

REQUEST FOR COUNCIL DISCUSSION

Date: 09/14/09
Item No.: 13.b

Department Approval

City Manager Approval



Item Description: Discussion of Planning and Zoning Issues (5-foot setbacks, Impervious Surface Restrictions in residential areas, PUD and Comp Plan Amendment Approvals as part of land use requests, and Recreational Vehicles)

BACKGROUND

In previous meetings, City Council members have asked for further discussion regarding several planning and zoning issues that have been brought up as part of other land use decisions. The items included: 5-foot setbacks on certain residential lots, impervious surface restrictions on residentially-zoned properties, PUD and Comp Plan Amendment approvals as part of land use requests, and the storage of RVs on residential lots.

Generally speaking, all of the above issues, with the exception of the regulation of RVs (which is in Title 4 of the City Code), will be discussed and addressed as part of the upcoming zoning code update. Nevertheless, staff has prepared this report outlining the issues for the City Council.

Staff would welcome other comments from the City Council on other parts of the Code that staff should make sure that are addressed as part of the zoning code update.

Below is a discussion of the issues brought to date:

5-foot setbacks: The Roseville City Code has long recognized the need to differentiate between the smaller lots created prior to adoption of the City's first zoning code in 1959 and those that were created afterward. In fact, since the original adoption of the zoning code, there has been special allowance for lots platted before 1959 that did not meet the minimum width, area, and green space requirements as long as they were at least 70% of the required minimum (i.e. if the required lot width is 85 feet, a pre-1959 lot that is at least 59.5 feet wide would be a legal lot to be built upon). The City Council adopted the Single Family Residential Overlay District (SFROD) in January 2008 to more clearly regulate the pre-1959 lots.

One issue that arose during the development of the SFROD was that of side-yard setbacks for those lots that are in the overlay district. The previous language within the code stated: "*Such existing lots that fall within seventy percent (70%) of the requirements shall be permitted to have side yard setbacks in the same proportion as the lot width bears to the width required in Section 1004.02D or where the neighborhood in which said lot or parcel is located has been substantially developed with five foot (5') side yard setbacks, the side yard shall be five feet (5')*". Based on the desire to create a straight-

forward and uniform zoning code, the SFROD ordinance set the side yard setback as five feet for those parcels within the overlay district.

Therefore since early 2008, the lots within the overlay district have been allowed to have 5-foot side yard setbacks. It is important to note that 5-foot side yard setbacks were allowed prior to 2008 if the surrounding neighborhood had 5-foot side yard setbacks. In fact, there are approximately 6,200 single-family lots that have existing 5-foot side yard setbacks throughout the City.

The zoning code update will certainly give an opportunity to revisit the whole idea of the SFROD and 5-foot setbacks if desired.

Impervious surface restrictions in residential areas: During the discussion of The Orchard PUD, a potential inconsistency was pointed out regarding maximum impervious surface allowed in residential districts. Specifically, it was pointed out that Section 1004.01 *General Requirements In All Residence Districts* limits impervious surface to 30% of the lot size while the chart in Section 1004.016 only sets limits on impervious surface for R-1, SFROD, R-2, and R-7 Residential Districts.

Upon further review staff has found that while there still may be a conflict with the two sections, it may not be as clear cut as originally thought. Specifically, the reference to the maximum impervious surface occurs under the sub-section discussing regulations governing accessory buildings in residential districts. Later in the same section, the code gives requirements for accessory buildings in residential districts other than R-1 and R-2; potentially signifying that the other parts of the section only applied to R-1 and R-2 districts. Below is the language from the code with the pertinent parts bolded and underlined.

1004.01: GENERAL REQUIREMENTS IN ALL RESIDENCE DISTRICTS:

The following minimum requirements shall apply to all buildings that may be erected, converted or structurally altered in residence districts: (Ord. 275, 5-12-1959)

A. Accessory Buildings in Residential Districts:

1. Number Allowed: Each residentially zoned or used parcel shall be allowed up to two detached accessory buildings and one garden shed, based upon certain maximum limitations identified in this section.
2. Garden Shed: The size of the allowed garden shed shall be limited to a maximum area of 120 square feet, a maximum height of 12 feet. The one allowable garden shed shall not be considered an accessory building.
3. Detached Accessory Building Size Limit: Total detached accessory building area shall be limited to 40% of a required rear yard area, up to a maximum size of 864 square feet. The 40% rear yard limitation is calculated by taking the width of the subject lot or parcel and multiplying it by the required rear setback depth of 30 feet, then multiplying that number by 0.4 or 40%.
4. Requirements for Increasing Maximum Size: The size of detached accessory buildings may be increased from a total of 864 square feet to a maximum total size of 1,008 square feet. A public hearing and approval of a conditional use permit in accordance with section 1014.01 of this title, and provided all other applicable provisions of this section are met, is necessary. Conditions may be attached to the permit to mitigate the impact on adjacent properties, including, but not limited to, increased setbacks, landscape screening, architectural color and detail requirements, drainage provisions, and limiting additional exterior storage. When reviewing an application for a conditional use permit, the planning commission and City Council shall consider the following criteria:
 - a. Impact on traffic.
 - b. Impact on parks, streets and other public facilities.
 - c. Compatibility of the site plan, internal traffic circulation, landscaping and structures with contiguous properties.

