

ITEM: Miscellaneous Text Changes to Draft Land Development Code

SUMMARY:

The following Staff report is provided in response to discussion at the March 11, 2010, Planning Commission Work Session.

Issues discussed on March 4, 2010:

The Commission identified the following as needing further suggested text language or further research by City Staff:

- Revisions to LDC - Staff has made revisions to the LDC based on the discussion and direction provided by the Commission on March 11. The following is a summary of these revisions (see Attachment #1):
 - The Commission reviewed Section 3.5.5, which has regulations for compatibility between college uses in the perimeter transition area and the surrounding neighborhoods. The Commission requested that Staff review the language in Section 3.5.5, complete research, and propose suggested language (Attachment #1):
 - Purpose statement – Was added to Section 3.5.5.
 - Building height requirements – Staff has suggested language for building height requirements for buildings facing or adjacent to residential areas. These limitations should mitigate any negative height impacts, such as blocking of sunlight, in residential areas.
 - Requirements for lighting for sports stadiums – language could be added to Section 3.3.3 (Outdoor Lighting) for lighting for sports stadiums, or lighting impacts could be addressed through the Conditional Use Permit (CUP) on a case-by-case basis as discussed in Section 5.5.9 (D) (2) (1) of the LDC.
 - Requirements for loading docks - Section 3.8.13 (D) of the LDC has requirements for loading docks, including regulating impacts on neighboring residential areas.
 - Screening requirements – This language was deleted since screening requirements are provided in Section 3.6.10.
 - Accessory Uses and Structures – As discussed at the March 11, 2010, Planning Commission Work Session, Staff met with Commission member Alice Thomas to suggest revisions to the language in the LDC relating to accessory uses (Attachment #2). Some highlights of the suggested revisions, which will be reviewed by the Commission on March 18, 2010:
 - Section 2.10.2 (G) was deleted since the intent of this Section was to provide regulations for separation between accessory and principal uses. That separation requirement is provided in Section 2.10.2 dealing with setbacks.

- With the exception of detached garages, all accessory structures, including sheds, gazebos, and workshops, would be limited to ten feet in height (currently sheds are limited to nine feet in height).
- The Commission might consider whether there should be different accessory use/structure requirements for residential, commercial, and industrial. In the draft LDC, currently all accessory use/structure requirements apply to all zoning districts.
- Table 2.10-1 has been revised to distinguish between accessory uses and accessory structures.
- Accessory dwelling units have been specifically defined in Article 6 as those residential living units located above detached garages. A definition for shed is also now included in Article 6 as an “accessory building used primarily for storage purposes.”

RECOMMENDATION:

Staff requests that the Commission review new suggested language and provide direction to City Staff on this language.

SUBMITTED BY: Dan Olson, City Planner

ATTACHMENTS:

1. Revised Section 3.5.5
2. Suggested language for accessory uses and structures, Section 2.10.1 to 2.10.4(B)

- 4270 (i) to ensure that there is a physical and visual connection between
4271 the living area of the home and the street; and
- 4272 (ii) to ensure that the location and amount of living space of the
4273 home, as seen from the street, is more prominent than the garage;
4274 and
- 4275 (iii) to prevent garages from obscuring the main entrance from the
4276 street and ensure that the main entrance for pedestrians, rather
4277 than automobiles, is the prominent entrance; and
- 4278 (iv) provide for a more pleasant pedestrian environment by preventing
4279 garages from dominating the views of the neighborhood from the
4280 sidewalk; and
- 4281 (v) enhance public safety by preventing garages from blocking views
4282 of the street from inside the home.

4283 **(b) Garage Placement**

4284 Attached garages must be set back at least six feet from the primary façade
4285 of the principal structure. Side-loaded attached garages are exempt from
4286 this requirement provided that the side of the garage facing the front street
4287 has windows or other architectural details that mimic the features of the
4288 living portion of the home.

