



MAYOR & COUNCIL COMMUNICATION

DATE: July 21, 2015
CONSENT
ITEM 10
ORDINANCE 08-125
RESOLUTION 2015-58

AGENDA ITEM: Zoning Text Amendment – Accessory Building Setbacks in Urban Residential Districts

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director

SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: Planning Commission

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City has received inquiries from residents within the Savona subdivision about the required setbacks for detached accessory buildings. In reviewing the setback requirements for accessory buildings in the Urban Low Density Residential (LDR) zoning district, the existing rear-yard setback requirement is 20 feet. For this type of zoning district, 20 feet is a large setback requirement for accessory buildings. To address the situation staff conducted research and ultimately drafted a Zoning Text Amendment to reduce the rear-yard setback to 10 feet. The Planning Commission reviewed the research at their 6/22/15 meeting, held a public hearing on 7/13/15, and is recommending approval of the Zoning Text Amendment. If removed from the Consent Agenda, the motion to take the recommended action is the following:

“Move to adopt Ordinance 08-125, reducing the rear yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet.”

In addition, due to the fact that the ordinance contains charts, staff is recommending that the City Council authorize summary publication to explain the ordinance amendment through publication. The suggested motion is as follows:

“Move to adopt Resolution 2015-58, authorizing summary publication of Ordinance 08-125.”

BACKGROUND INFORMATION/STAFF REPORT:

As families have begun to move into the Savona subdivision, City staff has begun receiving inquiries from residents about standards related to accessory buildings and other zoning provisions. One specific inquiry was made about the rear-yard setback for accessory buildings in the LDR zoning district. In reviewing the City’s regulations it was discovered that the existing rear-yard setback requirement for these structures is 20 feet. For lots that are smaller in size in comparison to most signal family neighborhoods in the City, a 20-foot rear yard setback is larger than what is typical in other communities. In fact, the rear-yard setback for accessory building in the Rural Single Family (RS) district is 10 feet. It should be noted that when a City adopts new zoning districts, it is very common that amendments or tweaks to the district standards occur once the districts are adopted and being utilized by property owners. Staff views this process as a natural evolution of the zoning district standards. Following up on the research conducted, staff presented these findings at the 6/22/15 Planning Commission meeting. Upon review of the information, the Planning Commission directed staff to prepare a Zoning Text Amendment and schedule a public hearing. The ordinance as proposed reflects the Zoning Text Amendment prepared by staff with input from the Planning Commission.

PLANNING COMMISSION REPORT:

The Planning Commission reviewed the setback requirements for detached accessory buildings in the urban residential district at their meeting on 6/22/15, where they directed staff to schedule a public hearing and prepare a Zoning Text Amendment. The public hearing was held on July 13, 2015. No one spoke during the public hearing and no written correspondence was received. There was very little discussion on the proposed ordinance amendment at the 7/13/15 meeting. The Planning Commission unanimously recommended approval of the zoning text amendment to reduce the rear-yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet (Vote: 6-0).

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

Strengths: Reducing the rear-yard setback for accessory buildings will bring the standard into conformance with what is more typical or common amongst urban residential standards in the surrounding communities. Placing these small structures closer to the rear property line will give residents more usable back yard area for use of their property.

At the same time, a 10-foot setback will keep these structures outside of the City's standard drainage and utility easements.

Weaknesses: None

Opportunities: Amending the rear-yard setback for accessory structures at this time prior to many more residents moving into these neighborhood types will help alleviate issues or concerns about the placement of accessory buildings.

Threats: None.

RECOMMENDATION:

Based on the aforementioned, the Planning Commission and staff are recommending that the City Council approve the proposed amendment to the rear yard setback for accessory structures in the urban residential zoning districts. Should the item be removed from the Consent Agenda, the motion to take the recommended action on the request is as follows:

“Move to adopt Ordinance 08-125, reducing the rear yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet.”

In addition, due to the fact that the ordinance contains charts, staff is recommending that the City Council authorize summary publication to explain the ordinance amendment through publication. The suggested motion is as follows:

“Move to adopt Resolution 2015-58, authorizing summary publication of Ordinance 08-125.”

ATTACHMENTS:

1. Ordinance 08-125
2. Resolution 2015-58
3. Staff Report to the Planning Commission, dated 7-13-15
4. Staff Report to the Planning Commission, dated 6-22-15
5. Accessory Structure Regulations - Comparison

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-125

AN ORDINANCE AMENDING THE LAKE ELMO ZONING CODE BY AMENDING THE REAR YARD
SETBACK FOR DETACHED ACCESSORY STRUCTURES IN THE URBAN RESIDENTIAL ZONING
DISTRICTS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 452 to read the following:

§ 154.452 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and Setback Requirements.