- d. Impact of the use on the market value of contiguous properties.
- e. Impact on the general public health, safety and welfare.
- f. Compatibility with the city's comprehensive plan.

(Ord. 1359, 1-28-2008)

5. Overall Area: The overall area of attached garage and detached accessory building(s) shall not exceed the exterior dimensional footprint of the principal structure, excluding any attached garage footprint.

6. Maximum Total Surface Area: Including detached accessory structures, principal structures, pavement surfaces (asphalt, concrete and/or brick, stone or other paver), the total impervious surface on a residential lot or parcel shall not exceed 30% of the total lot or parcel size.

7. Location: No accessory building or garden shed shall be erected or located within any front yard.

Accessory buildings and/or a garden shed shall be located behind the established front building line of the principal structure. On through lots and lakeshore lots, accessory buildings and/or a garden shed may be located between the road right-of-way line and the principal structure, provided they meet the required front yard setback of 30 feet (Ord. 1287, 8-4-2003)

8. Minimum Setbacks: A garden shed and/or accessory buildings shall be set back a minimum of 5 feet from a side yard or rear yard lot line and a minimum of 6 feet from any other building or structure on the same lot or parcel, and on corner side lots, behind the building line of the principal structure. Garden sheds may only be located in the rear yard. (Ord. 1287, 8-4-2003)

9. Prohibited Location: Accessory buildings and/or a garden shed shall not be located within any public or private utility or drainage easement.

10. Height: Accessory buildings shall not exceed one story or 15 feet in height and the wall height shall not exceed 9 feet in height. The overall height of an accessory building shall not exceed the overall height of the principal structure on the parcel (building height is determined from Section 209 of the uniform building code).

11. In-Ground Garages: Where the natural grade of a lot at the building line of a house is 8 feet or more above the established curb level, an accessory building for vehicle storage (garage) may be erected within any yard, provided that 1/2 of the wall height or more is below grade level. Such an accessory building shall be set back a minimum of 20 feet from any right of way.

12. Accessory Building and Garden Shed Color, Design and Materials: The exterior color, design, and/or materials of an accessory building shall be similar to the principal structure. Corrugated metal siding and corrugated metal roofs shall be prohibited.

13. Driveway Required: Any accessory building capable of storing one or more motorized vehicles shall be provided with a hard-surfaced driveway to an adjacent public street. However, if the primary purpose of the building is for residential (not commercial) equipment, material, seasonally used recreational vehicle or a seasonally driven vehicle or collectible, a hard surface is not required.

14. Requirements For Districts Other Than R-1 and R-2: Accessory buildings in districts other than R-1 and R-2 districts shall be placed in the rear yards. (Ord. 1287, 8-4-2003)

15. Building Permit Required: A building permit shall be required for all detached accessory buildings and a garden shed. A building permit application must include a site plan establishing all property lines and required dimensional setbacks, roof and surface drainage plan and building elevations. (Ord. 1246, 2-12-2001)

Regardless of how one interprets the above language, the current language is confusing and should be changed to clear up any misinterpretation. As with the other issues discussed in this report, it would seem appropriate to take a look at this language during the zoning code update to clarify its intention and remove any confusing discrepancies.

PUD and Comp Plan Amendment Approvals as part of land use requests: Currently, approval of a land use request that is proposed as a Planned Unit Development (PUD) and/or requires an amendment to the Comprehensive Plan is a two-step process. A general concept plan of the proposed development is submitted to the City for consideration. As part of the general concept review, the Planning Commission and City Council also consider the rezoning of the property to PUD and a Comprehensive

122 Plan Amendment (if applicable). The decision that ultimately is in front of the City Council is to
123 approve the general concept plan (with conditions), approve the rezoning the property to PUD, and if
124 applicable, approve the Comprehensive Plan Amendment. Typically, the PUD approval is made
125 subject to the final development plans being approved and the City and the applicant entering into a
126 PUD agreement (which happens at a later approval). In the case of the Comprehensive Plan
127 Amendment, the approval is also made contingent on the Metropolitan Council approving the
128 amendment.

129 This practice has been used in the past in order to have a complete understanding of the project earlier
130 in the process for the policy makers and the public. The current process also allows the applicant to
131 receive feedback on the proposal and some assurances on the desirability of the project prior to
132 incurring additional costs for the project.