4289 **(c) Garage Massing**

4290 The width of an attached garage is limited to 24 feet, except:

- 4291 (i) If the garage has two separate front vehicle entrance openings, the
4292 width of the garage may be extended to 28 feet; or
- 4293 (ii) A garage may be extended beyond 35 feet in width if the existing
4294 property is at least 80 feet in width, and the garage does not
4295 exceed 50 percent of the width of the primary façade of the home.

4296 **3.5.5 Standards for Development in the PTA Sub-area within the CD-S district**

4297 **(A) Purpose and Intent**

4298 The purpose of development standards for the PTA Sub-area is to minimize any
4299 adverse impacts of proposed development on adjacent non-college properties.
4300 These standards are in addition to the Conditional Use Permit approval criteria in
4301 Section 5.5.9(D) Approval CriteriaApproval Criteria.

4302 **(B) Building Height Standards**

- 4303 (1) If a proposed college building faces or is adjacent to non-college owned
4304 property, the height of the building shall be no more than 1.5 times the
4305 average height of the buildings it is proposed to face within that block.
- 4306 (2) If a proposed college building faces or is adjacent to college owned
4307 property, the maximum building height is 50 feet.

4308 **(C) Parking Standards**

- 4309 (1) Whenever possible, parking lots or structures should be constructed in the
4310 least visible location to neighboring properties. Surface parking lots that
4311 adjoin public streets shall be landscaped or otherwise screened with
4312 structures to minimize views of parking from the street and adjoining
4313 properties.

4314 (2) Parking structures shall maintain a setback equal to the average setback for
 4315 existing buildings and/or parking lots on adjoining properties.

4316 (D) Lighting Standards

4317 ~~(5) New athletic fields shall not be exempt from the lighting standards~~
 4318 ~~established in Section 3.3.3, Outdoor Lighting Standards, with the exception~~
 4319 ~~that, after 11:00 p.m., such facilities may not utilize the exemption for~~
 4320 ~~public recreational activities.~~

4321 (1) In addition to the Outdoor Lighting Standards of Section 3.3.3, the applicant
 4322 will demonstrate that interior lighting from proposed buildings will not
 4323 create a nuisance to neighboring properties.

4324
 4325 ~~(D) Other Standards~~

4326 ~~(1) Screening of mechanical equipment, utility systems, solid waste and loading~~
 4327 ~~areas, shall be subject to the screening requirements of Section 3.6.10,~~
 4328 ~~Screening Requirements.~~

4329 3.5.6 Standards for Development in the NC-F District

4330 Development subject to requirements of this section shall comply with the following
 4331 standards in addition to the other requirements of this section:

4332 ~~(E)(A)~~ **Site Plan Review**

4333 The standards of this section shall be reviewed through the site plan review process
 4334 established in Section 5.5.6, Site Plan.

4335 ~~(F)(B)~~ **Use Limitations**

4336 The following uses or features shall be prohibited as principal or accessory uses in
 4337 the NC-F district:

- 4338 (1) Drive-through establishments;
- 4339 (2) Public address/speaker systems;
- 4340 (3) Outdoor storage; and
- 4341 (4) Uses providing delivery services via automobile or truck.

4342 ~~(G)(C)~~ **Site Layout**

4343 **(1) Off-Street Parking**

- 4344 (a) The total amount of off-street parking shall not exceed the required
 4345 minimum specified in Section 3.8, Off-Street Parking, and may be
 4346 reduced by 20 percent in the NC-F district.
- 4347 (b) Off-street parking shall be established in one of the following
 4348 locations (listed in priority order):
 - 4349 (i) Adjacent to off-street parking lots serving nonresidential uses on
 4350 abutting lots;
 - 4351 (ii) Adjacent to lot lines abutting nonresidential development;
 - 4352 (iii) On a lot's corner side;
 - 4353 (iv) Behind the building;