Table 10-2: Lot Dimension and Setback Requirements, Residential Districts

| | <i>LDR</i> | <i>MDR</i> | <i>HDR</i> |
|--|------------|-----------------------------|-----------------------------|
| Minimum Lot Area (sq. ft.) | | | |
| Single family detached dwelling | 8,000 | 7,000 | 5,000 |
| Two-family dwelling (per unit) ^a | 5,000 | 4,000 | 3,000 |
| Single-family attached (per unit) ^b | - | 4,000 | 2,500 |
| Multi-family dwelling (per unit) | - | 4,000 | 1,800 |
| Secondary dwelling | | see 155.102 | |
| Live-work unit | - | - | 3,600 |
| Congregate housing | - | see 155.102 | see 155.102 |
| Manufactured home park | - | see 155.102 | - |
| Minimum Lot Width (feet) | | | |
| Single family detached dwelling | 60 | 50 | 50 |
| Two-family dwelling (per unit) ^a | 35 | 30 | 20 |
| Single-family attached (per unit) ^b | - | 25 | 20 |

| | LDR | MDR | HDR |
|--|-----------------|-----------------|-----------------|
| Multi-family dwelling (per building) | - | 75 | 60 |
| Live-work unit | - | - | 25 |
| Maximum Height (feet) | 35 | 35 | 50 |
| Maximum Impervious Coverage | 40% | 50% | 75% |
| Minimum Building Setbacks (feet) | | | |
| Front yard | 25 ^c | 25 ^c | 20 ^c |
| Minimum Building Setbacks (feet) | | | |
| Interior side yard ^e | | | |
| Principal Buildings ^{f,g} | 10 | 10 | 10 ^d |
| Attached Garage or Accessory Structures ^{f,g} | 5 | 5 | 10 ^d |
| Corner side yard ^{g,h} | 15 | 15 | 15 |
| Rear yard | | | |
| Principal Buildings | 20 | 20 | 20 |
| Detached Accessory Buildings | 10 | 10 | 10 |

Notes to Urban Residential Districts Table

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.

- d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-125 was adopted on this twenty first day of July 2015, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-125 was published on the ____ day of _____, 2015.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2015-58

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-125 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-125, an ordinance to the City's regulations pertaining to setbacks for accessory structures in the urban residential zoning districts; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-125 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-125, which reduces the rear-yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet.

The full text of Ordinance No. 08-125 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: July 21, 2015.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



PLANNING COMMISSION
DATE: 7/13/15
AGENDA ITEM: 4C – PUBLIC HEARING
CASE # 2015-22

ITEM: Zoning Text Amendment – Accessory Building Setbacks in the Urban Residential Districts

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
Casey Riley, Planning Intern

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a public hearing to consider a Zoning Text Amendment to reduce the rear yard setback for accessory buildings in the urban residential zoning districts. The Planning Commission reviewed the proposed change to the setback at their meeting on June 22, 2015. After reviewing the proposed change, the Planning Commission directed staff to schedule a public hearing and prepare the Zoning Text Amendment. Staff is recommending that the Planning Commission recommend approval of the Zoning Text Amendment through the following motion:

“Move to recommend approval of the Zoning Text Amendment to reduce the rear yard setback for accessory buildings in the urban residential zoning districts from 20 feet to 10 feet.”

GENERAL INFORMATION

Applicant: City of Lake Elmo

Property Owners: N/A

Location: N/A – Proposed zoning text amendment would apply to residential properties in the urban residential zoning districts (LDR, MDR and HDR)

Request: City staff is recommending that the City consider a minor amendment to the rear-yard setback requirements for accessory buildings in urban residential zoning districts. The Planning Commission is asked to hold a public hearing on the proposed amendment.

Existing Land Use: N/A

Existing Zoning: N/A

Surrounding Land Use: N/A

Surrounding Zoning: N/A

Comprehensive Plan: N/A

Proposed Zoning: N/A

History: The urban residential zoning districts were adopted as part of the Zoning Code Update Project in 2012/13. As part of this effort, the City adopted three residential zoning districts intended to be utilized in the City’s urban planning areas (I-94 Corridor and Village Area). These zoning districts include lot dimension and building bulk requirements that include the setback requirements for both principal and accessory structures.

Applicable Regulations: Article X – Urban Residential Districts (154.452 Lot Dimensions and Building Bulk Requirements)

BACKGROUND

City staff has recently received an inquiry about the required setbacks for accessory buildings in the Urban Low Density Residential (LDR) zoning districts. Upon review of the setback requirements as found in §154.452 for accessory buildings, it was discovered that the required rear-yard setback for accessory buildings is 20 feet. Staff has researched multiple other cities and found that typical rear yard setbacks for these structures in urban residential districts are between 5 and ten feet. In addition, the City’s Rural Single Family (RS) zoning district also has a 10-foot rear yard setback for accessory buildings.

It should be noted that there are several homes that have been issued Certificates of Occupancy in the Savona LDR subdivision. As more of these neighborhoods are constructed and new residents move in, the City is likely to receive more inquiries about tool sheds and other small accessory structures. Staff recommends addressing the rear-yard setback issue prior to more inquiries coming into the City.

