

Article K: Accessory Uses and Structures; Screening  
and Landscaping; Fences and Hedges

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**Sec. 13-1-200 Accessory Uses or Structures.**

(a) **Building Permit Required for Accessory Buildings.**

- (1) **Definitions.** For purposes of this Article the following definitions are provided to assist in clarifying the difference between an accessory building and a garage.
  - a. "Accessory Building" means any building or structure regulated under this section, other than the principal residence, which is not intended or used for the storage motor vehicles as that term is defined under Chapter 340, Wisconsin Statutes.
  - b. "Garage" means any building or structure, other than the principal residence, containing garage doors or other entrances large enough for motor vehicles to enter and exit the building.
- (2) **Permit Required.** No owner shall, within the City of Osseo, build, construct, use or place any type of accessory building, including pre-fabricated accessory buildings, until a building permit shall have first been obtained from the Building Inspector. Application for an accessory building permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee pursuant to the City Building Code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (3) **Applicability to Temporary, Movable and Permanent Buildings.** For purposes of this Section, no regulatory distinction is made between temporary, permanent or movable accessory buildings (such as mounted on skids).

(b) **Principal Use to be Present.**

- (1) **General Requirements.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (2) **Limited Placement Exception.** If an accessory structure is placed before a principal structure a site plan must be provided with the application showing where the principal structure and accessory structure will be placed. The accessory structure must be placed in either the rear or side yard and meet all set backs and other requirements set forth within that zoning district. A principal structure must be built within three (3) years of the application for the accessory structure.

(c) **Number of Permitted Garages and Accessory Buildings on Residential Lots.** As accessory use or structure in a residential district may be established subject to the following regulations:

(1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building and one (1) children's play structure may be placed on a lot, except as provided in Subsection (c)(2) below.

(2) **Limitation on Number of Detached Garages and Accessory Buildings.**

- a. Residentially zoned parcels with a single garage attached to the dwelling are permitted to have an additional one (1) or two (2) car detached garage on the parcel. If a detached garage is erected, no other detached accessory buildings may be constructed or maintained on the parcel.
- b. Residentially zoned parcels with more than a one (1) stall garage attached to the dwelling are permitted to have an additional one (1) stall garage on the parcel if a detached garage is erected, no other detached accessory buildings may be constructed or maintained on the parcel.
- c. Garages attached to dwellings shall be three (3) stalls or less, and shall have no more than three (3) single garage doors or combination thereof. Dwellings with an attached three (3) stall garage are not permitted to have an additional detached garage on the parcel.

(3) **Conditional Uses.** The following are permitted as conditional uses under this subparagraph (c). All conditional uses permitted under this section shall comply with Article E of the Zoning Code.

- a. Garages, garage stalls and garage doors which exceed the number permitted under this section.
- b. Accessory buildings which exceed the number permitted under this section.

(4) **Attached Accessory Buildings.**

- a. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
- b. When accessory buildings are attached to the principal building by a breezeway, passageway or similar means, they become part of the principal building and shall comply in all respects with the yard requirements and local building code requirements for the principal building.

(5) **Detached Accessory Buildings; Lot Area Coverage; Square Footage.**

- a. No detached accessory building shall occupy any portion of the required front or side yard.
- b. Garages and other detached accessory buildings shall be less than fifteen (15) feet in height.
- c. No detached accessory building(s) shall occupy more than twenty percent (20%) of the required rear yard or exceed one thousand five hundred

- (1,500) square feet in size in aggregate for each residential parcel provided that one (1) garage is attached, whichever is more restrictive.
- d. No detached accessory building shall be located within five (5) feet of any other accessory building.
  - e. Galvanized exterior finishes are not permitted on detached accessory structures. Setbacks shall be as prescribed by district regulations.
  - f. The dimensions of any swimming pool, children's play structure, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures.
  - g. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
  - h. All detached structures over one hundred fifty (150) square feet in size, in a residential district, must have a minimum one (1) foot overhang with facial and soffit on all sides, unless an alternative option is approved by the Common Council, upon the recommendation of the Plan Commission.
  - i. Accessory structures shall not be closer than three (3) feet to any lot line.
- (d) **Use Restrictions – Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- (e) **Placement Restrictions – Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than five (5) feet to any side or rear lot line.
- (f) **Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (g) **Landscaping Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, fountains, statuary, bird baths, trees, shrubs and flowers and gardens, pursuant to Subsection (k) below.
- (h) **Temporary Accessory Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.

- (i) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
  - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
  - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
  - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
  
- (j) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties and shall not register more than one-half foot candles at the property line.
  
- (k) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
  
- (l) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls. No such wall shall be closer than three (3) feet from the property line.
  
- (m) **Children's Play Structures.** For purposes of this Section, children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section, whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
  
- (n) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.
  
- (o) **Offensive Uses Prohibited.** No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall it impair the use, enjoyment or value of any property.

- (p) **Prohibited Dwelling Use.** No accessory dwelling unit in any Residential District shall be used or let for living purposes, whether for compensation or not.
- (q) **Gardening.** Home gardening is a permitted accessory use on any residential lot with a dwelling or the principal use on any vacant lot or parcel.
- (r) **Dog Houses/Runs.** Dog houses and/or runs shall comply with the setback requirements in Section 13-1-202(n).
- (s) **Agricultural Structures.** Agricultural structures in properly zoned agricultural districts such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.
- (t) **Tent or Hoop-Supported Structures.**
  - (1) No tent or hoop-supported structure may be used as a permanent accessory structure in a non-agricultural district; such structures may be erected and used no more than six (6) months per year without being removed. An exception is that a tent or hoop-supported greenhouse may be maintained if used exclusively for personal greenhouse use.
  - (2) Any permitted tent or hoop-supported structure shall be fastened or anchored in a stable manner to the ground.
  - (3) No plumbing, electrical, heating or other utility service may be installed in a tent or hoop-supported structure, except seasonal use in personal greenhouses. A tent shall not be used as a dwelling.