



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

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### 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.”***

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### 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:**

- Introduction .....Community Development Director
- Report by Staff ..... City Planner
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing .....Chair
- 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>
<b>Minimum Lot Area (sq. ft.)</b>			
Single family detached dwelling	8,000	7,000	5,000
Two-family dwelling (per unit) <sup>a</sup>	5,000	4,000	3,000
Single-family attached (per unit) <sup>b</sup>	-	4,000	2,500
Multi-family dwelling (per unit)	-	4,000	1,800
Secondary dwelling		<a href="#">see 155.102</a>	
Live-work unit	-	-	3,600
Congregate housing	-	<a href="#">see 155.102</a>	<a href="#">see 155.102</a>
Manufactured home park	-	<a href="#">see 155.102</a>	-
<b>Minimum Lot Width (feet)</b>			
Single family detached dwelling	60	50	50
Two-family dwelling (per unit) <sup>a</sup>	35	30	20
Single-family attached (per unit) <sup>b</sup>	-	25	20
Multi-family dwelling (per building)	-	75	60
Live-work unit	-	-	25
<b>Maximum Height (feet)</b>	35	35	50
<b>Maximum Impervious Coverage</b>	40%	50%	75%
<b>Minimum Building Setbacks (feet)</b>			
Front yard	25 <sup>c</sup>	25 <sup>c</sup>	20 <sup>c</sup>

	<b>LDR</b>	<b>MDR</b>	<b>HDR</b>
<b>Minimum Building Setbacks (feet)</b>			
Interior side yard <sup>e</sup>			
Principal Buildings <sup>f,g</sup>	10	10	10 <sup>d</sup>
Attached Garage or Accessory Structures <sup>f,g</sup>	5	5	10 <sup>d</sup>
Corner side yard <sup>g,h</sup>	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 <sup>nd</sup> 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