STAFF REVIEW COMMENTS:

Based on the research conducted by Staff, it is recommended that the rear yard setback for accessory buildings in urban residential districts be reduced to 10 feet. A setback of 10 feet allows for a substantial enough setback from adjoining properties while at the same time keeping these structures outside of the City’s standard drainage and utility easements. Finally, a separation of 10 feet should be significant enough to mitigate potential drainage or surface water challenges that may arise from locating accessory buildings in these areas.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed Zoning Text Amendment through the following motion:

“Move to recommend approval of the Zoning Text Amendment to reduce the rear yard setback for accessory buildings in the urban residential zoning districts from 20 feet to 10 feet.”

ATTACHMENTS:

1. DRAFT 154.452 Lot Dimensions and Building Bulk Requirements

2. Accessory Structure Regulations Comparison

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

§ 154.452 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and Setback Requirements.

Table 10-2: Lot Dimension and Setback Requirements, Residential Districts

| | <i>LDR</i> | <i>MDR</i> | <i>HDR</i> |
|--|-----------------|-----------------------------|-----------------------------|
| Minimum Lot Area (sq. ft.) | | | |
| Single family detached dwelling | 8,000 | 7,000 | 5,000 |
| Two-family dwelling (per unit) ^a | 5,000 | 4,000 | 3,000 |
| Single-family attached (per unit) ^b | - | 4,000 | 2,500 |
| Multi-family dwelling (per unit) | - | 4,000 | 1,800 |
| Secondary dwelling | | see 155.102 | |
| Live-work unit | - | - | 3,600 |
| Congregate housing | - | see 155.102 | see 155.102 |
| Manufactured home park | - | see 155.102 | - |
| Minimum Lot Width (feet) | | | |
| Single family detached dwelling | 60 | 50 | 50 |
| Two-family dwelling (per unit) ^a | 35 | 30 | 20 |
| Single-family attached (per unit) ^b | - | 25 | 20 |
| Multi-family dwelling (per building) | - | 75 | 60 |
| Live-work unit | - | - | 25 |
| Maximum Height (feet) | 35 | 35 | 50 |
| Maximum Impervious Coverage | 40% | 50% | 75% |
| Minimum Building Setbacks (feet) | | | |
| Front yard | 25 ^c | 25 ^c | 20 ^c |

| | LDR | MDR | HDR |
|--|------------|------------|-----------------|
| Minimum Building Setbacks (feet) | | | |
| Interior side yard ^e | | | |
| Principal Buildings ^{f,g} | 10 | 10 | 10 ^d |
| Attached Garage or Accessory Structures ^{f,g} | 5 | 5 | 10 ^d |
| Corner side yard ^{g,h} | 15 | 15 | 15 |
| Rear yard | | | |
| <u>Principal Buildings</u> | <u>20</u> | <u>20</u> | <u>20</u> |
| <u>Detached Accessory Buildings</u> | <u>10</u> | <u>10</u> | <u>10</u> |

Notes to Urban Residential Districts Table

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.

- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

(Ord. 2012-062, passed 9-18-2012; Am. Ord. 08-071, passed 3-5-2013)

Accessory Structure Regulations – Comparison Chart

| City | Maximum Size | Max Number | Setbacks | Other |
|---------------------|---|---|---|--|
| Cottage Grove | | | 5' Side, 10' Rear | 30' height maximum. Residents have to provide 400 SF of usable open space on their lot. In no cases can more than 30% of lot be covered with structures. |
| Hugo | 260 SF for lots < 1.5 acre | | If accessory building is less than 120 SF, 10' rear, 6' side. | Lots > 1.5 acres but < 2.99 acres, Max size for all accessory buildings is 1,500 SF |
| Inver Grove Heights | 1,000 SF | 1 | 30' Front, 5' Side, 8' Rear | Max Height: 25' |
| Maplewood | Lot area under 8,000 SF: 768 SF | Combo of Detached and Attached Garage Building: 1188 SF | 5' Rear, 5' Side | If the lot area is greater than 8,000 SF and less than 16,000 SF, the accessory structure can be 1,000 SF. The Combination of both can be 1,420 SF. |
| Oakdale | | | 30' Front, 20' Corner Side, 5' Side, 5' Rear | The minimum distance between buildings at any point shall be equal to the height of the exterior wall or 15 feet, whichever is greater. |
| Stillwater | 500 SF | 1 | 5' Side, 10' Rear | 20 ft max building height |
| White Bear | 1,000 SF for garage, 120 SF for 2 nd accessory structure | 2 | 5' Rear, 5' Side | Must be in rear or side yard. |
| Woodbury | 400 SF | 1 | 5 ft. rear and side | Cannot be on easement, cannot be in front of principle building, wall cannot exceed 12 ft in height, shall not occupy more than 25% of rear yard |