- 2455 | ~~(5)~~(4) The applicant shall provide, at the time of application, sufficient
 2456 | information to indicate the construction, installation, and maintenance of the
 2457 | antenna and tower will not create a safety hazard or damage to the property
 2458 | of other persons.
- 2459 | ~~(6)~~(5) Adjustment or replacement of the elements of an antenna already affixed
 2460 | to a tower or antenna shall not require a permit, provided that the
 2461 | replacement does not reduce the safety factor. The city planner shall issue a
 2462 | decision related to the zoning certificate application upon review of all
 2463 | required materials listed in this section and shall respond to the request in an
 2464 | expeditious and reasonable timeframe.
- 2465 | ~~(7) Conditional use permit applications, site plan review applications and~~
 2466 | ~~building permit applications shall be accompanied by payment of a fee as~~
 2467 | ~~established by resolution of the city council from time to time.~~

2468 | 2.10 Accessory Uses and Structures

2469 | 2.10.1 Purpose

2470 | This section authorizes ~~the establishment of~~ accessory uses and structures that are
 2471 | incidental and customarily subordinate to principal uses. The intent of this section is to
 2472 | allow ~~a broad range of~~ accessory uses while not creating adverse impacts on surrounding
 2473 | lands. Examples of accessory uses include accessory dwelling units, detached garages,
 2474 | detached storage/utility sheds, gazebos, swimming pools, hot tubs and spas, and courts for
 2475 | tennis and other recreational sports.

2476 | 2.10.2 General Provisions

2477 | ~~(A) Only one accessory structure (not including fencing) shall be allowed on any~~
 2478 | ~~parcel in addition to a detached garage, except where a site is two times or more~~
 2479 | ~~the minimum lot area required for a new parcel in the applicable zone; in such~~
 2480 | ~~case, two accessory structures shall be permitted.~~

2481 | ~~(B)~~(A) Fencing and walls shall will not be subject to the requirements of this section.
 2482 | Standards for fencing and walls are established in Section 3.3.1, Fencing and
 2483 | Walls.

2484 | ~~(C)~~(B) An accessory use structure shall will be incidental to the primary-principal use of
 2485 | the site, and shall not negatively alter the character of the primary-principal use.
 2486 | Small accessory structures such as doghouses, benches, and garden decorations
 2487 | are exempt from the provisions of this section provided they do not occupy more
 2488 | than 12 square feet.

2489 | ~~(D)~~(C) Accessory structures shall will only be constructed concurrent with or after the
 2490 | construction of the primary-principal structure-building on the same site.

2491 | ~~(E) Small accessory structures such as doghouses, benches, and garden decorations~~
 2492 | ~~shall be exempt from the provisions of this section provided they do not occupy~~
 2493 | ~~more than 12 square feet.~~

2494 | ~~(F)~~(D) Accessory structures located on lots with stream or river frontage may be located
 2495 | between the public road and the principal structure, provided it is clearly
 2496 | demonstrated that physical conditions require such a location.

2497 | ~~(G) An accessory structure that is attached to the primary structure shall comply with~~
 2498 | ~~the site development standards and all other development standards of the~~
 2499 | ~~applicable zoning district. Any accessory structure shall be considered as an~~

2500 | ~~integral part of the principal building if it is located less than six feet from the~~
2501 | ~~principal building.~~

2502 | ~~(H)~~(E) Uses and structures that are accessory to a conditional use permit for a principal
2503 | use shall be permitted in accordance with this section, without requiring a
2504 | conditional use permit amendment, unless specifically required as a condition of
2505 | the conditional use permit approval.

2506 | ~~(H)~~(E) An accessory structure detached from the ~~primary-principal structure building~~
2507 | ~~shall will~~ comply with the following standards, unless otherwise stated in this
2508 | section and the use-specific standards of **Section 2.10.4:**

2509 | **(1) Setbacks**

2510 | (a) An accessory structure ~~shall will~~ not be located within a front yard.

