.

Fences. The existing provisions for fence location, residential fences, and commercial and industrial fences are proposed to be amended as follows:

- The provisions regarding location of fences are expanded to specifically prohibit encroachment onto public rights-of-way. The provisions regarding locating fences upon drainage and utility easements are revised to clearly indicate that such fences are prohibited unless it is determined by the City that the fence will not for any reason interfere with its rights to use of the easement area.
- Provisions for residential fences are revised to make the language easier to comprehend especially as applied to the allowance of fences in yards abutting public streets. Fences along local streets are subject to the same limits as front yards with a maximum height of four feet and must be at least 75 percent open. Side or rear yard fences along major collector and arterial streets are allowed to be up to six feet in height and may be solid for screening purposes.

CONCLUSION

The Planning Commission will review the proposed Zoning Ordinance amendments at its meeting on 20 January 2026. City staff is looking for direction from this discussion as to any changes to the proposed language or whether to proceed forward with a public hearing to formally consider the amendment and make recommendations to the City Council.

- c. Adam Flaherty, City Administrator/Finance Director
 Audra Etzel, City Clerk
 Ron Wagner, City Engineer
 David Kendall, City Attorney

ORDINANCE NO.: 2026-XX

CITY OF OTSEGO
COUNTY OF WRIGHT, MINNESOTA

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING ACCESSORY BUILDINGS AND FENCES.

THE CITY COUNCIL OF THE CITY OF OTSEGO DOES HEREBY ORDAIN:

Section 1. Section 11-18-2.C.1 and 2 of the Zoning Ordinance (Accessory Uses and Buildings – Single and Two Family Dwellings) is hereby repealed in its entirety with subsequent sections renumbered accordingly.

~~1. Front Yard:~~

~~a. No accessory use, building, structure, or equipment shall be allowed within a required front yard.~~

~~b. No accessory building may be placed within a front yard within the R-C, R-4A, R-4, R-5, R-6, and R-7 Districts except for an attached garage.~~

~~2. No accessory building, structure, and/or detached garage for a single-family dwelling shall occupy more than ten percent (10%) of the area of the required rear yard in the A-1, A-2, R-C, R-1, R-2 and R-3 Zoning Districts or not more than twenty five percent (25%) of the area of the required rear yard in the R-4A, R-4, R-5, R-6, and R-7 Zoning Districts.~~

Section 2. Section 11-18-2.C.3 of the Zoning Ordinance (Accessory Uses and Buildings – Single and Two Family Dwellings) is hereby amended to read as follows:

3. Setbacks and encroachments:

a. Attached accessory structures shall conform to principal building setbacks required for the zoning district in which the structure is located.

b. Detached Accessory Structures: ~~may encroach into required side or rear yard setbacks when located in the rear yard of the lot, but shall not encroach into the required setback for a yard abutting a public street of a corner lot:~~

~~(1) Detached accessory structures not exceeding two hundred (200) square feet in gross floor area shall be set back at least five feet (5') from side or rear lot lines abutting other lots or ten feet (10') from a rear lot line abutting a public right-of-way in the case of a through lot.~~

~~(2) Detached accessory structures with a gross floor area larger than two hundred (200) square feet shall be set back at least ten feet (10') from side or rear lot lines abutting other lots or twenty feet (20') from a rear lot line abutting a public right-of-way in the case of a through lot.~~

~~c. No accessory structure shall be located within a required buffer yard, drainage and utility easement or public right-of-way.~~

(1) Front Yards:

(a) No detached accessory use, building, structure, or equipment shall be allowed within a required front yard.

(b) No accessory building may be placed within a front yard within the R-C, R-4A, R-4, R-5, R-6, and R-7 Districts except for an attached garage.

(2) Side or Rear Yards:

<u>Area</u>	<u>Lot Line</u>	<u>Minimum Setback</u>
<u>200sf. or less</u>	<u>Interior</u>	<u>5ft.</u>
	<u>Abutting public right-of-way</u>	<u>10ft.</u>
<u>Greater than 200sf.</u>	<u>Interior</u>	<u>10ft.</u>
	<u>A public right-of-way</u>	<u>20ft.</u>

Section 3. Section 11-18-2.C.5 of the Zoning Ordinance (Accessory Uses and Buildings – Single and Two Family Dwellings) is hereby amended to read as follows:

5. Detached accessory buildings and structures within the A-1 and A-2 Districts:

a. The total floor area allowed for all detached accessory structures shall be as follows:

Lot Area (Acres)	Maximum Total Floor Area Of All Detached Accessory Structures (Square Feet)
1.00 or smaller <u>less</u>	1,080
1.01 to 2.00	1,500
2.01 to 3.00	2,000
3.01 to 4.00	2,500
4.01 to 5.00	3,000

