



City of Lake Elmo

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, June 9, 2008, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. The May 28, 2008 minutes will be submitted for review at the next meeting.
4. Public Hearings
 - a. No Public Hearings
5. Old Business
 - a. Proposed Accessory Building Zoning Ordinance Amendments
6. New Business
7. City Council Updates
 - a. June 3, 2008
8. Adjourn

ITEM: Accessory Building Regulations

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Ben Gozola, Senior Planner
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review proposed changes to the City's accessory building regulations currently found in several different sections of the Zoning Ordinance. The Commission previously provided direction to staff regarding these changes, and the next step in the process will be conducting a formal public hearing prior to recommending adoption of these changes to the City Council.

The changes proposed can be summarized as follows:

- The RE District provisions (Section 154.058) will be amended to add accessory building setbacks to the district table. The accessory building setbacks will mirror the requirements for a principal structure.
- Language in all zoning districts will be amended to clearly state whether or not the dimensional requirements apply to principal, accessory buildings, or both.
- The reference to roof height in Section 154.092, Subd. (A,2) will be removed. With this change, all accessory building heights will be calculated in the same manner as principal buildings.
- The accessory building height in all districts will be amended to 18 feet (from either 14 feet or 20 feet depending on how it was interpreted). This figure is recommended by Staff as a balance between the previous roof height requirement of 20 feet and the averaging that is allowed for mansard, gable, hip, and gambrel style roofs.
- The definition for a tool shed has been revised to delete the statement related to roof height (again, the general building height definition will apply). These types of structures will still have a separate height requirement that is lower than other buildings.
- Accessory buildings in the Open Space Preservation District were previously allowed to be built to a higher height than in other districts; this has also been changed to reflect a common height across all residential zoning districts.
- The requirements for maximum building height and door height will include a note that these limits apply to residential districts only.
- All language pertaining to size limits for the parking of passenger automobiles (found in Section 154.092, Subd. D) has been deleted.

- The remainder of Section 154.092, Subd. D has been left; however, it has been revised to clarify that the building footprint will be used to calculate the size requirements for an accessory building (not gross floor area). This revision also provides for a blanket statement across all districts that an accessory building cannot exceed the size of a principal structure.
- Section 154.092 Subd. F and G have been amended to clarify that accessory buildings cannot exceed the height of the principal building in any zoning district with the exception of agricultural farm buildings and the exceptions to height listed elsewhere in the City Code.
- The table found in Section 154.093 has been updated to clarify the requirements for the smallest lot sizes in R-1, RED, and OP districts and to remove existing language that states the size of accessory buildings cannot exceed a principal structure. The revised statement in Section 154.092, Subd. D will now cover this requirement.

The Commission also asked for clarification concerning a few of the other regulations that are associated with accessory buildings as follows:

- The Commission indicated that the stacking of space within an accessory building may be appropriate (and possibly preferred) in some instances when the topography allowed such an arrangement, both for attached and detached structures. Under the accessory building revisions as drafted, the footprint of a structure would be used to calculate building size; therefore any portion of a structure that is below grade would not count towards the size limitations. The structure would still need to comply with the building height restrictions, which would require that a building be constructed to a lower height than a structure that is built entirely at grade. Staff will bring a diagram to the meeting that more clearly depicts how this might look using a typical accessory building. It appears that the regulations as drafted should provide for some flexibility to accommodate a two-tiered building in certain circumstances.
- The Commission asked for clarification concerning accessory uses within Open Space Developments, for example, a community center in a historic barn. Although there is not a specific use included in the Open Space District use chart for these types of activities, the OP District regulations do require that a plan be submitted for the preservation of historic structures on the property. This plan is one of the mechanisms that could be used to permit such a use within structures that are deemed historic. The OP district does allow cooperative gardening and horticultural and floriculture services as permitted uses (which will be changed to agriculture, suburban farms, and wayside stands under the recent amendments to agricultural uses that have recently be recommended by the Planning Commission).