2511 | ~~(b)~~ ~~Accessory structures for nonresidential uses may be located any place~~
2512 | ~~to the rear of the principal building, subject to the building code and~~
2513 | ~~the fire code regulations, except where prohibited by other sections of~~
2514 | ~~this LDC.~~

2515 | ~~(e)~~(b) An accessory structure ~~shall will~~ maintain a front yard setback of at
2516 | least 20' and side and rear setbacks of at least five feet, except that an
2517 | existing non-conforming detached residential garage may be replaced
2518 | or expanded to a distance of at least three feet to the interior side or
2519 | rear yard property line. On corner lots, accessory structures ~~shall will~~
2520 | maintain at least a 10' setback from the property line along the street
2521 | be subject to the street yard setbacks.

2522 | ~~(d)~~(c) An accessory structure shall maintain at least a five-foot separation
2523 | from other accessory structures and the principal building.

2524 | **(2) Size and Height Limits**

2525 | (a) Unless otherwise stated, the maximum height of a detached accessory
2526 | structure ~~shall will~~ be ten feet with the exception of detached garages.

2527 | (b) Detached sheds on residential properties shall not be larger than 140
2528 | square feet.

2529 | ~~(b)~~(c) No detached garage used or intended for the storage of vehicles on a
2530 | residential property shall exceed 864 square feet nor shall any access
2531 | door or other opening exceed the height of 12 feet.

2532 | ~~(e)~~(d) Detached garages ~~shall will~~ not exceed 18 feet in height, or 24 feet in
2533 | height if the structure includes an accessory dwelling unit.

2534 | ~~(d)~~ ~~In no case shall the height of the accessory structure exceed the~~
2535 | ~~maximum height of the principal structure except by approval of a~~
2536 | ~~conditional use permit.~~

- 2537 (3) **Maximum Number and Building Area Ratio, Coverage, and Size**
- 2538 (a) Up to two accessory buildings may be permitted on a single lot. For
- 2539 the purposes of this subsection, accessory building includes accessory
- 2540 dwelling units, detached garages, detached storage/utility sheds,
- 2541 gazebos, decks, swimming pools, hot tubs, spas, and courts for tennis
- 2542 or other recreational sports.
- 2543 (b) Detached garages are included in the building area ratio requirements
- 2544 in Table 3.2-1.
- 2545 ~~(a) Accessory buildings shall not occupy more than 25 percent of the rear~~
- 2546 ~~yard.~~
- 2547 ~~(b) Accessory buildings subject to the maximum number and coverage~~
- 2548 ~~requirements of paragraphs (a) and (b) above include accessory~~
- 2549 ~~dwelling units, detached garages, detached storage/utility sheds,~~
- 2550 ~~gazebos, and similar structures, decks, swimming pools, hot tubs, and~~
- 2551 ~~spas, and tennis or other recreational sports.~~
- 2552 ~~(c) The maximum site coverage for all structures on a parcel shall~~
- 2553 ~~comply with the requirements of the applicable zoning district.~~
- 2554 ~~(d) Detached sheds on residential properties shall not be larger than 140~~
- 2555 ~~square feet.~~
- 2556 ~~(e) No private garage used or intended for the storage of vehicles on a~~
- 2557 ~~residential property shall exceed 864 square feet nor shall any access~~
- 2558 ~~door or other opening exceed the height of 12 feet.~~

