



## STAFF REPORT

DATE: 8/13/19

ITEM #: 4

**TO:** Lake Elmo City Council

**FROM:** Ken Roberts, Planning Director

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

**REVIEWED BY:** Ben Prchal, City Planner

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### **BACKGROUND:**

During the City's review of the Bentley Village Townhouse development earlier this year, 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 has proposed amendments to the text of the zoning code to correct this problem.

On March 25, 2019, the Planning Commission conducted a public hearing about a proposed code amendment. This proposal was to drop the minimum lot size requirement for medium and high density residential development and instead refer to the maximum density allowed by the Comprehensive Plan as the guide for the number units in a development. They recommended approval of the code change as prepared by City staff.

On May 29, 2019, the Planning Commission reviewed the proposed ordinance amendment and recommended (again) that the City Council adopt the ordinance as proposed.

On July 2, 2019, the City Council reviewed a proposed ordinance amendment that would remove the minimum lot size requirement from the zoning code for medium and high density residential housing. After some discussion, the City Council tabled action on the proposed code amendment and asked staff to put the matter on a Council work session agenda for further discussion.

### **ISSUE BEFORE THE CITY COUNCIL:**

Does the City Council want to adopt the proposed ordinance amendment that would delete the sections of the Zoning Code that now list a minimum lot size for single-family attached and multi-family dwellings and replace those with a reference to the density standards in the Comprehensive Plan?

Or does the City Council prefer the revised ordinance amendment (attached) that clarifies that the listed minimum lot sizes are to be calculated as the minimum lot area required per dwelling unit averaged over an entire development site and not just under each building pad?

### **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 City 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 (and to clarify the language in the City Code), staff originally proposed a Zoning Code text amendment that dropped the minimum lot size per unit for single-family attached and multi-family dwelling developments from the Zoning Code. Instead, staff was 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 would insure that minimum lot sizes do not overly restrict the number of units and it gives clear direction that the City intends to have new development meet the density standards in the Comprehensive Plan.

#### **ADDITIONAL INFORMATION:**

Since the Planning Commission meeting on March 25, staff has done further research of codes and ordinances of other area cities about minimum lot sizes for multiple family housing. Staff found that many cities do not have a minimum lot size for this type of housing. These cities rely on the density standards set by their Comprehensive Plans or they list a maximum density (in dwelling units per acre) in their zoning code to determine maximum project density. These cities include Maplewood, Cottage Grove, Roseville and Ramsey.

Other cities do list a minimum lot size per units similar to what Lake Elmo now has in the zoning code. These include Stillwater, Oakdale, Woodbury and Mounds View. They clarify, however, that their minimum lot size is the minimum lot area required per dwelling unit (averaged over the entire development site – not just the land area under each unit). For example, in Lake Elmo, in the HDR District with the listed minimum lot area for multi-family dwelling unit of 1,800 square feet per unit, a 10 acre site could have up to 242 units (10 acres times 43,560 square feet divided by 1,800 = 242 units) if the City calculated density using this method. This is a significantly

larger number than the 150 units that would be allowed by the Comprehensive Plan standard at 15 units maximum per acre to calculate density. If the City set a minimum lot size in the HDR of 2,900 square feet, that would meet the maximum allowed density of 15 units per acre as set in the Comprehensive Plan. (10 acres times 43,560 square feet divided by 2,900 square feet equals 150.2 maximum total units or 15.1 units per acre.)

For another example, in Mounds View, they require at 6,500 square feet of lot area per dwelling unit for townhouses and at least 2,500 square feet of lot area for multiple-family dwelling unit. For a 10 acre site in Mounds View, the maximum number of multiple-family units would be 174 units (10 acres times 43,560 square feet divided by 2,500 = 174 units).

Woodbury requires an average of at least 4,500 square feet of lot area per townhouse unit, 2,925 square feet per 1 bedroom unit and at least 3,600 square feet of lot area per 2 bedroom unit. Stillwater requires at least 2,800 square feet of lot area per unit in their medium density zoning district and at least 1,500 square feet of lot per unit in their high density residential zoning district.

### **ORDINANCE UPDATE – AUGUST 2019:**

To address the concerns of the City Council, I have changed the proposed ordinance amendment. I am now proposing to leave in the zoning code the minimum lot size requirement for each unit. I also have added a clarification to each applicable section of the Ordinance that the City will consider the listed minimum lot size as the minimum lot area required per dwelling unit averaged over the entire development site and not just the minimum amount of land required under each unit.

### **RECOMMENDATION:**

Staff recommends the City Council review the latest proposed ordinance amendment about minimum lot sizes for medium and high-density residential development and provide City staff with direction and feedback. If the Council is supportive of the proposed Ordinance, staff would then schedule the proposed ordinance for a review and recommendation by the Planning Commission and then formal action by the City Council.

### **ATTACHMENT:**

1. Ordinance 08-XXX 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 MULTI-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><b>LDR</b></i>	<i><b>MDR</b></i>	<i><b>HDR</b></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– <u>See note j.</u>	2,500– <u>See note j.</u>
Multi-family dwelling (per unit)	-	4,000– <u>See note j.</u>	1,800– <u>See note j.</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) <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
Maximum Height (feet)	35	35	50
Maximum Impervious Coverage	40%	50%	75%
Minimum Building Setbacks (feet)			
Front yard	25 <sup>c</sup>	25 <sup>c</sup>	20 <sup>c</sup>
Interior side yard <sup>e</sup>			
Principal Buildings <sup>f,g</sup>	10	10	10 <sup>d</sup>
	<b>LDR</b>	<b>MDR</b>	<b>HDR</b>
Minimum Building Setbacks (feet)			
Interior side yard			
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	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 residential density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City’s Comprehensive Plan, except when the City Council approves additional units in a PUD with amenity points.
- j. The listed minimum lot size is the minimum lot area required per dwelling unit (averaged over the entire development site – not just the land area under each unit).

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

Interior Side Yard <sup>f</sup>	10
Corner Side Yard <sup>g</sup>	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 residential density in any development in a VMX district shall not exceed the maximum density allowed by the land use classification as designated in the City’s Comprehensive Plan except when the City Council approves additional units in a PUD with amenity points.
- i. The listed minimum lot size is the minimum lot area required per dwelling unit (averaged over the entire development site – not just the land area under each unit).

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

Principal Buildings	<u>7</u>	<u>7</u>
Attached Garage or Accessory Structures <sup>e,f</sup>	<u>5</u>	<u>5</u>
Corner side yard <sup>g</sup>	<u>10</u>	<u>10</u>
Rear yard	20	20
<b><i>Non-residential uses</i></b>		
Front yard <sup>d</sup>	30	50
Interior side yard <sup>j</sup>	10	30
Corner side yard <sup>g</sup>	25	30
Rear yard	30	30
From Residential zones	50	150
<b>Parking setback requirements (feet)</b>		
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 residential density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City's Comprehensive Plan except when the City Council approves additional units in a PUD with amenity points.
- m. The listed minimum lot size is the minimum lot area required per dwelling unit (averaged over the entire development site – not just the land area under each unit).

**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 \_\_\_\_\_, 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.