133 During the recent discussion regarding The Orchard PUD project, the City Council received testimony
134 that questioned the wisdom of making the approvals regarding the PUD and Comprehensive Plan
135 Amendment at the preliminary stage versus the final stage.

136 As part of the upcoming zoning code update, staff would propose to take a look at the timing of
137 approvals of PUDs and Comprehensive Plan Amendments. When that review of the code occurs, staff
138 believes that the following considerations should be taken into account: 1) Final decisions on PUDs
139 and Comprehensive Plan Amendments should occur when the City has maximum leverage on ensuring
140 a desirable development; and 2) Policy makers and the public should have a full understanding of what
141 the development will require for approvals and what deviations from code will be needed and what
142 changes to the Comprehensive Plan need to occur for the development.

143 **RVs:** Roseville, like a lot of communities, has struggled with how to best regulate the storage of
144 recreational vehicles (RVs), and trailers. The storage of these vehicles in driveways, yards, or the
145 street often lead to citizen complaints. Roseville's City Code is in need of revisions to address the
146 storage of recreational vehicles and trailers. The present city code uses wording that is outdated and it
147 references state statutory criteria that no longer exists. There also appear to be inconsistencies on what
148 is allowed to be stored where.

149 Revising City Code will be complicated because it will involve many different vehicle types, many
150 different Code sections and many different types of complaints.

151 Don Munson, City Codes Coordinator, previously prepared a memo regarding this issue that explains
152 the problems with our current code and outlines some possible solutions. (See Attachment A).

153 Staff would suggest an initial discussion tonight to gauge interest for more in-depth conversations about
154 RVs and trailers. If there is interest on having further discussion on the matter, staff would suggest that
155 it come back at a future meeting as a separate item for a policy discussion. As this issue is of great
156 interest to some members of the public, the City Council should consider allowing for the public to give
157 input on the matter.

158 **POLICY OBJECTIVE**

159 This report provides discussion on several issues of interest that the City Council has indicated should
160 be looked at in order to make City Codes more clearer and more beneficial to the City's residents.

161 **FINANCIAL IMPACTS**

162 Changes to the zoning ordinance will be conducted as part of the Zoning Code Update or through
163 regular staff work. No additional are funds needed.

164 **STAFF RECOMMENDATION**

165 This report was provided for discussion and informational purposes.

166 **REQUESTED COUNCIL ACTION**

167 Provide staff with feedback and direction on the issues raised in the report.

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Prepared by: Patrick Trudgeon, Community Development Director (651) 792-7071

Attachments: A: Memo from Don Munson regarding RVs.



Community Development Department

Memo

To: Pat Trudgeon, Community Development Director
From: Don Munson, Building Official
Date: 04-24-2009
Re: Recreational Vehicles and Trailers – Recommended City Code Revisions

Recreational Vehicles and Trailers

Roseville's City Code is in need of revisions to those sections that address both recreational vehicles and trailers. The present city code uses wording that is outdated and it references state statute criteria that no longer exists.

Revising these city code references will be complicated because they involve many different vehicle types, many different code sections and many different types of complaints. This memo identifies some of the issues and problems staff encounter. In addressing these issues and problems, overall concepts should first be discussed with Council, then specific wording changes/recommendations could be brought back later. If our first approach to Council includes specific wording changes, they will drown in details.

The first section of this memo identifies issues; the second identifies options and recommendations. This memo also breaks down the different types of recreational vehicles and trailers into 4 categories:

- Motorized Recreational Vehicles
- Towed Recreational Vehicles
- Commercial Trailers
- Small Utility Trailers

Issues: This section identifies the types of complaints the city gets and some other issues.

- **Motorized Recreational Vehicles:**

- The City receives many complaints about motorized RV's: parking on the grass on residential lots (a violation), parking on driveways blocking views (not a violation), parking in streets creating a sight/safety hazard (not a violation).



Winnebago on the grass (a violation)



RV on driveway (not a violation)



RVs in the driveway (no violation) blocking views



- **Towed Recreational Vehicles:**

- The City receives many complaints about towed RV's: stored on the grass on residential lots (a violation), parking on driveways blocking views (a violation after three days), parking in streets creating a sight/safety hazard (not a violation).



Towed RV on the grass (a violation)



RV on driveway (a violation)

- **Commercial Trailers:**

- City gets complaints about large commercial type trailers being parked on a residential driveway (after 2 hours a violation) and on grass (a violation). Large commercial trailers are being seen on residential properties more & more often as more people work from home.



Comm. trailer on street (not a violation)



Comm. trailer on driveway (a violation)

- **Small Utility Trailers:**

- These are the small single axel, single wheel trailers typically seen in residential areas. They are allowed to be stored indefinitely in side and rear yards, and, for a maximum of three days in a front yard. They rarely generate complaints (unless they are full of junk/debris).