2.10.3 Permitted Accessory Uses

- 2560 (A) **The symbols used in Table 2.10-1 are defined as follows:**
- 2561 (B) **Permitted Uses (P)**
- 2562 A “P” in a cell indicates that the accessory use or structure is allowed by-right in
- 2563 the respective zoning district subject to compliance with the use-specific standards
- 2564 set forth in the final “use-specific standards” column of Table 2.10-1.
- 2565 (C) **Conditional Uses (C)**
- 2566 A “C” in a cell indicates that the accessory use or structure is allowed as a
- 2567 conditional use in the respective zoning district subject to compliance with the use-
- 2568 specific standards set forth in the final “additional requirements” column of Table
- 2569 2.10-1 and approval of a conditional use permit in accordance with Section 5.5.9,
- 2570 **Conditional Use Permit.**
- 2571 (D) **Prohibited Uses**
- 2572 A cell with a “-” or a blank cell indicates that the listed use type is prohibited in
- 2573 the respective zoning district.
- 2574 (E) **Use-Specific Standards**
- 2575 The “use-specific standards” column of Table 2.10-1 cross-references standards
- 2576 that are specific to an individual use type and are applicable to that use in all
- 2577 districts unless otherwise stated in the use-specific standards.

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(F) Unlisted Uses

If an application is submitted for an accessory use or structure that is not listed in **Table 2.10-1**, the city planner is authorized to classify the new or unlisted use, with consultation from appropriate city departments, into an existing use type that most closely fits the new or unlisted use. If no similar use determination can be made, the city planner shall refer the use to the planning commission, who may initiate an amendment to the text of this LDC to clarify where and how the use should be permitted.

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Table 2.10-1: Permitted Accessory Uses and Structures															
Use Category and Use Type * Discontinued Zoning District P = Permitted Use C = Conditional Use	Base Zoning Districts								Special Base Zoning Districts			Floating Zoning Districts		Use-Specific Standards in Section:	
	R1-B	R2-B*	R3-B*	R4-B	N1-B*	N2-B	C1-B	C2-B	I1-B*	AH-S	CD-S	PI-S	NC-F		ED-F
Accessory Uses															
Crop Raising															
Accessory Dwelling Units	P	--	--	--	P		--	--	--	--	--	P	--	2.10.4 (B)	
Home Businesses [1]	P	--	--	P	P		--	--	--	P	--	P	--	2.10.4 (E)	
In-Home Day Care	P	--	--	--	P		--	--	--	P	--	P	--	2.10.4 (F)	
Keeping of Chickens (on less than five acres)	P	P	P	P	P		--	--	--	P	--	--	--	2.10.4 (G)	
Accessory Structures															
Accessibility Ramps	P	P	P	P	P		P	P	P	P	P	P	P	2.10.4 (A)	
Amateur Radio Towers	P	P	P	P	P		P	P	P	P	P	P	P	2.10.4(C)	
Detached Garages	P	P	P	P	P	P	P	P	P	P	P	P	P		
Detached Storage/Utility Sheds, Gazebos, and other Similar Structures	P	P	P	P	P		--	P	P	P	P	P	P	2.10.4 (D)	
Outdoor Wood Fire Boilers/Furnaces	--	--	--	--	--		--	--	--	C	--	--	--	2.10.4 (H)	
Patio Covers, Porches, and Decks	P	P	P	P	P		--	--	--	P	--	--	P	2.10.4 (I)	
Playsets	P	P	P	P	P		P	P	--	P	P	P	--		
Satellite Dishes	P	P	P	P	P		P	P	P	P	P	P	P	2.10.4(J)	
Solar Energy Systems	P	P	P	P	P		P	P	P	P	P	P	P	2.10.4 (K)	
Swimming Pools, Hot Tubs, and Spas	P	P	P	P	P		--	--	--	P	P	P	P	2.10.4 (L)	
Tennis and Other Recreational Courts	P	P	P	P	P		--	--	--	P	P	P	P	2.10.4 (M)	
Small Wind Energy Turbines ³														2.10.4 (N)	
Medium Wind Energy Turbines														2.10.4 (N)	
Large Wind Energy Turbines														2.10.4 (N)	
Note: [1] Home business that employs people who do not reside at the home may be permitted with a conditional use permit.															

