



STAFF REPORT
DATE: 6/20/2023
REGULAR
MOTION

TO: City Council
FROM: Sophia Jensen, City Planner
AGENDA ITEM: **Zoning Text Amendments – 105.12.200 Permitted Encroachments on Required Yards**
REVIEWED BY: John Taylor – Building Official

BACKGROUND:

The City Zoning Code has been amended over the years which has resulted in the need to adjust text and references for clarification purposes. Staff has identified the need to bring forward an amendment to the permitted encroachments code section to clarify window wells/fire escapes as a permitted encroachment. Staff believes this amendment is relatively minor but does further help identify the permitted yard encroachments.

ISSUE BEFORE THE CITY COUNCIL:

The City Council is being asked to make a determination on the proposed text amendment to section 105.12.200 Permitted Encroachments on Required Yards.

PROPOSAL DETAILS/ANALYSIS

Proposed definition changes are attached.

PUBLIC COMMENT

A hearing notice was published in the Stillwater Gazette on June 2nd 2023. No public comment has been received.

PLANNING COMMISSION RECCOMENDATION

At the June 12th Planning Commission meeting the commission recommended approval of the amendment. Vote 7-0.

FISCAL IMPACT

None.

OPTIONS

- Approve the proposed text amendment.
- Amend the proposed text amendment.
- Deny the proposed text amendments.

RECCOMENDATION

Staff recommends that the City Council approve, *as part of the consent agenda*, the proposed text amendments as presented. If removed from the consent agenda, then Staff recommends the City Council approve the request with the following motion:

“Move to adopt Ordinance 2023-14 amending Section 105.12.200 Permitted Encroachments on Required Yards as presented.”

“Move to adopt summary of publication of Ordinance 2023-14 with approval of Resolution No. 2023-062”

ATTACHMENTS

1. Proposed Text Amendment
2. Existing Code Language
3. Ordinance 2023-14
4. Resolution 2023-062

New language shown with red underlined text.

105.12.200 Permitted Encroachments On Required Yards

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter:

1. *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, 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 setback less than ten feet from the front property line. A porch is not allowed in a side or rear yard setback.
2. *Side and rear yards.* Fences; walls and hedges six feet in height or less; 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.
3. *Corner lots.* Nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and ten feet above the centerline grades of the intersecting streets within 100 feet of the intersection.
4. *Off-street parking.* In no event shall off-street parking spaces, structures of any type, buildings, or other improvements cover more than 75 percent of the lot area. In no event shall the landscaped portion of the lot be less than 25 percent of the entire lot as a result of permitted encroachments. In shoreland areas, no more than one-third of lot areas shall be covered with improvements.

105.12.200 Permitted Encroachments On Required Yards

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter:

(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, sidewalks, fences, 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 setback 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; bays not to exceed a depth of three feet or containing an area of more than 30 square feet; fire escapes not to exceed a width of three feet.

(c) *Corner lots.* Nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and ten feet above the centerline grades of the intersecting streets within 100 feet of the intersection.

(d) *Off-street parking.* In no event shall off-street parking spaces, structures of any type, buildings, or other improvements cover more than 75 percent of the lot area. In no event shall the landscaped portion of the lot be less than 25 percent of the entire lot as a result of permitted encroachments. In shoreland areas, no more than one-third of lot areas shall be covered with improvements.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 2023-14

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING SECTION 105.12.200 TO CLARIFY THE IMPROVEMENTS THAT CAN ENCROACH THE ESTABLISHED SETBACKS FOR A PROEPRTY.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 105.12 Zoning Code; Article IV. Additional Regulations and Modifications: by amending Section 105.12.200 Permitted Encroachments On Required Yards; (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language):

105.12.200 Permitted Encroachments On Required Yards

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter:

1. *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, 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 setback less than ten feet from the front property line. A porch is not allowed in a side or rear yard setback.
2. *Side and rear yards.* Fences; walls and hedges six feet in height or less; 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.
3. *Corner lots.* Nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and ten feet above the centerline grades of the intersecting streets within 100 feet of the intersection.
4. *Off-street parking.* In no event shall off-street parking spaces, structures of any type, buildings, or other improvements cover more than 75 percent of the lot area. In no event shall the landscaped portion of the lot be less than 25 percent of the entire lot as a result of permitted encroachments. In shoreland areas, no more than one-third of lot areas shall be covered with improvements.

SECTION 2. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 2023- 14 was adopted on this 20th day of June 2023, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 2023- 14 was published on the ___ day of _____, 2023.

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

RESOLUTION NO. 2023-62

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE
2023-14**

WHEREAS, the Lake Elmo City Council has adopted Ordinance No. 2023-14, an ordinance that amends the City's Zoning Code Chapter 105.12, Section 105.12.200 Permitted Encroachments On Required Yards.

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo that the City Clerk shall cause the following summary of Ordinance No. 2023-14 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 2023-14, an ordinance that amends the City Code language in the Zoning Ordinance. This ordinance alters language in the City Code to update the impervious surface definitions. The following is a summary of the adopted ordinance language:

Ordinance 2023-14 includes the following elements to amend Zoning Code Chapter 105.12, Section 105.12.200 Permitted Encroachments on Required Yards.

1. Amended the permitted encroachments code section to clarify window wells and fire escapes as permitted encroachments within required yard setbacks.

The full text of Ordinance 2023-14 is available for inspection at Lake Elmo City Offices during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: June 20th 2023

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)