



Planning Commission Work Session Agenda

February 24, 2014

7:00 p.m.

1. Nonconforming Lot Standards. Kelsey Johnson, City Planner Presenting



CITY OF SAINT ANTHONY VILLAGE MEMORANDUM

To: St. Anthony Village Planning Commission
Mark Casey, City Manager

From: Kelsey Johnson, AICP, City Planner

Date: February 17, 2014

WSB Project No. 02170-001

Request: Nonconforming Lot Standards

OVERVIEW

On October 29 and December 2, 2013 Staff met with the City Council to discuss potential modifications to the City Code pertaining to “nonconforming lots”. The Code currently addresses “nonconforming uses” and “nonconforming buildings or structures”, but does not address “nonconforming lots”. Staff suggested some language that could be incorporated into the Code that would allow residents and property owners opportunities to improve, rebuild, or remodel their buildings on lots that do not meet the minimum dimensional standards of the applicable zoning.

Having reviewed the nonconforming lot standards further and the general development patterns within the City, staff has prepared the following language as an alternative to the previously proposed language. Staff is seeking feedback on the proposed language as presented. The double underlined text shows the additions and the ~~strike through text~~ shows the deletions.

§152.008 DEFINITIONS.

NONCONFORMING LOT OF RECORD. A lot which was legally created and was recorded with the County Recorder’s Office on or before the effective date of this Ordinance which does not comply with the lot size requirements for any permitted use in the district in which it is located. Such lot is considered buildable without a variance.

NONCONFORMING STRUCTURE. A nonconforming structure as defined in §152.003.

NONCONFORMING USES, ~~AND~~ STRUCTURES, AND LOTS

§152.225 INTENT FOR NONCONFORMING USES AND STRUCTURES

It is the intent of this subchapter to permit nonconforming uses and structures, as defined in §152.003, to continue until they are removed, but it not the intent of this subchapter to encourage their survival, or to permit them to be enlarged, expanded, or extended.

§152.226 LIMITED CONTINUATION

Except as otherwise provided by law, any nonconformity, including a nonconforming use or occupation of land or premises, may be continued, including through repair, replacement, restoration, maintenance or improvement, but not including expansion, unless:

(A) *Change to conforming use.* The property used for a nonconforming use is subsequently used for a conforming use.

(B) *Discontinued use.* The nonconformity or occupancy is discontinued for a period of more than 1 year.

(C) *Destruction of building.* Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of the estimated market value, as indicated by the records of the County Assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.

§152.227 INTENT FOR NONCONFORMING LOTS OF RECORD

It is the intent of this subchapter to permit nonconforming lots of record, as defined in §152.008, to continue to be used for the legal use for which it is zoned in accordance with the criteria for continuance as specified in this Code. Nonconforming lots of record within the shoreland area must conform to the provisions as outlined in Minn. Stat. §462.357, Subd. 1e. A lawful nonconforming lot of record shall be deemed buildable, without a variance

Language within each Zoning District must also be modified to ensure confusion and contradictory language does not exist. Provisions that will need to be modified include:

R-1 SINGLE-FAMILY DISTRICT

§152.039 DIMENSIONAL REGULATIONS

(B) *Area and width.* No dwelling may be constructed or placed on an interior lot of less than 9,000 square feet, or less than 75 feet in width at the building setback line, or a corner of less than 11,000 square feet or less than 90 feet in width at the building setback line, except as allowed in §152.227.

R-1A SINGLE-FAMILY LAKESHORE

§152.054 DIMENSIONAL REGULATIONS

(B) *Area and width.* No dwelling may be constructed or placed on an interior lot of less than 9,000 square feet, or less than 75 feet in width at the building setback line, or a corner of less than 11,000 square feet or less than 90 feet in width at the building setback line, except as allowed in §152.227.

R-2 TWO-FAMILY DISTRICT

§152.069 DIMENSIONAL REGULATIONS

(B) *Area and width.* No dwelling may be constructed or placed or built on an interior lot of less than 12,000 square feet, or less than 85 feet in width at the building setback line, or a corner of less than 14,000 square feet or less than 100 feet in width at the building setback line, except as allowed in §152.227.

R-3 TOWNHOUSE DISTRICT

§152.089 DIMENSIONAL REGULATIONS

(B) *Area and width.* The land must contain at least 4,000 square feet per dwelling unit, with a total lot area of at least 15,000 square feet, and a lot width of at least 90 feet at the building setback line except as allowed in §152.227.

R-4 MULTIPLE-FAMILY DISTRICT

§152.104 DIMENSIONAL REGULATIONS

(B) *Area and width.* No dwelling may be constructed or placed on a lot which is less in area than the following, except as allowed in §152.227:

<i>Building Size</i>	<i>Minimum Lot Size</i>
2 to 8 units	12,000 square feet plus 2,500 square feet per each unit over 2
9 to 16 units	27,000 square feet plus 2,000 square feet per each unit over 8
17 or more units	43,000 square feet plus 1,750 square feet per each unit over 16

C GENERAL COMMERCIAL DISTRICT

§152.124 DIMENSIONAL REGULATIONS

(B) *Area and width.* The minimum lot area is 15,000 square feet, and the minimum lot width is 100 feet, except as allowed in §152.227:

LI LIGHT INDUSTRIAL DISTRICT

§152.144 DIMENSIONAL REGULATIONS

(B) *Area and width.* The minimum lot area is 15,000 square feet, and the minimum lot width is 100 feet, except as allowed in §152.227:

Saint Anthony Village

CITY OF
ST. ANTHONY

2010 ZONING
Non-Conforming Single Family Parcels