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2589 2.10.4 Standards for Specific Accessory Uses and Structures

2590 The following requirements apply to the specific types of accessory uses and structures
2591 listed, in addition to the requirements of Section 2.10.2, General Provisions, as applicable.

³ Staff noted in their draft regulations that all wind turbines will be conditional uses. The advisory group should discuss in what districts the various scales of wind turbines might be appropriate.

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(A) Accessibility Ramps

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

(B) Accessory Dwelling Units

This section is intended to allow the creation of accessory dwelling units on existing lots in residential zoning districts that already contain ~~one~~legally created dwelling units under the following provisions:

(1) There shall be a minimum lot area of 8,000 square feet.

~~(2) An accessory dwelling unit may be created by the:~~

~~(a) Conversion of an attic, basement, garage, or other previously uninhabited portion of a residential structure;~~

~~(b) Addition of a separate unit onto an existing residential structure;~~

~~(c) Construction of a separate structure on a lot in addition to an existing dwelling (See Figure 2-4⁴); or~~

~~(d)(a) A manufactured home, recreational vehicle, or other moveable habitable space that does not comply with the building code shall not be used as a second unit. A modular unit placed on a permanent foundation may be used as an accessory dwelling unit in compliance with this section.~~



Figure 2-4: This image shows detached garages (facing onto an alley prior to the completion of the homes on the opposing street) with some two-story garages that accommodate an accessory dwelling unit.

~~⁴There was a question regarding how this provision would stop the construction of a second 800-square foot dwelling unit on a lot. The answer is it would not. Some communities are okay with the construction of these “granny cottages” or small-scale units as a separate structure while others limit the accessory dwelling units to those attached to a detached garage or constructed as an attachment to the existing dwelling. The advisory group should discuss if this is appropriate in Northfield.~~

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~~(3)~~(2) **Accessory Dwelling Unit Development Standards**

- (a) Only one accessory dwelling unit shall be permitted on a lot.
- ~~(b)~~ ~~Accessory dwelling units shall be exempt from the minimum lot size or any density calculations in the applicable zoning district.~~
- ~~(e)~~(b) An accessory dwelling unit shall contain separate kitchen and bathroom facilities.
- ~~(d)~~ ~~An attached accessory dwelling unit shall have an entrance separate from the primary dwelling.~~
- ~~(e)~~ An accessory dwelling unit shall not exceed 800 square feet and is subject to the building area ratio requirements in Table 3.2-1, or 25 percent of the floor area of the primary dwelling, whichever is greater.
- (c) One accessible off-street parking space shall be provided for each accessory dwelling unit in addition to the off-street parking spaces required for the primary-principal dwelling in Section 3.8, Off-Street Parking.
- ~~(f)~~(d) Each accessory dwelling unit shall be constructed so as to be compatible with the existing primary-principal dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping.
- ~~(g)~~(e) A ~~detached~~ accessory dwelling unit shall be separated from the primary-principal dwelling by a minimum distance of ten feet.
- ~~(4)~~(3) An accessory dwelling unit may be rented if it complies with the Northfield Municipal Code, chapter 14.

(C) **Amateur Radio Antennas**

The construction/erection of towers supporting amateur radio antennas shall be a permitted use in all zoning districts subject to the following requirements:

- (1) Such towers shall be allowed only in the rear yard of residential properties, unless the property owner can show that there is insufficient space within the rear yard to erect the tower and any related guy wires within the rear yard. In such case, the property owner may erect the tower in ~~another~~the side yard that has space to accommodate the tower.
- (2) Such tower shall not exceed 70 feet in height, except by conditional use permit.
- (3) Such tower shall conform to the accessory structure setback for the district in which it is located, except that if the property owner can show that there is not sufficient space on the property to erect the tower and any related guy wires, such tower or guy wires may be located no less than one foot from property lines.
- ~~(4)~~ Amateur radio support structures (towers) shall be installed in accordance with the instructions furnished by the manufacturer of the tower model. An antenna mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the