

REQUEST FOR CITY COUNCIL DISCUSSION

DATE: **08/23/2010**

ITEM NO: **13 . c**

Department Approval



City Manager Approval



Item Description: Further discussion regarding the adoption of a new **ZONING TEXT AMENDMENT** pertaining to the **RESIDENTIAL DISTRICTS** and specifically a reduction in the standard lot size (**PROJ0017**).

1.0 BACKGROUND

1.1 At the City Council meeting of July 26, 2010, concerns were voiced regarding the proposal to reduce the minimum lot size in Roseville from the current standard of 11,000 sq. ft. and an 85 foot width to 9,500 sq. ft. and a 75 foot width. The Council concern to the proposal was new to staff as such concerns were not raised previously, nor did the Planning Staff receive any input from the pre-packets and other mailings regarding this draft ordinance. Based on the discussion on July 26th, staff feels that the issue should be discussed in more depth.

1.2 Since January 2010, the Planning Division has spent considerable time on this particular topic of minimum required lot sizes. First and foremost, our goal all along has been to create a code that provides clarity regarding all districts and uses. This includes the Residential Districts, where currently there are a number of conflicting regulations concerning lot sizes and whether they are conforming or non-conforming. The Lot Split Study and the creation of the Single Family Residential Overlay District (SFROD) is just one of the current challenges. This designation does not account for the many substandard lots that were created after 1959. There is also a reference in the current code that makes all lots that achieve at least 70% of the standard lot dimensions conforming.

1.3 Although the City could conceivably draft language that somehow treats these non-conforming parcels/lots as acceptable in regards to the regulations, legally they would not be legal, conforming lots.

2.0 SINGLE-FAMILY LOT SPLIT STUDY

2.1 At the July 26th meeting there were a number of comments made regarding the Single Family Lot Split Study conducted in 2007, some of which were not necessarily correct. In reading through the final study report, dated May 17, 2007, the Planning Division finds that the general conclusion made by the Citizens Advisory Group (CAG) in regards to zoning districts was that *the Zoning Code should reflect the existing development patterns of the community*. As a majority of the lots in Roseville do not meet the standards set forward by the current R-1 zoning district established in 1959, the new zoning district should that reflect this reality.

2.2 Further, as it related to lot sizes and first ring suburbs, when the Single Family Lot Split Study was conducted Roseville's single family requirements were larger than all other

first ring suburbs except Mendota Heights. Taking this a step further, if the City were to reduce minimum parcel area to the proposed 9,500 sq. ft., Roseville would still have regulations greater than everyone but Falcon Heights and Golden Valley, which have 10,000 sq. ft. as a minimum requirement.

- 2.3 The following is the CAG’s recommendation to the City Council as found in the Final Report and are organized by the code in which they sought to change or amend.

A. General Single-Family Residential Subdivision Policy

1. The City Council should continue to allow single-family residential lots to be subdivided or split if they meet the standards set forward by the City Code. (Consensus Recommendation)

B. Subdivision Code

1. The City Council should not determine lot size using a formula (“sliding scale”) based on the relative sizes of surrounding residential lots. (Consensus Recommendation)
2. The City Council should amend the Subdivision Ordinance to include variance language not currently found in this code by reiterating the variance language found in the Zoning Code. (Consensus Recommendation)
3. The City Council should amend the lot line requirement within the Subdivision Ordinance to require that lot lines are perpendicular to the front property line unless a variance is obtained. (Consensus Recommendation)
4. The City Council should amend the Subdivision Ordinance to allow single-family lots to be served by private streets if approval of the private street is conditioned on a legal mechanism (e.g. neighborhood associations) being in place to fund seasonal and ongoing maintenance and that the street cannot be gated or restrict traffic. (Consensus Recommendations)
5. The City Council should amend the Subdivision Code to require that new houses being placed on new streets within a new development access the new street in that subdivision. (Consensus Recommendation)
6. The City Council should consider recombination and subsequent re-subdivision of single-family residential lots no differently than other subdivision requests.(Consensus Recommendation)
- 7.a.The City Council should allow the creation of flag lots and continue to hear them through the variance process. (Majority Recommendation—6 votes)
- 7.b The City Council should prohibit the creation of flag lots within the City. (Minority Recommendation—2 votes)

C. Zoning Code

1. The City Council should designate three levels of single-family residential zoning districts, which include the following districts: (Consensus Recommendation)
 - Small lot single-family residential, which would have standards less than the current standards;

