



STAFF REPORT

DATE: 1/27/2025

Item#: 4b – Public Hearing

Motion

TO: Planning Commission
FROM: Sophia Jensen, Senior City Planner
AGENDA ITEM: Zoning Text Amendment – Housekeeping Items
REVIEWED BY: Jason Stopa, Community Development Director
Ashley Monterusso, City Planner

BACKGROUND:

Over the last year City Staff have identified a handful of minor ordinance corrections that are required to create consistency and clarity with the City Code and other guiding documents. Processing these amendments is on the 2025 Planning Commission Work Plan.

ISSUE BEFORE THE PLANNING COMMISSION:

The Planning Commission is being asked to hold a public hearing and make a recommendation to the City Council on the proposed amendments.

PROPOSAL DETAILS:

Sections under review:

- 105.12.110(b)(13)
- 1.08.010
- 105.12.410(h)
- 105.12.440(e)
- 105.12.200
- 103.00.060(b)(1)
- 105.12.190 (g)

ANALYSIS OF PROPOSALS: Proposed language is underlined. Deleted language is shown with a ~~striketthrough~~.

Code Section: 105.12.110(b)(13) Definitions The intent of this amendment is to account for bed and breakfast facilities where the owner may not reside on premises with the renters.

Proposed Language: Bed and breakfast (short term rental) means a private, ~~owner-occupied~~ residence that contains no more than five guestrooms where lodging, with or without meals, is provided for compensation. Guest stays shall be limited to 30 days. The owner may or may not reside on site.

Code Section: 1.08.010 Terms Defined The intent of this amendment is to clarify types of undeveloped land that qualify as open space.

Proposed Language: *Open space area* means the measurement of all undeveloped land including wetlands, stormwater ponds, steep slopes, parks and conservation areas ~~and natural features~~ within a subdivision or planned unit development. Trails or sidewalks outside of the road right-of-way and agricultural buildings are included in the open space area. Road right-of-way and buildable lots and outlots are not considered open space areas.

Code Section: 105.12.410(h) Off Street Parking Regulations The intent of this amendment is to correct the language and clarify that the code applied to commercial trucks and trailers.

Proposed Language: *Truck parking in residential areas.* No commercially licensed trailer or truck which has a vehicle weight of 14,000lbs (Class 4) or more shall be parked or stored in a residential district except when loading, unloading, or rendering a service. Recreation vehicles ~~and pickups~~ are not restricted by the terms of this provision.

Code Section: 105.12.440(e) Accessory Buildings and Structures, Generally The intent of this amendment is to prohibit accessory buildings within the front yards of homes.

Proposed Language: *Proximity to principal structure.* Accessory buildings or structures shall maintain a six-foot setback from the principal structure. An accessory building or structure will be considered as an integral part of the principal building if it is located six feet or less from the principal structure and located to the side or rear of the principal structure. Accessory buildings or structures shall not be located in the front yard of the principal structure unless they are listed as a permitted encroachment defined in LEC 105.12.200(a)(1).

Code Section: 105.12.200(a)(1) &(b) Permitted Encroachments The intent of this amendment is to clarify that retaining walls and pool equipment pads may encroach into setbacks. This is consistent with current City practice. This code does not apply to easements.

Proposed Language:

a) *In any yards.*

- 1) Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to three feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, egress window/wells, sidewalks, fences, retaining walls less than four feet in height, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five feet from any lot line nor less than one foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

- 2) Porches as defined in LEC 1.08 may encroach up to six feet into a required front yard setback or side corner yard, but in no case shall be set back less than ten feet from the front property line. A porch is not allowed in a side or rear yard setback.
- b) *Side and rear yards.* Fences; walls and hedges six feet in height or less; pool equipment pads; bays not to exceed a depth of three feet or containing an area of more than 30 square feet; egress/window wells not to exceed the minimum area needed to meet building/ fire code or fire escapes not to exceed a width of three feet.
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Code Section: 103.00.060(b)(1) Lot Consolidation/Lot Line Adjustment The intent of this amendment is to clarify nonconformity language. The language is consistent with current City practice.

Proposed Language:

- b) *Criteria for lot line adjustment/lot consolidation.* Lot line adjustments exempted from platting by M.S.A. § 462.352, subd. 12 shall not require a plat or replat and may be administratively approved, provided all of the following criteria are met:
1. Each resultant parcel equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment. When more than one lot is non-conforming, the least conforming lot may be made more conforming while the other non-conforming lot(s) are made less conforming. A conforming lot shall not become non-conforming by the lot line adjustment/consolidation.
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Code Section: 105.12.190 Additions And Exceptions To Minimum Area, Height, And Other Requirements The intent of this amendment is to clarify nonconformity language. The language is consistent with current City practice and the amendments to 103.00.060 listed above.

Proposed Language:

(g) *Reduction of required yard or lot size prohibited.* No yard or lot shall be reduced in area or dimension so as to make it less than the minimum required by this chapter, ~~and if the existing yard or lot is less than the minimum required, it shall not be further reduced.~~ If the existing lot is less than the minimum required, it may be further reduced if it meets the lot line adjustment standards in LEC 103.00.060. No required yard or lot currently used for a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.

PUBLIC HEARING:

A public hearing was published in the City's official newspaper on January 17th, 2025. No public comment has been received.

FISCAL IMPACT:

None.

OPTIONS:

- Recommend approval of the proposed amendments.
- Recommend changes to the proposed amendments.
- Recommend denial of the proposed amendments.

RECOMMENDATION:

Staff recommends the Planning Commission recommend approval of the proposed text amendment as presented by Staff'

“Motion to recommend approval of the proposed text amendments as presented by Staff”

ATTACHMENTS:

- None