



## STAFF REPORT

DATE: 08/22/2022

### **PUBLIC HEARING**

ITEM#: 4b

**TO:** Planning Commission  
**FROM:** Ben Hetzel, City Planner  
**REVIEWED BY:** Molly Just, Planning Director  
**AGENDA ITEM:** 40- Foot Residential Setback from a Public Street

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### **BACKGROUND:**

As new development has occurred in the South Planning Area of Lake Elmo, some buildings have been located closer to the public right of way than others. With the varying land use densities and intensities planned for the area, this is an opportunity to guide building placement.

The City Council directed the Planning Department to pursue a zoning text amendment to incorporate an increased 40-foot setback for all residential development abutting a public street. The setback would apply to all new residential development in all zoning districts in the area south of 10<sup>th</sup> Street. This area is within the South Planning Area as per the 2040 Comprehensive Plan. The increased setback would not apply to the Low Density Residential (LDR) or Golf Course Community (GCC) zoning districts.

At the May 23, 2022 meeting the Planning Commission suggested bringing forward for public hearing and consideration language to establish a 40 foot setback along 5<sup>th</sup> Street, Hudson Boulevard, Inwood Avenue, Keats Avenue, Lake Elmo Avenue and Manning Avenue. Staff suggested a 40 foot setback based on an analysis of existing and proposed development along 5<sup>th</sup> Street. The Planning Commission recommended adoption of zoning text amendments establishing an increased setback from the named at the June 13, 2022 meeting. The increased setback would have only applied to parcels abutting named streets.

At the June 21, 2022 meeting, the City Council tabled action on the amendments. The their July 12<sup>th</sup> workshop the City Council directed staff to prepare revisions requiring a minimum 40-foot setback for new residential development for all parcels in all districts south of 10<sup>th</sup> Street except golf course and LDR districts. Because this proposal would impact more landowners, the proposal was advertised and is in order for a public hearing by the Planning Commission. The current proposed amendments are intended to provide more space between high density residential development and the public right of way.

### **ISSUE BEFORE THE PLANNING COMMISSION:**

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

### **PROPOSED CHANGES**

In order to incorporate the 40-foot setback, a note be added to the Lot Dimension and Setback Requirements table in each affected zoning district. The proposed amendment would apply to the following sections of the Lake Elmo City Code (teal represents existing code, yellow represents new code):

#### **105.12.930 Lot Dimensions And Building Bulk Requirements**

Lot area and setback requirements shall be as specified in Table 12-2 Lot Dimension and Setback Requirements, Commercial Districts.

Table 12-2: Lot Dimension and Setback Requirements, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>
Minimum lot area (square feet)	3.5 acres	12,000	20,000	2 acres
Minimum lot width (feet)	300	75	100	200
Minimum lot depth (feet)	400	-	-	-
Maximum height (feet/stories) <sup>d</sup>	35	35	45	50 <sup>a</sup>
Maximum impervious coverage	40 percent	60 percent	75 percent	75 percent
<b>Building Setback Requirements (feet):</b> <u>d, e</u>				
<b>Front yard</b>	<b>100</b>	<b>30</b>	<b>30</b>	<b>50</b>
<b>Interior side yard</b>	<b>50</b>	<b>20</b>	<b>10</b>	<b>30</b>
<b>Corner side yard</b>	<b>100</b>	<b>25<sup>c</sup></b>	<b>25<sup>c</sup></b>	<b>30</b>
<b>Rear yard</b>	<b>50</b>	<b>30<sup>b</sup></b>	<b>30<sup>b</sup></b>	<b>30</b>
<b>Residential zones</b>	<b>150</b>	<b>50</b>	<b>50</b>	<b>150</b>
<b>Parking Setback Requirements (feet):</b>				
Front yard	50	15	15	30
Interior side yard	50	10	10	15
Corner side yard	50	15	15	30
Rear yard	50	10	10	15
Residential zones	100	35	35	100
Minimum building floor size (square feet)	4,000	-	-	5,000
Notes to Table 12-2:				
a. Buildings higher than 50 feet may be allowed through a conditional use permit and would be subject to a separate technical and planning evaluation.				
b. Accessory buildings must be set back ten feet from property lines.				
c. Corner properties. The side facade 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.				
d. Ground- mounted wind generators may exceed to allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in LEC 105.12.570.				
<b><u>e. For residential uses, the minimum structure setback from a public street shall be 40 feet.</u></b>				