- Standard single-family residential, which would have the same standards as the current R1 district; and
 - Lakeshore single-family residential, which would have standards equal to that set forward in the City’s Shoreland Zoning Ordinance.
2. The City Council should not create a large lot zoning district. (Consensus Recommendation)
 3. When a small lot single-family residential zoning district is designated, the City Council should review the standards in the Zoning Code for this district to ensure appropriate building height and setbacks requirements. (Consensus Recommendation)
 4. In addition to the new zoning districts, the City Council should designate an overlay zoning district for single-family lots platted prior to May 21, 1959 to ensure that they remain legally nonconforming lots. (Consensus Recommendation)
 5. The City Council should evaluate the fees associated with the existing planned unit development process. (Consensus Recommendation)
 6. The City Council should amend the preamble of the Zoning Code with the following language: “...for the purpose of protecting and enhancing the character, stability, and vitality of residential neighborhoods as well as commercial areas.” (Consensus Recommendation)

D. Other City Standards and Ordinances

1. The City Council should consider creating incentives for environmentally friendly development practices. (Consensus Recommendation)
2. The City Council should consider a tree preservation and replacement ordinance. (Consensus Recommendation)

2.4 Although the Study made a number of recommendations, on August 20, 2007, the City Council adopted a motion for the Planning Division to begin the process of amending the pertinent code sections regarding 7 of the recommended items contained in the Single Family Lot Split Study final Report. These 7 recommended actions included:

1. The City Council should amend the Subdivision Ordinance to include variance language not currently found in this code by reiterating the variance language found in the Zoning Code. (Consensus Recommendation) **completed**
2. The City Council should amend the lot line requirement within the Subdivision Ordinance to require that lot lines are perpendicular to the front property line unless a variance is obtained. (Consensus Recommendation) **completed**
3. The City Council should amend the Subdivision Ordinance to allow single-family lots to be served by private streets if approval of the private street is conditioned on a legal mechanism (e.g. neighborhood associations) being in place to fund seasonal and ongoing maintenance and that the street cannot be gated or restrict traffic. (Consensus Recommendations)

4. The City Council should amend the Subdivision Code to require that new houses being placed on new streets within a new development access the new street in that subdivision. (Consensus Recommendation) **completed**
5. In addition to the new zoning districts, the City Council should designate an overlay zoning district for single-family lots platted prior to May 21, 1959 to ensure that they remain legally nonconforming lots. (Consensus Recommendation) **completed**
6. The City Council should evaluate the fees associated with the existing planned unit development process. (Consensus Recommendation) **completed**
7. The City Council should amend the preamble of the Zoning Code with the following language: "...for the purpose of protecting and enhancing the character, stability, and vitality of residential neighborhoods as well as commercial areas." (Consensus Recommendation) **completed**

3.0 SINGLE FAMILY LOT SIZE

- 3.1 From the adoption of Roseville's zoning code in 1959 until today, single-family residential properties were required to be a minimum of 85 feet in width and 11,000 square feet in area. As soon as these lot standards took effect on May 12, 1959, about two-thirds of the parcels existing at that time failed to meet the new standards and they have been nonconforming ever since. In addition to the original nonconforming lots, about a quarter of the lots created since the adoption of the minimum lot size requirements in 1959 are less than 85 feet wide and/or 11,000 square feet; some of these substandard parcels were accommodated through variances or planned unit developments, but entire plats of nonconforming parcels have been approved at various times without a mention of the parcels' small sizes. At present, about 55% of Roseville's single-family parcels are smaller than the City Code says they should be. Even this figure is artificially low because it doesn't account for the larger minimum size requirements pertaining to corner parcels and lots in the Shoreland Management district; about ¾ of shoreland lots and at least ½ of corner parcels fail to achieve their respective larger minimum required sizes.
- 3.2 As a group, these nonconformities make administering the zoning ordinances rather difficult and, individually, each substandard lot represents a property owner whose primary asset is saddled by the legally dubious distinction of failing to conform to the City's requirements. While the Single-Family Residential Overlay District adopted in 2008 eliminates the nonconforming status of many of what have been considered nonconforming parcels, the overlay district does not address the many nonconforming lots created after 1959 and, introducing a fourth lot size standard (i.e. large lot), would further complicate the job of administering the zoning ordinances.
- 3.3 Given all of this, two of staff's goals in the zoning update process are to simplify the minimum lot size requirements and reduce the number of nonconforming parcels. To advance the goal of simplification, staff's current analysis of lot sizes and size requirements assumes that one set of minimum size requirements could be applied to all single-family lots (i.e., LDR-1) and, to reduce the number of nonconforming lots, staff is proposing a reduction in the required minimum lot size. The following table indicates the number of lots that are smaller than (i.e., "nonconforming" to) given lot size parameters:

