



## **STAFF REPORT**

DATE: 6/12/2023

REGULAR

ITEM #4B – PUBLIC

HEARING MOTION

**TO:** Planning Commission  
**FROM:** Sophia Jensen, City Planner  
**AGENDA ITEM:** **Zoning Text Amendments – 105.12.200 Permitted Encroachments on Required Yards**

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### **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 as a permitted encroachment.

Staff believes this amendment is relatively minor but does further help identify the permitted yard encroachments.

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

The Planning Commission is asked to make a recommendation to the City Council on the proposed text amendment to permitted encroachments provisions.

### **PROPOSAL DETAILS/ANALYSIS**

Proposed definition changes are attached.

### **PUBLIC COMMENT**

A hearing notice was published in the Stillwater Gazette on June 2<sup>nd</sup> 2023.

### **FISCAL IMPACT**

None.

### **OPTIONS**

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

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the proposed text amendments as presented.

***“Move to recommend adoption of the proposed text amendment, for permitted encroachments, in Section 105.12.200 Permitted Encroachments on Required Yards as presented.”***

### **ATTACHMENTS**

1. Proposed Text Amendment
2. Existing Code Language

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.

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  - (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