- **City Code:**

- Roseville's City Code refers to 'Campers and Camper Busses' (Section 407.03 Q D) which is an out-dated reference that does not apply to the recreational vehicles seen today. Today we see motorized RV's, large towed RV's and the old pop-up campers.
- Roseville's City Code refers to the state classifications of Class A & B trailers with a maximum capacity of 1,500 lbs (Section 407.01A). These do not exist anymore. The smallest state license now, is up to a capacity of 3,000 lbs.
- The definition for a 'recreational vehicle' is found in Section 1002 and for a 'vehicle' is found in 407.01. These definitions are out-dated and need to be revised and coordinated (with any new code changes).

- **Miscellaneous:**

- Very strong emotions on both sides of the RV issue. Some want to keep RV's on their property, some hate seeing them outside their window, especially all year long.
- In the summer residents keep small pop-up campers on the front driveway for over the allowed 3 days (staff only pursues these in the winter). In the winter residents keep small snowmobile trailers on the front driveway for over the allowed 3 days (staff only pursues these in the summer).
- Many side/rear yards are inaccessible and owners can't get the small allowed trailers into those areas (a violation if stored in the front yard- over three days).
- Since most RV's don't really create blight on the neighborhood, they should be minimally regulated.

Options/Recommendations:

- **Motorized Recreational Vehicles:**

- Options:
 - Treat as any other motorized vehicle.
 - Enforce the 2,000lbs maximum capacity rule restricting these to 2 hours in a residential area.
 - Allow to be parked on the grass.
- Recommendation: Treat motorized RV's as any other motor vehicle; allowed on driveways and in streets indefinitely, but not allowed to be parked on grass.
 - Complaints would continue about visibility dangers and unsightliness.
 - Some residents will pave a large portion of their front yards in order to park an RV there.

- **Towed Recreational Vehicles:**

- Options:
 - Consider RV trailers the same as motorized RV's.
 - Create specific rules for the different types of RV trailers.
 - Consider RV trailers the same as commercial trailers.
 - Adhere to the old 2,000 lb distinction (to be 3,000 lbs) – this would allow some RV trailers (larger than the small utility trailers) in side/rear yards and would generate complaints.
- Recommendation: Create specific rules:
 - Allow manufactured RV trailers to be considered as motorized RV's and treat them like any motorized vehicle (allowed on a driveway indefinitely). This would generate the fewest complaints.
 - Allow pop-up campers to be treated as typical small trailers so they can be stored in side/rear yards indefinitely.

- **Commercial Trailers:**

- Options:
 - Continue to regulate them as the city code does now (not allowed in a residential zone for over 2 hours).
 - Allow larger trailers and closed type trailers on residential lots for longer periods – this would generate many complaints.

- Recommendation:
 - Restrict trailers over 3,000 lbs (considered commercial type) to a maximum of two hours in a residential area. City Code now restricts trailers over 2,000 lbs, however, state licensing has changed and now the smallest trailer license is 3,000 lbs.
 - ✓ More and more of the large open and closed type trailers (dual wheel and dual axel types) are being seen throughout the city. These are typically used for commercial purposes and they generate complaints from neighbors.
- **Small Utility Trailers:**
 - Options:
 - Keep the present code concept of allowing small utility trailers in side/rear yards but change to match the state's 3,000 lb classification.
 - Do not allow trailers to be stored indefinitely in side or rear yards – this would generate a huge number of complaints as residents mostly want these allowed.
 - Recommendation:
 - Keep the present code concept and allow open and closed utility trailers (under 3,000 lb capacity) in side or rear yards indefinitely. Continue to restrict these trailers to a maximum of three days on a front yard driveway.
 - ✓ The code needs to be changed because it references state classifications that no longer exist. City Code now has a maximum of 1,500 lbs but state licensing has changed and increased the smallest license to 3,000 lbs.
- **Miscellaneous:**
 - City Code:
 - City code addresses trailers in Sections 1002 (definitions), 407 (definitions), 407.02 L&M, 407.03 Q. All need to be reviewed, revised and re-written.
 - Boats are also intermingled in Section 407. Needs minor changes because presently you can place a boat and trailer indefinitely on the front yard on the grass, or leave a boat (not on a trailer) on the front yard grass indefinitely.
 - Recommend limiting the current practice of allowing persons to live in an RV, whether parked on a driveway or in the street. Limit this to 7 days (when people come to visit and stay in an RV, staff receives many calls from concerned neighbors – especially when the RV is parked in the street. Also, we've had 'employees' living in RV's and vans, this scares the neighbors).

EXAMPLES OF TRAILERS GERNERATING COMPLAINTS