Lot width/Lot area Number of “nonconforming” lots

85 ft./11,000 sq. ft.....	4,789 (55%)
82 ft./10,500 sq. ft.....	4,090 (47%)
78 ft./10,000 sq. ft.....	2,738 (31%)
75 ft./9,500 sq. ft.....	946 (11%)
72 ft./9,000 sq. ft.....	755 (9%)

3.4 Planning Division staff did many other calculations and found that a minimum required lot size of 75 feet wide and 9,500 square feet is perhaps the ideal because it represents only a 13% reduction in required size but it would reduce the number of nonconforming lots by fully 80%.

3.5 In theory, reducing the required minimum lot size suggests "more lots on each block," but one would have to buy up 8 conforming lots *in a row* and demolish several of the existing houses in order to gain just 1 new lot. In practice, though, the majority of single-family parcels in Roseville fail to meet today's minimum size standards, and there are entire blocks (with as many as 22 parcels!) that could not produce even one additional lot. Of course, there are some exceptions. About 50 single-family parcels (that's less than 1% of the total) are too small to be subdivided by today's standards of 85 feet wide and 11,000 square feet in total area, but they *might* be large enough to be divided into two parcels if the minimum size requirements are reduced to 75 feet wide and 9,500 square feet. But even these "newly-subdividable" lots tend to have houses square in the middle of them, meaning that someone would have to bear the cost of demolishing an existing home just to get one extra parcel. Reducing the minimum lot size requirement isn't meant to squeeze more lots into existing neighborhoods; in fact, the proposed smaller minimum parcel size wouldn't produce any additional parcels from most of those larger properties which are already large enough to be subdivided. Instead, reducing the minimum lot size requirement is meant to dramatically shorten the list of "non-conforming" parcels: those parcels that are smaller than the Code says they should be.

4.0 OPEN HOUSE AND PLANNING COMMISSION ACTION

4.1 The Planning Division held two open house gatherings to discuss the details of the Residential Districts and, specifically, the proposed reduction in the minimum required lot size. Once they understood that the smaller size requirements would not have the practical effect of increasing the density of their residential neighborhoods, none of the residents in attendance at either of the open house gatherings (or in communication with staff via email or phone) voiced opposition to the reduction in lot size. Actually we received just the opposite; strong support to have lot sized reflect more appropriately with the existing lot/parcel sizes in Roseville.

