



STAFF REPORT

DATE: 3/11/19

ITEM #: 5B

MOTION

TO: Planning Commission

FROM: Ken Roberts, Planning Director

ITEM: Zoning Ordinance Amendment – Minimum Lot Sizes – Multi-Family Housing

REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

During the City's review of the proposed Bentley Village Townhouse development, staff became aware of a problem in the Zoning code. This involves the listed minimum lot size standards in the zoning code for single-family attached (townhouses) and multi-family housing in Lake Elmo. Staff is now proposing amendments to the text of the zoning code to correct this problem.

ISSUE BEFORE PLANNING COMMISSION:

Does the Planning Commission agree with the proposed ordinance amendment that would change the sections of the Zoning Code that now have a minimum lot size standard for single-family attached and multi-family dwellings?

PROPOSAL DETAILS/ANALYSIS:

There are several sections of the Zoning Code that have standards for the minimum lot size (per unit) for single-family attached and multi-family housing. These include the MDR (medium density), HDR (high density), VMX (village mixed use), MU-C (mixed use commercial) and MU-BP (mixed use business park). The difficulty with having a minimum lot size per unit in these types of developments is that townhouses, when several are attached to form one building, typically are each on lots of 1,500 – 1,800 square feet. The code now requires between 1,800 - 4,000 square feet per unit. The minimum lot sizes per unit do not account for overall project density as public streets, setbacks and required open space are all design factors that a project designer must account for when laying out a development with single-family attached or multi-family attached housing.

The City's Comprehensive Plan sets density standards for all residential land uses. These range from 2.5-4.0 units per acre for low-density residential development, 4.01 – 8 units per acre in the areas planned medium density residential (MDR) to 10-15 units per acre in the mixed use commercial (MU-C) land use area. It is important for the City to have future residential developments meet these density standards as these were the standards the City used when preparing the 2040 Comprehensive Plan for approval by the Metropolitan Council. In addition,

the City has based the long-term design needs of the City's Sanitary Sewer and Water systems on the land use designations and housing densities set in the Comprehensive Plan.

The overall project density is the most important factor that the City should consider when reviewing a single-family attached or a multi-family housing development. The total number of units in any one site or development (and thus the total number of expected residents in an area), determines the need for public services such as emergency services, street maintenance and public utility services. Having a minimum lot size per unit in these areas limits and lowers the overall project density when a project needs to meet all the other City-required design standards.

To remedy this problem, staff is proposing a Zoning Code text amendment that drops the minimum lot size per unit for single-family attached and multi-family dwelling developments from the Zoning Code. Instead, staff is proposing to have a note in the Zoning Code for these types of developments that states the density shall not exceed the maximum density allowed by the land use classification in the City's adopted Comprehensive Plan. This change will insure that minimum lot sizes do not overly restrict the number of units and it gives clear direct that the City intends to have new development meet the density standards in the Comprehensive Plan.

Staff is looking for feedback and direction about the proposed ordinance amendment from the Planning Commission. We will then be scheduling a public hearing for the proposed ordinance amendment with the Planning Commission to get a formal recommendation to pass on to the City Council.

RECOMMENDATION:

Staff recommends that the Planning Commission review the draft ordinance amendment about the minimum lot sizes for single-family attached and multi-family dwelling developments and provide staff with feedback and direction about the proposed changes.

ATTACHMENTS:

1. Proposed Zoning Code Text Amendment

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

ORDINANCE NO. 08-XXX

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
REMOVING THE MINIMUM LOT SIZE STANDARDS FOR CERTAIN SINGLE-
FAMILY ATTACHED AND MILTI-FAMILY HOUSING**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.452 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

§ 154.452 LOT DEMENSIONS 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 <u>See note i.</u>	2,500 <u>See note i.</u>
Multi-family dwelling (per unit)	-	4,000 <u>See note i.</u>	1,800 <u>See note i.</u>
Secondary dwelling		See 154.454(c)	See 154.454 (c)
Live-work unit	-	-	3,600
Congregate housing	-	See 154.301(c)	See 154.301(c)
Manufactured home park	-	See 151.035-151.150	See 151.035-151.150-

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

Notes to Urban Residential Districts Table

- 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.
- 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.
- i. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City’s Comprehensive Plan.

SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.502 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with strikethrough):

§ 154.502 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 11-2: Lot Dimension and Setback Requirements.

Table 11-2: Lot Dimension and Setback Requirements, VMX District

	VMX
Minimum Lot Area (sq. ft.)^a	
Non-Residential Use	None
Single Family Detached Dwelling	5,000
Two-Family Dwelling (per unit) ^b	3,000
Single-Family Attached (per unit) ^c	2,500—See notes a and h.
Multi-Family Dwelling (per unit)	1,800—See notes a and h.
Secondary Dwelling	See 154.454.C
Live-Work Unit	3,000
Congregate Housing	See 154.454(c)
Other Structures	3,500
Maximum Lot Area (acres)	
Residential Structures	N/A
Other Structures	5
Minimum Lot Width (feet)	
Single Family Detached Dwelling	50
Two-Family Dwelling (per unit) ^b	30
Single-Family Attached (per unit) ^c	25
Multi-Family Dwelling (per building)	75
Live-Work Unit	25
Maximum Height (feet/stories)	
	35/3 ^d
VMX	
Maximum Impervious Coverage	
Residential Structures	75%
Other Structures	No Limit
Minimum Building Setbacks (feet)	
Front Yard ^e	See 154.452, 154.505 (A)(6) or 154.505(A)(7)

Interior Side Yard ^f	10
Corner Side Yard ^g	0
Rear Yard	10

Notes to VMX District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the Village Mixed Use land use category.
- 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. Buildings up to 45 feet in height may be permitted as part of a PUD.
- e. The front yard setback for single family homes shall be 25 feet.
- f. Side yard setbacks in the VMX District apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.
- g. Corner properties: the side yard 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 shown in the table.
- h. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City's Comprehensive Plan.

SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.511 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with strikethrough):

§ 154.511 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

	<i>MU-C</i>	<i>MU-BP</i>
Minimum Lot Area (sq. ft.)^{a,c}		
Single-family detached dwelling	4,000	5,000
Two-family dwelling (per unit)	3,000	4,000
Single-family attached dwelling (per unit) ^b	3,000— <u>See note 1.</u>	4,000 <u>See note 1.</u>
Multifamily dwelling (per unit)	1,500 <u>See note 1.</u>	2,200— <u>See note 1.</u>
Secondary dwelling	See Section 154.454 (C)	
Live-work unit	3,000	3,000
Non-residential uses	20,000	85,000
Minimum Lot Width (feet)		
Single-family detached dwelling	50	50
Two-family dwelling (per unit)	20	20
Single-family attached dwelling (per unit) ^b	20	20
Multifamily dwelling (per building)	60	60
Live-work unit	25	25
Non-residential uses	100	200
Maximum Height (feet)ⁱ	50	50
Maximum impervious coverage (non-shoreland areas)	75%	75%
Building setback requirements (feet)		
<i>Residential uses</i>		
Front yard ^d	20	20
Interior side yard ^f		

Principal Buildings	<u>7</u>	<u>7</u>
Attached Garage or Accessory Structures ^{e,f}	<u>5</u>	<u>5</u>
Corner side yard ^g	<u>10</u>	<u>10</u>
Rear yard	20	20
<i>Non-residential uses</i>		
Front yard ^d	30	50
Interior side yard ^j	10	30
Corner side yard ^g	25	30
Rear yard	30	30
From Residential zones	50	150
Parking setback requirements (feet)		
Front yard	15	30
Interior side yard	10	15
Corner side yard	15	30
Rear yard	10	15
From Residential zones	35	50

Notes to Mixed Use Commercial and Mixed Use Business Park Districts Table

- Common open space areas may be used in determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- 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.
- 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 also is used for multifamily dwellings.
- 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.

- e. 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.
- f. Side yard setbacks shall apply to the ends of attached or two-family dwellings.
- g. 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.
- h. Attached garages and accessory structures on parcels on which single family homes are located may have a side yard setback of 5 feet.
- i. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- j. All accessory buildings for non-residential uses must be set back at least 10 feet from property lines.
- k. Ground mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section 154.308 (B).
- l. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City's Comprehensive Plan.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance 08-XXX was adopted on this _____ day of April, 2019, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-XXX was published on the _____ day of _____, 2019.