### **105.12.720 Lot Dimensions 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>GCC</i>	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>
Minimum Lot Area (square feet)				
Single-family detached dwelling	9,000	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>	-	-	1,750	1,750
Multifamily dwelling (per unit)	-	-	3,000	1,800
Secondary dwelling	See LEC 105.12.740(c)	See LEC 105.12.740(c)	See LEC 105.12.740(c)	See LEC 105.12.740(c)
Live-work unit	-	-	-	3,600
Congregate housing	-	-	See LEC 105.12.500(c)	See LEC 105.12.500(c)
Manufactured home park	-	-	See LEC 105.12.170 -- LEC 105.12.340	See LEC 105.12.170 -- LEC 105.12.340
Minimum Lot Width (feet)				
Single-family detached dwelling	70	60	50	50
Two-family dwelling (per unit) <sup>a</sup>	-	35	30	20
Single-family attached (per unit) <sup>b</sup>	-	-	25	20
Multifamily dwelling (per building)	-	-	75	60
Live-work unit	-	-	-	25
Maximum Height (feet)	35	35	35	50
Maximum Impervious Coverage	30 percent	40 percent	50 percent	75 percent
Minimum Building Setbacks (feet) <sup>†</sup>				
Front yard	25	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	10 <sup>d</sup>

Minimum Building Setbacks (feet)				
Interior side yard				
Attached garage or accessory structures <sup>f, g</sup>	5	5	5	10 <sup>d</sup>
Corner side yard <sup>g, h</sup>	15	15	15	15
Rear yard	20	20	20	20
Notes to Urban Residential Districts Table:				
a. 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.				
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., one 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 seven 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 LEC 105.12.200) will be two feet.				
g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.				
h. Corner properties: The side facade 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. For residential uses in the MDR and HDR districts, the minimum structure setback from a public street shall be 40 feet.				

**105.12.880 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 (square feet): <sup>a, c</sup>		
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	4,000
Multifamily dwelling (per unit)	1,500	2,200
Secondary dwelling	See section LEC 105.12.740(c)	
Live-work unit	3,000	3,000
Nonresidential 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) <sup>b</sup>	20	20
Multifamily dwelling (per building)	60	60
Live-work unit	25	25
Nonresidential uses	100	200
Maximum Height (feet) <sup>i</sup>	50	50
Maximum impervious coverage (non-shoreland areas)	75 percent	75 percent
Building Setback Requirements (feet) <sup>1</sup> :		
Residential uses:		
Front yard <sup>d, l</sup>	20	20
Interior Side Yard: <sup>f</sup>		
Principal buildings	7	7
Attached garage or accessory structures <sup>e, f</sup>	5	5
Corner side yard <sup>g</sup>	10	10
Rear yard	20	20
Nonresidential Uses:		
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
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:		
a. 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.		
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., one unit per 2,500 square feet. This standard also is used for multifamily dwellings.		
d. 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 seven 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 LEC 105.12.200) will be two feet.		
f. Side yard setbacks shall apply to the ends of attached or two-family dwellings.		
g. Corner properties. The side facade 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 five 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 nonresidential uses must be set back at least ten 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 LEC 105.12.560(b).		
l. For residential uses, the minimum structure setback from a public street shall be 40 feet.		

**OPTIONS**

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

## **RECCOMENDATION**

Staff recommend that the Planning Commission recommend approval of the proposed text amendments to incorporate a 40 foot setback for all new residential development abutting a public street in the subject zoning districts.

*“Motion to recommend adoption of the proposed amendment as presented, amending Section 105.12.930 Commercial Lot Dimensions and Building Bulk Requirements to incorporate a 40-foot setback for all new residential development abutting a public street.”*

*“Motion to recommend adoption of the proposed amendment as presented, amending Section 105.12.720 105.12.720 Lot Dimensions and Building Bulk Requirements to incorporate a 40-foot setback for all new residential development abutting a public street.”*

*“Motion to recommend adoption of the proposed amendment as presented, amending Section 105.12.880 Mixed-Use Commercial and Mixed-Use Business Park Districts Lot Dimensions and Building Bulk Requirements to incorporate a 40-foot setback for all new residential development abutting a public street.”*

## **ATTACHMENTS**

1. Lake Elmo Zoning Map
2. 2040 Future Land Use Map