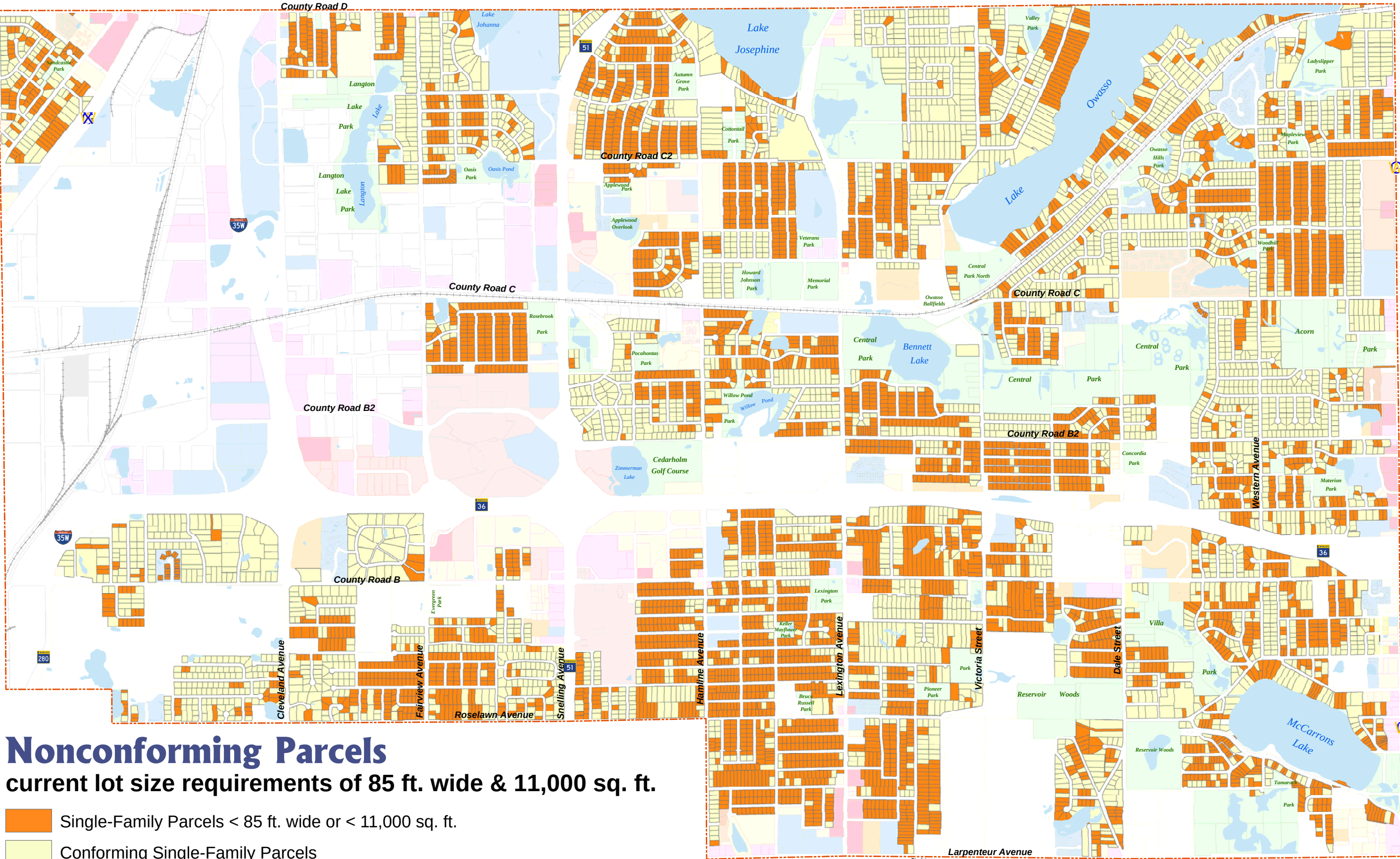
4.2 Similarly, the Planning Division presented the Residential Districts to the Planning Commission at two different meetings, April 7th and May 5th, at which meetings no citizens were present to address the draft proposal. The Planning Staff also received no telephone calls or email regarding the proposed draft.

4.3 At the Planning Commission meeting on June 7, 2010, however, a number of residents who have voiced their opposition to a minor subdivision in their neighborhood, did address the Commission opposing the lot size reduction and seeking the creation of a

200 large lot district. There were also a couple other residents who addressed the
201 Commission indicating their opposition to the reduction (provided in previous RCCD).
202 4.4 The Planning Commission both in their comments and ultimate recommendation was in
203 full support of the reduction in the standard lot size for Roseville.

204 **5.0 SUGGESTED CITY COUNCIL ACTION**
205 No immediate action is required at this time. However, staff would like to receive some
206 feedback and direction regarding lot size so that any necessary changes can be made to
207 the residential zoning districts before final consideration in the fall.

208 **Prepared by: City Planner Thomas Paschke (651-792-7074)**
209 Attachments: A: Non-Conforming Parcels Maps
210 B: Residential Lots Size Chart
211 C: Potentially Subdivide-able Single-Family Parcels



Nonconforming Parcels

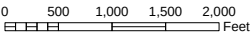
current lot size requirements of 85 ft. wide & 11,000 sq. ft.