With the changes that have been made to the automobile parking size limits, there are no restrictions in the proposed ordinance as drafted that would limit the size of an attached garage. At a minimum, the code should specify that an attached garage cannot exceed the size of the other portions of a house since by definition, the garage would no longer be "incidental and subordinate to" the main structure. Since the Planning Commission previously has discussed this matter, Staff will ask for additional clarification concerning its intent at the next meeting. Staff will also suggest some language for review that could be added to the draft ordinance to address these concerns.

ADDITIONAL INFORMATION:

Staff will prepare diagrams for review at the meeting depicting how some of the proposed changes would be implemented using some of the recent accessory building permits that have been approved by the City.

Should the Planning Commission elect to move forward with the changes as documented by Staff in the attached documents, the formal ordinance changes will be prepared for publication in advance of a public hearing.

RECOMMENDATION:

Staff is recommending that the Planning Commission review the proposed Ordinance Changes, confirm any final revisions to the Ordinances as drafted, and set a public hearing date for July 14, 2008 to consider these amendments to the Zoning Ordinance.

ATTACHMENTS:

1. Accessory Building Updates – Summary Table
2. Accessory Building Updates – Zoning Code Amendments
3. Building Height Diagram

ORDER OF BUSINESS:

- Introduction Kyle Klatt, Planning Director
- Report by staff Kyle Klatt, Planning Director
- Questions from the Commission Chair & Commission Members
- Action by the Planning Commission Chair & Commission Members

Accessory Building Ordinance Updates Summary Table

Proposed Changes to Existing Zoning Ordinance

TABLE 1 – SETBACKS/HEIGHT

Accessory Bldg Setbacks	AG	AG	RR	RR	R1	R2	R3	R4	RE	OP	OP
		Clustered		Animal						Single	Townhouse
Front	200	30	30	100	30	30	50	50	100	30	30
Side	200	10	10	100	10	10	20	20	50	15*	15*
Side (Street)	200	25	25	100	25	25	50	50	80	30	30
Rear	200	40	40	100	40	40	50	50	100	15*	15*
Rear (Garages, Boats, Storage, Tool)	200	10	10	100	10	10	20	20	100	15*	15*
Arterial Street	200	50	50	100	50	50	50	50	150	50	50
Height (for residential districts)	18	18	18	18	18	18	18	18	18	18	18
Max Door Height (for residential districts)	14	14	14	14	14	14	14	14	14	14	14
Number	2	2	1	1	1	1	1	1	1	1	1

* Or 10% of lot width, whichever is greater

Notes:

- Building height will be calculated in accordance with the definition in the City Code. References to maximum roof height have been eliminated in the accessory building section that follows.

Accessory Building Ordinance Updates
Proposed Amendments to Sections 154.092 and 154.093

§ 154.092 ACCESSORY BUILDINGS AND STRUCTURES.

(A) Types of accessory buildings include storage or tool sheds; detached residential garage; detached rural storage building; detached domesticated farm animal buildings; agricultural farm buildings. The accessory buildings are defined as follows:

(1) **STORAGE OR TOOL SHED.** A 1-story accessory building of less than 160 square feet gross area with a maximum ~~roof~~ height of 12-10 feet and exterior colors or material matching the principal structure or utilizing earthen tones. No door or other access opening in the storage or tool shed shall exceed 28 square feet in area.

(2) **DETACHED RESIDENTIAL GARAGE.** A 1-story accessory building used or intended for the storage of motor driven passenger vehicles regulated in § 154.093 ~~with a maximum roof height of 20 feet~~. No door or other access opening shall exceed 14 feet in height. The exterior color, design, and materials shall be similar to the principal structure.

(3) **DETACHED RURAL STORAGE BUILDING.** A 1-story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment and the like. Exterior materials shall match the principal structure in exterior color or be of an earthen tone.

(4) **DETACHED DOMESTICATED FARM ANIMAL BUILDING.** A 1-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building shall require a Minnesota Pollution Control Agency feedlot permit and site and building plan approval.
(Am. Ord. 97-38, passed 11-17-1998)

(5) **AGRICULTURAL FARM BUILDING.** An accessory building used or intended for use on an active commercial food-producing farm operation of more than 20 acres, a Minnesota Pollution Control Agency permit may be required.