5.01 to 6.00	3,500
6.01 to 7.00	4,000
7.01 to 8.00	4,500
8.01 to 9.00	5,000
9.01 to 10.00	5,500
10.01 and larger <u>Greater than 10.00</u>	2% of lot/parcel

~~b. For parcels located within the sewer service district or long range urban service area or those parcels with an area of five (5) acres or less, the total floor area of all accessory structures shall not exceed two hundred percent (200%) of the gross floor area of the principal structure, or shall not exceed the maximum combined accessory area allowed based upon lot size, as outlined in this chapter, whichever is the least.~~

~~eb. There is to be no more than two (2) detached private garages or accessory structures for each single-family dwelling upon lots and parcels that are ten (10) acres in area or less.~~

Section 4. Section 11-18-2.C.6.b of the Zoning Ordinance (Accessory Uses and Buildings – Single and Two Family Dwellings) is hereby repealed and subsequent sections renumbered accordingly.

~~b. The total floor area of all accessory structures shall not exceed two hundred percent (200%) of the gross floor area of the principal structure, or shall not exceed the maximum combined accessory area allowed based upon lot size as outlined in this chapter, whichever is the least.~~

Section 5. Section 11-19-4.C of the Zoning Ordinance (Landscaping, Screening and Fences) is hereby amended to read as follows:

C. Location:

1. ~~All boundary line fences shall be located entirely within the private property of the person, firm, or corporation constructing or causing the construction of such fence.~~

2. ~~The owners of the property on which a fence exists or is proposed to be constructed is responsible for verifying their property lines by:~~

~~1a.~~ Locating their property lines; or

2b. If the property lines cannot be located:

a(1) The Zoning Administrator may require the owner of property upon which a fence now exists, or may require any property owner proposing to

construct a fence, to establish the boundary lines of the property by a survey thereof to be made by a registered land surveyor; or

b(2) The owner of property upon which a fence now exists, or the property owner on which the fence is to be constructed and the owner(s) of the adjoining properties, enter into an agreement regarding the location of the fence to be recorded with the titles of the respective properties, subject to approval of an administrative permit.

3. Fences shall not be placed on or extend into public rights-of-way or onto public property.

4. Placement of fences within drainage and utility easements shall be prohibited, unless:

a. The City Engineer, at their discretion, determines that the fence location and design will not interfere with the City's purpose and use of the easement, including unrestricted access necessary to maintain or service stormwater, sewer, or water facilities and equipment.

b. The City Engineer may require modification to the location of the fence or its design in allowing an encroachment to ensure the City has full use and access to the drainage and utility easement.

c. The fence, or a portion thereof, may be removed at any time by the City for the purpose of utilizing or accessing the drainage and utility easement; the property owner shall be responsible for any costs incurred by the City for removal of the fence and the City shall not be responsible to replace or otherwise compensate the property owner for the fence removal.

d. The property owner shall execute an encroachment agreement approved by the City Attorney that is to be recorded by the City at Wright County with the title of the property.

5. Fences located within a yard abutting a public right-of-way shall maintain the traffic visibility requirements of section 11-16-4 of this title.

Section 6. Section 11-19-4.F of the Zoning Ordinance (Landscaping, Screening and Fences - Fences) is hereby repealed with subsequent sections renumbered accordingly.

~~F. Drainage And Utility Easements:~~

~~1. The fence and its design is subject to the approval of the City Engineer.~~

~~2. The fence or a portion thereof may be removed at any time for the purpose of utilizing the easement, and such action shall be at the property owner's expense.~~

~~3. The property owner shall execute an acknowledgement of the easement encroachment that is to be recorded by the City at Wright County with the title of the property.~~

Section 7. Section 11-19-4.G of the Zoning Ordinance (Landscaping, Screening and Fences - Fences) is hereby amended to read as follows:

G. Residential District Fences:

1. ~~Alongside Property Lines: Except in the case of a side yard on a corner lot which abuts a street, fences alongside property lines shall not be more than six feet (6') in height for the distance commencing from a point on such side property line located along the rear lot line and proceeding thence along such side property line to a point thereon which would be intersected by the front wall line of the existing principal structure on the lot.~~
2. ~~Rear Property Lines: Fences along or paralleling any rear property line which is also the rear property line of an abutting lot shall not exceed six feet (6') in height.~~
3. ~~Rear Property Line/Abutting Side Line: Except in the case of a side yard on a corner lot which abuts a street, fences along a rear property line which line constitutes the side lot line of an abutting lot shall not exceed six feet (6') in height.~~
4. ~~Screening Provisions: The required screening provisions for residential districts shall supersede, where applicable, the provisions of this subsection.~~
5. ~~Required Front Yards And Side Yards Of Corner Lots:~~
 - a. ~~Fences extending across required front yards or a required side yard that abuts a street on a corner lot shall not exceed forty eight inches (48") in height and shall be at least seventy five percent (75%) open space for the passage of air and light, except as provided in subsection G5b of this section.~~
 - b. ~~A fence with a height greater than forty eight inches (48") and/or less than seventy five percent (75%) open space may be constructed within the required rear yards and side yard of a corner lot abutting a collector or arterial street; provided, that:~~
 - (1) ~~The fence does not exceed six feet (6') in height.~~
 - (2) ~~The fence is set back ten feet (10') from the lot line abutting a collector or arterial street right-of-way.~~
 - (3) ~~For interior lots, a gate or other opening is to be provided in the fence to allow for maintenance of the street side boulevard.~~
 - (4) ~~The fence along a side lot line abutting a collector or arterial street right-of-way shall not extend into a required front yard and be no closer to the front lot line than a point intersecting the front line of the principal building.~~
 - (5) ~~On lots where no buffer yard has been established pursuant to subsection 11-19-3B of this chapter, the yard on the street side of the fence shall be~~

grass and landscaped with plant materials that will grow to the height of the fence, subject to the following standards:

(A) ~~Plant material centers shall not be located closer than three feet (3') from the fence line or property line, and shall not conflict with public plantings, sidewalks, trails, etc.~~

(B) ~~Deciduous shrubs shall not be planted more than four feet (4') on center, and/or evergreen shrubs shall not be planted more than three feet (3') on center.~~

(C) ~~Deciduous trees shall be planted not more than forty feet (40') apart. Evergreen trees shall be planted not more than fifteen feet (15') apart.~~

~~c. All fences located within any required yard abutting a public right-of-way shall maintain the traffic visibility requirements of section 11-16-4 of this title.~~

1. Height: The maximum height of a fence shall be six feet (6') except as may be allowed by this section.

2. Yards Abutting Public Rights-of-Way:

a. All yards abutting local streets:

(1) Maximum Height: Four feet (4')

(2) Minimum Open Space: Seventy five (75%) percent

b. Side or rear yards abutting major collector or arterial streets:

(1) Maximum Height: Six feet (6')

(2) Minimum Open Space: None

(3) Minimum Setback: Ten feet (10')

(4) For interior through lots, a gate or other opening is to be provided in the fence to allow for maintenance of the street side boulevard.

(5) The yard on the street side of the fence abutting a major collector street shall be grass and landscaped with plant materials, subject to the following standards:

(A) Plant material centers shall not be located closer than three feet (3') from the fence line or property line, and shall not conflict with public plantings, sidewalks, trails, etc.

(B) Deciduous shrubs shall not be planted more than four feet (4') on center, and/or evergreen shrubs shall not be planted more than three feet (3') on center.

(C) Deciduous trees shall be planted not more than forty feet (40') apart. Evergreen trees shall be planted not more than fifteen feet (15') apart.

Section 8. Section 11-19-4.H of the Zoning Ordinance (Landscaping, Screening and Fences - Fences) is hereby amended to read as follows:

H. Commercial And Industrial District Fences:

1. Fences On Corner Lot: Fences extending across a required front yard or a required side yard ~~which abuts a street on a corner lot~~ abutting a public right-of-way shall be at least seventy five percent (75%) open for the passage of air and light and shall maintain the traffic visibility requirements of section 11-16-4 of this title.
2. Height: Fences may be erected up to eight feet (8') in height. ~~Fences in excess of eight feet (8') shall require,~~ except as may be approved with an interim use permit.
3. Construction:
 - a. Fences shall be constructed of non-wood maintenance free materials such as vinyl, stone, brick, split face block, textured or architectural concrete panels, synthetic or composite products, or similar materials as approved by the Zoning Administrator.
 - b. Except for fences accessory to essential services, chain link fences within commercial districts shall be coated with integral color vinyl and shall not include vinyl, plastic or metal slats within the fence.
 - c. The location of gates across driveways accessing the site shall be set back a sufficient distance so as not to cause congestion in the public street.
 - d. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven feet (7') above the ground.
4. ~~Screening Provisions: The screening provisions for commercial and industrial districts shall supersede, where applicable, the provisions of this subsection.~~

Section 9. Section 11-19-4.J of the Zoning Ordinance (Landscaping, Screening and Fences - Fences) is hereby amended to read as follows:

J. Screening Provisions: The screening provisions required by Section 11-19-3 of this title shall supersede, where applicable, the provisions of this section.

Section 10. This Ordinance shall become effective immediately upon its passage and publication.

(Remainder of page intentionally blank – signature page to follow)

ADOPTED by the Otsego City Council this ____ day of _____, 2026.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF OTSEGO

Jessica L. Stockamp, Mayor

ATTEST:

Audra Etzel, City Clerk