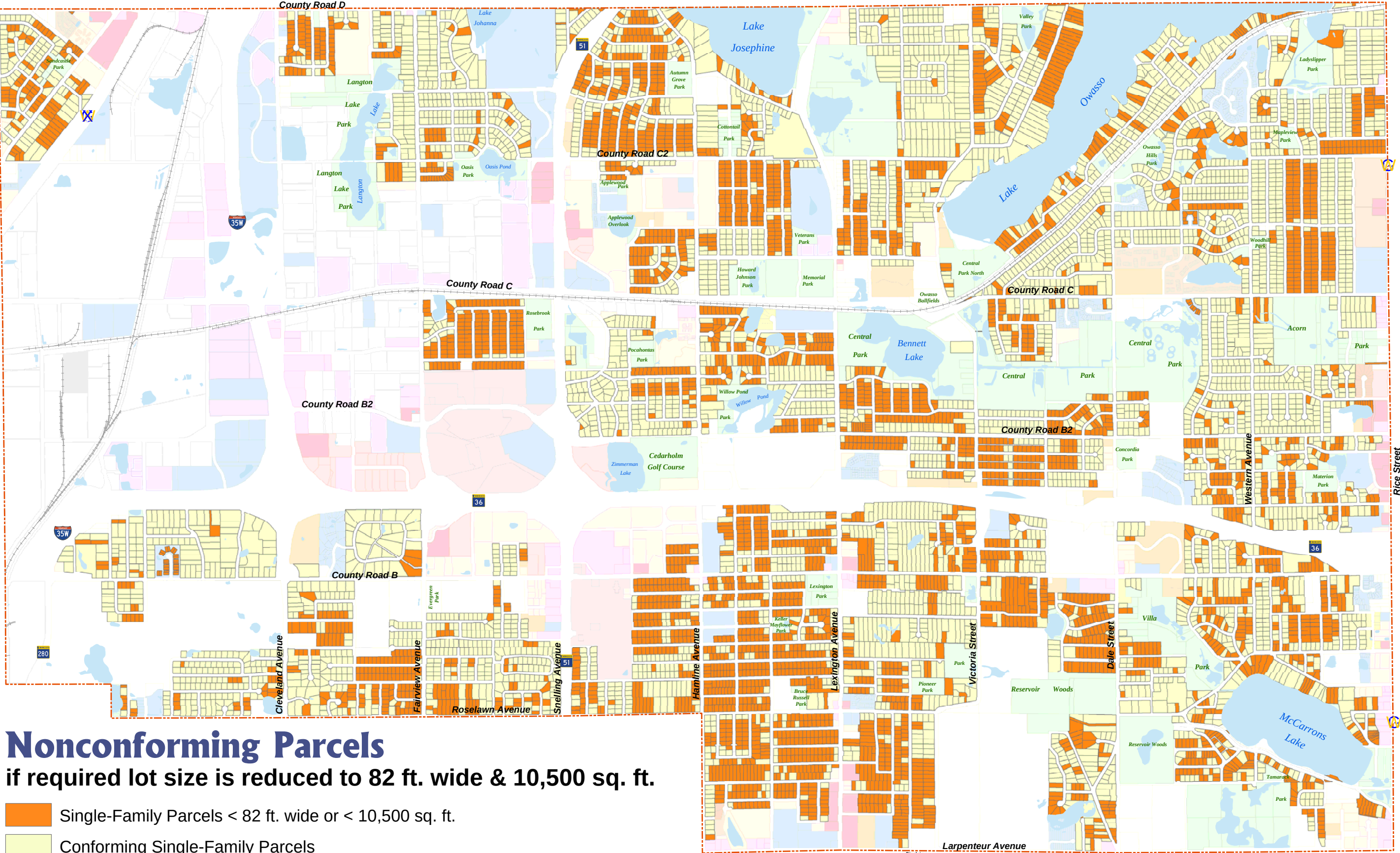
- Single-Family Parcels < 85 ft. wide or < 11,000 sq. ft.
- Conforming Single-Family Parcels

ROSEVILLE
Prepared by:
Community Development Department
Printed: January 12, 2009

Data Sources
* Ramsey County GIS Base Map (1/6/2009)
* City of Roseville Community Development

Disclaimer:
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Nonconforming Parcels

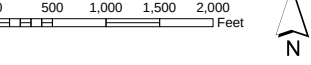
if required lot size is reduced to 82 ft. wide & 10,500 sq. ft.