(B) A tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.

(C) No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.

(D) ~~No accessory building used or intended for the storage of passenger automobiles shall exceed 1,000 square feet of gross area, nor shall any access door or other opening exceed the height of 10 feet, nor shall any structure exceed 1 story in height except when the garages are located in business, industrial or planned unit developments. On parcels of 20,000 square feet in area or less, no detached accessory building or garage shall exceed the size of the principal building in gross floor~~

area. The footprint of any detached accessory building shall not be larger than the footprint of the principal building.

(E) An accessory building shall be considered as an integral part of the principal building if it is located 6 feet or less from the principal building. The exterior design and color shall be the same as that of the principal building or be of an earthen tone; the height shall not exceed the height of the principal structure unless more restrictive portions of this chapter prevail.

(F) No accessory building ~~in a commercial or industrial district~~ shall exceed the height of the principal building except for agricultural farm buildings and the exceptions to building height listed in Section 154.083.

~~———— (G) No accessory buildings in apartment developments shall exceed the height of the principal building.~~

(H) Accessory buildings in the commercial and industrial districts may be located to the rear of the principal building, subject to the Building Code and fire zone regulations.

(I) No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R-1 Districts where detached garages may be permitted nearer the front lot line than the principal building by resolution of the City Council, except in planned unit developments or duster developments. (Ord. 97-107, passed 4-16-2002)

(J) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure, provided that the physical conditions of the lot require such a location and a resolution is issued. In no event shall the structure be located closer than 20 feet to the public right-of-way.

(K) All accessory buildings over 35 square feet in area shall have a foundation, concrete slab or wind anchor. Buildings larger than 100 square feet shall require a building permit regardless of improvement value. Roof loads and wind loads shall conform to requirements as contained in the Building Code.

(L) The required rear yard setbacks for detached residential garages, and storage, boat, and tool sheds shall be a distance equal to the required side yard setback for each zoning district, except on through lots when the required rear yard setback in each zoning district shall apply.

(M) Performance standards for detached agricultural buildings and domesticated farm animal buildings on parcels of less than 20 acres shall include the following:

(1) Setbacks. All animal buildings, feedlots, and manure storage sites shall be set back in accordance with the underlying zoning district regulations.

(2) Slopes. The building, feedlot, or manure storage shall not be placed on slopes which exceed 13%.

(3) Water level. Evidence of the seasonally high groundwater level or mottled soil (as established by 8-1/2 foot borings) shall not be closer than 6-1/2 feet to the natural surface ground grade in any area within 100 feet of the proposed building and/or feedlot.

(4) Wetlands. No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot, or grazing area.

(1997 Code, § 300.13 Subd. 3)

§ 154.093 NUMBER/SIZE OF ACCESSORY BUILDINGS.

The maximum number and size of accessory buildings permitted in each zoning district shall be as follows. No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

Maximum Number and Size of Accessory Buildings	
Agricultural	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal 40 acres or more, and buildings are agricultural buildings as defined in § 154.092(A)(5).
Maximum Number and Size of Accessory Buildings	
Agricultural (Non-conforming)	
Up to 10 acre	Two buildings with a combined area not to exceed 2,000 square feet
Over 10 acres but less than 40 acres	Two buildings and the area of each building not to exceed 2,000 square feet
Rural Residential	
Up to 10 acres	One 2,000-square foot detached building, in addition to an attached garage
Over 10 acres 15 Acres	One 2,500-square foot detached building in addition to an attached garage
Over 15 acres	One 3,000-square foot detached building, in addition to an attached garage
Residential - R-1, RED, and OP	
Over 5,000 square feet but less than 1 acre	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure
From 1 acre to 2 acres	One 1,200-square foot detached residential, garage or building, in addition to an attached garage

Over 2 acres	One 1,300-square foot detached residential garage or building in addition to an attached garage
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(1997 Code, § 300.13 Subd. 4) (Am. Ord. 97-38, passed 11-17-1998; Am. Ord. 97-206, passed 12-11-2007)

Accessory Building Ordinance Updates
Building Height Diagram