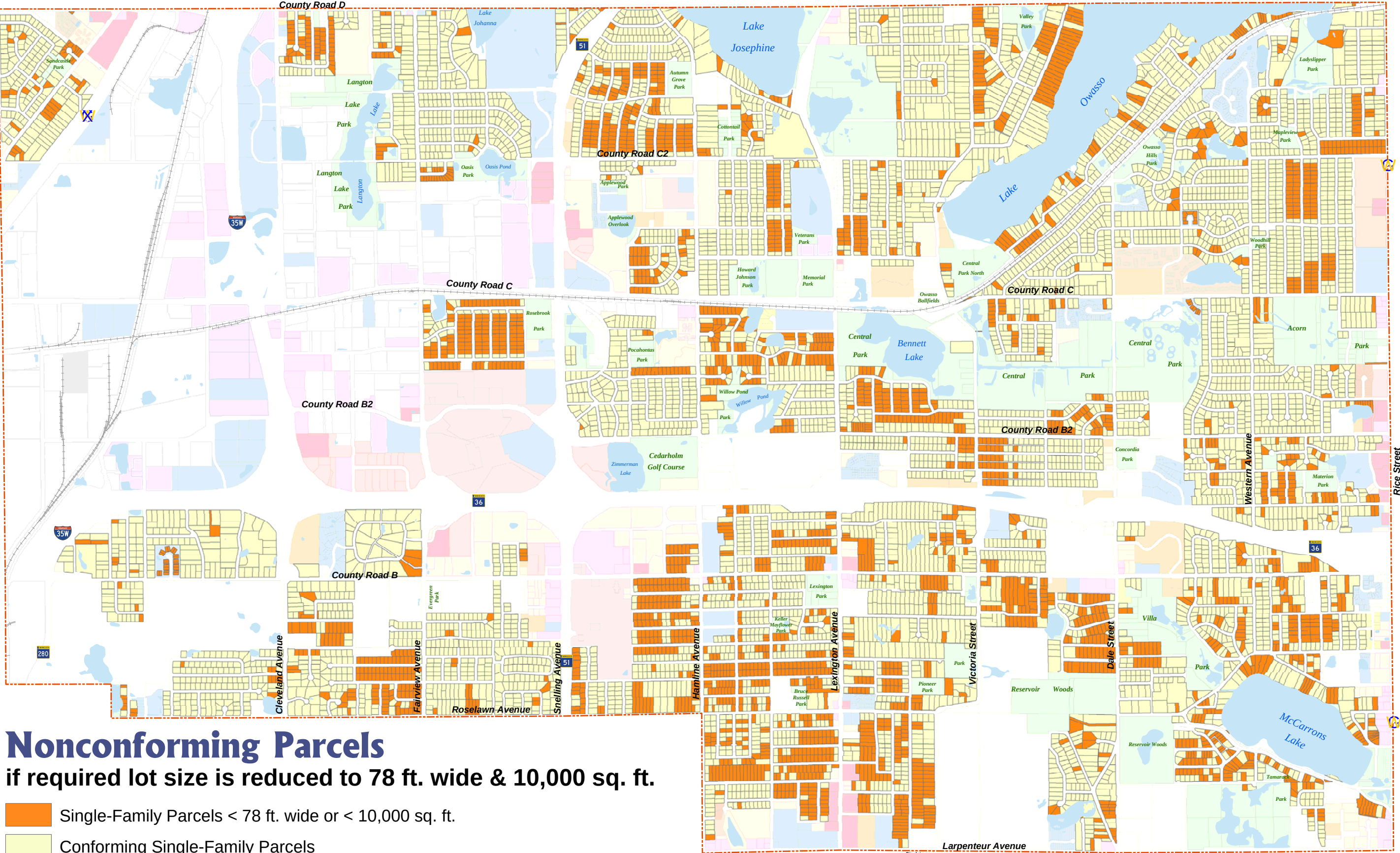
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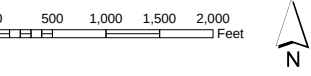
if required lot size is reduced to 78 ft. wide & 10,000 sq. ft.

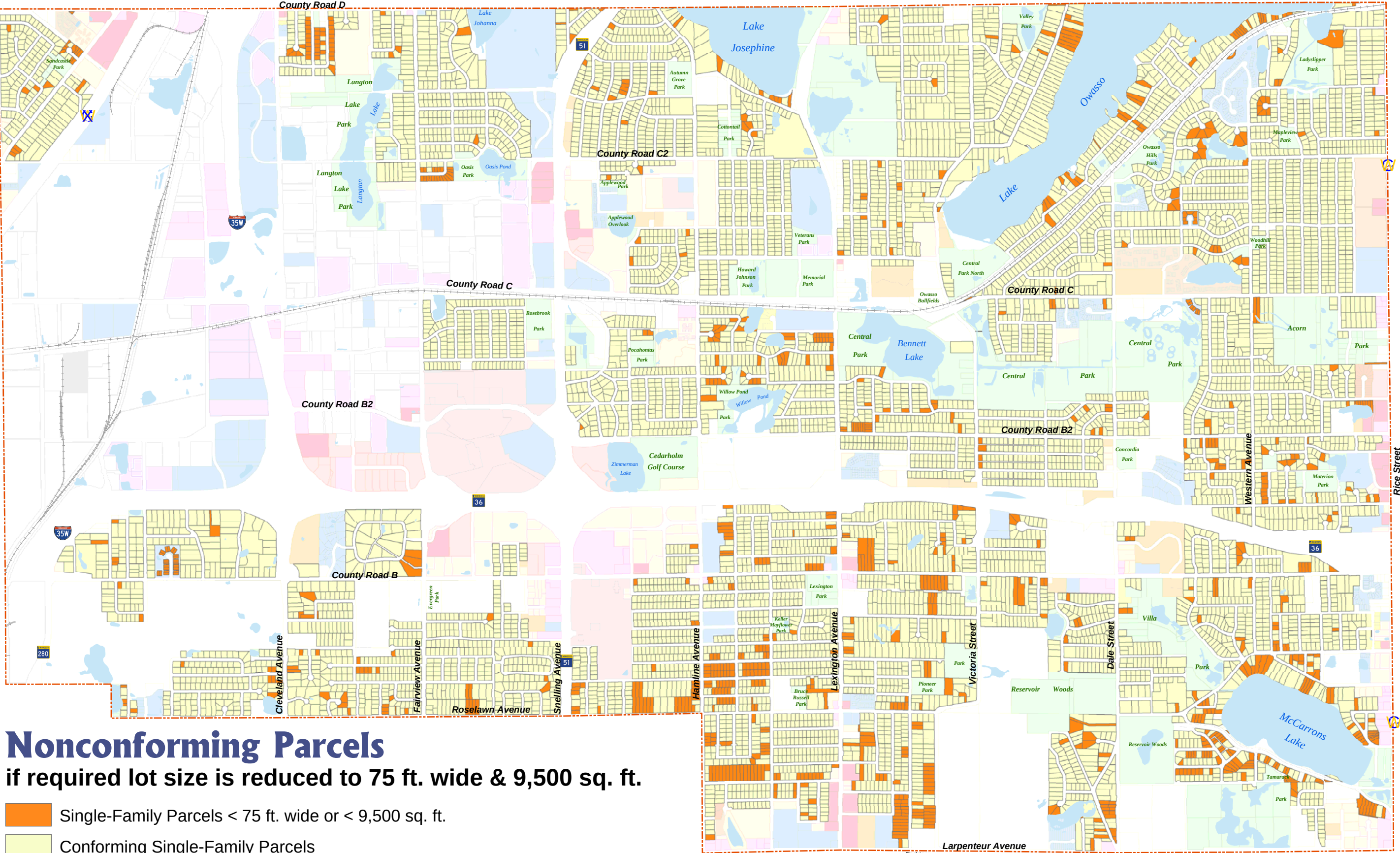
- Single-Family Parcels < 78 ft. wide or < 10,000 sq. ft.
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Nonconforming Parcels

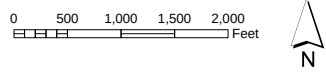
if required lot size is reduced to 75 ft. wide & 9,500 sq. ft.

-  Single-Family Parcels < 75 ft. wide or < 9,500 sq. ft.
-  Conforming Single-Family Parcels

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Central Cities and First-Ring Suburbs: Lot Size Requirements for Single-Family Residential Zoning Districts

Greatest Density <-----> Least Density															
City	Dist.	Lot Area (SF)	Width (ft.)	Dist.	Lot Area (SF)	Width (ft.)	Dist.	Lot Area (SF)	Width (ft.)	Dist.	Lot Area (SF)	Width (ft.)	Dist.	Lot Area (SF)	Width (ft.)
St. Paul	R-4	5,000	40	R-3	6,000	50	R-2	7,200	60	R-1	9,600	80	RL	21,780	80
Minneapolis	R-1	6,000	50	R-1A	5,000	40									
Hopkins	R-1-A	6,000	50	R-1-B	8,000	60	R-1-C	12,000	80	R-1-D	20,000	100	R-1-E	40,000	100
Richfield	R	6,700	50	R-1	10,000	75									
West St. Paul	R-1A	7,000	50	R-1B	10,000	75	R-1C	15,000	100						
St. Louis Park	R-2	7,200	60	R-1	9,000	75									
Lauderdale	R-2	5,000	40	R-1	7,500	60									
South St. Paul	R-1	9,000	75												
Edina ¹	R-1	9,000	75												
St. Anthony	R-1	9,000	75												
Newport ²	R-1	9,100	70	R-1A	15,000	100	RE	435,600	200						
Roseville³	LDR-1	9,500	75												
Maplewood	R-1S	7,500	60	R-1	10,000	75	R-E	20K - 40K	100 - 140						
Falcon Heights	R-1	10,000	75												
Golden Valley	R-1	10,000	80												

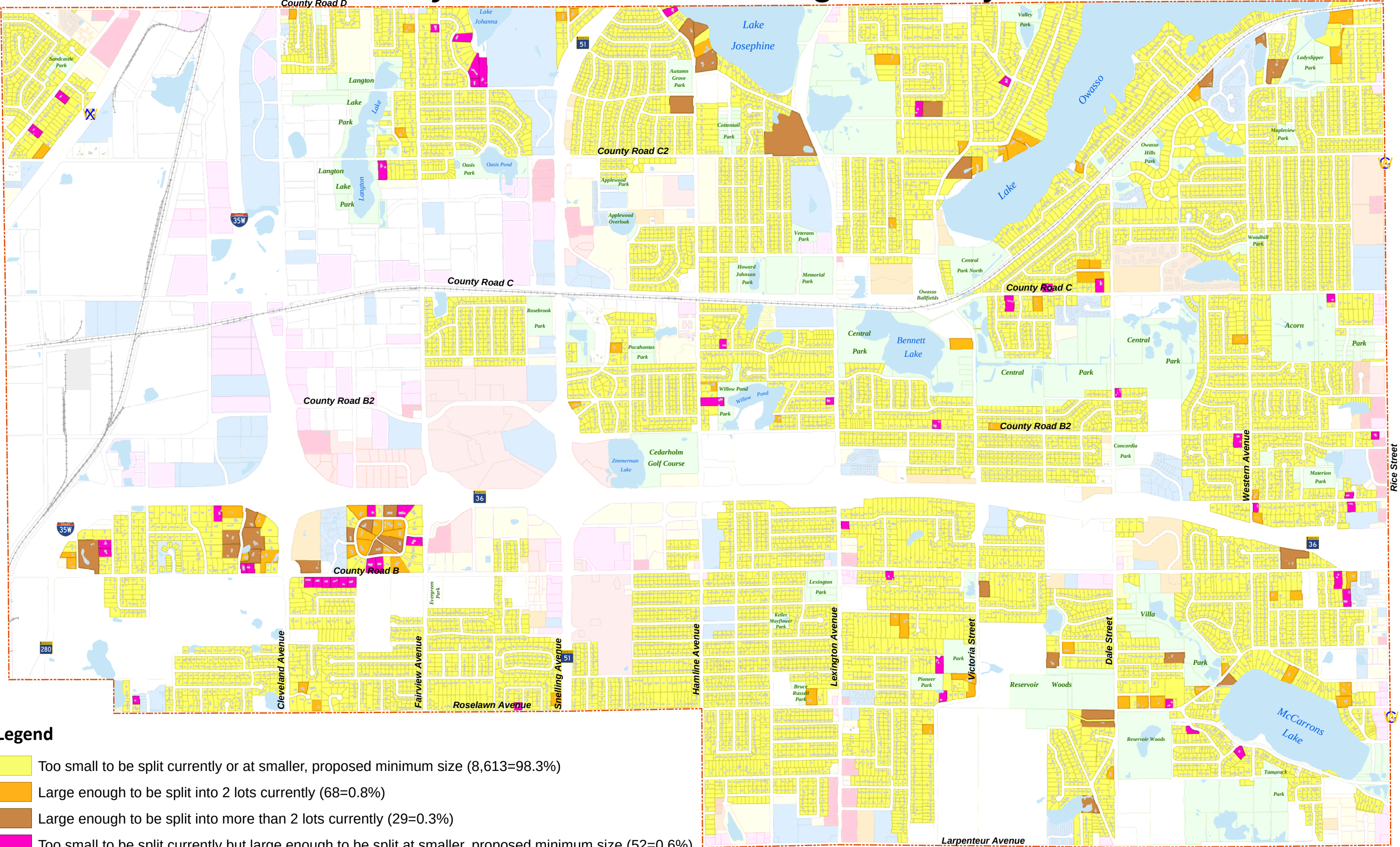
Highlighted cells indicate the most prevalent residential zoning district in each municipality by land area.

¹ Edina utilizes a neighborhood-context type subdivision ordinance that determines the minimum area standards for each lot as being equal to the median area of other lots within 500 feet.

² The most prevalent residential zoning district in Newport is RE, but the R-1 standards apply where parcels are served by water and sanitary sewer.

³ These are *proposed* single-family lot standards.

Potentially Subdivide-able Single-Family Parcels



- Legend**
- Too small to be split currently or at smaller, proposed minimum size (8,613=98.3%)
 - Large enough to be split into 2 lots currently (68=0.8%)
 - Large enough to be split into more than 2 lots currently (29=0.3%)
 - Too small to be split currently but large enough to be split at smaller, proposed minimum size (52=0.6%)



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