

**CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD**

August 6, 2019, 5:30 p.m.
Council Chambers, 221 E Clark Street

AGENDA

- A. CALL TO ORDER AND ROLL CALL

- B. APPROVAL OF THE AGENDA

- C. APPROVAL OF MINUTES- PC June 4, 2019

- D. PUBLIC HEARINGS- Ordinance Amendments
 - a. Section 62-88
 - b. Section 74-2
 - c. Section 74-18
 - d. Section 74-256
 - e. Section 74-296
 - f. Section 74-1046

- E. NEW BUSINESS

- F. COMMISSIONER COMMUNICATIONS

- G. STAFF COMMUNICATIONS

- H. ADJOURNMENT



Memorandum

To: Albert Lea Planning Commission

From: Megan Boeck, City Planner

Date: August 1, 2019

Re: Ordinance Amendments

City staff has been working to clarify several different zoning ordinances pertaining to paving, parking and accessory structure setbacks. It's important to note that the proposed ordinance amendments will not increase or change the existing requirement—the purpose for amending is to clean up sections that have been difficult to explain and interpret. In addition, two of the proposed amendments actually work to lessen the current requirement.

Section 62-88. This ordinance explains that outside parking areas for recreational vehicles in the side or rear yard are not required to be paved.

Example: if a recreational conveyance, such as a boat or camper, is parked to the side of or behind the dwelling, pavement would not be required.

Section 74-2. This ordinance will allow the Zoning Official to use his/her discretion when determining the "front" yard for corner lots. This will be especially helpful when two lot lines have is equal distance of right-of-way. Once the front yard is determined and recorded as such with City Hall, that determination will will apply to all future permits/applications.

Section 74-18. This ordinance removes the "no matter what" setback of 60' for accessory structures. Accesory structures will not be allowed closer to the front lot line than the principal structure and will also not be allowed any closer to the front lot line than 25'.

Example 1: if a principal structure is setback 23' from the front lot line, the accessory structure will have to be setback 25'.

Example 2: if a principal structure is setback 65' the maxmium required setback will be 60'.

Section 74-256 (R-1) and 74-296 (R-2). These ordinances better explain the width of driveways and flares. In addition, it addresses whether or not a driveway will be required for an accessory structure.

Section 74-1046. This ordinance works to better define a driveway within the R-1 and R-2 districts.

Additionally, there is hope that graphics can be inserted into some of these ordinances to better illustrate the intent. However, where there is confusion, the text will ultimately govern.

Please let me know if you have any questions.

Respectfully submitted,



Megan Boeck
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ORDINANCE NO. 2019-

**AN ORDINANCE AMENDING CHAPTER 62, ARTICLE III, SEC 62-88 (b)(4)(b) OFF-STREET
PARKING AND LOADING**

THE CITY OF ALBERT LEA DOES ORDAIN (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Chapter 62, Article III, Sec.62-88 (b)(4)(b) of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 62-88. - Recreational vehicle parking and storage in residential districts.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Recreational vehicle is a general term for a vehicular unit not exceeding 35 feet in overall length, eight feet in width or 12 feet in overall height. The term "recreational vehicle" includes the following terms:

- (1) *Camper trailer* means a folding or collapsible vehicular structure, without its own power, designed as a temporary living quarters for travel, camping, recreation, and vacation use; and eligible to be licensed or registered and insured for highway use.
- (2) *Travel trailer* means a rigid vehicular structure, without its own motive power, designed as a temporary dwelling for travel, camping, recreation and vacation use eligible to be licensed or registered and insured for highway use and which, when equipped for the road, has a body width of not more than eight feet.
- (3) *Truck camper* means a portable structure, without its own motive power, designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use and which, in combination with the carrying vehicle, is eligible to be licensed or registered and insured for highway use.
- (4) *Motor home* means a vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation and vacation use, and which is eligible to be licensed or registered and insured for highway use.
- (5) *Boat trailer* means a vehicular structure without its own motive power, designed to transport a recreational watercraft for recreation and vacation use, and which is eligible to be licensed or registered and insured for highway use. A recreation watercraft, when mounted upon a boat trailer, and its towing vehicle, when parked or stored, shall be considered one unit, exclusive of its towing vehicle.
- (6) *Utility trailer* means a vehicular structure without its own motive power designed or used for the transportation of all manner of motor vehicles, goods, materials, and eligible to be licensed or registered and insured for highway use.

(b) *Restrictions.* Any recreational vehicle may be parked and stored on a single lot in a residential district subject to the following:

- (1) Such recreational vehicle shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.

- (2) At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping, or housekeeping purposes except as provided in subsection (b)(3) of this section.
- (3) It shall be lawful for only nonpaying guests at a residence in a residential district to occupy one recreational vehicle, parked or stored subject to the provisions of this section, for sleeping purposes only for a period not exceeding 72 consecutive hours. The total number of days during which a recreational vehicle may be occupied under this subsection shall not exceed 14 days in any calendar year.
- (4) Such recreational vehicle may be parked or stored in the following manner:
 - a. Inside any enclosed structure which structure otherwise conforms to the zoning requirements of the particular district where located.
 - b. Outside in the side yard or in the rear yard, behind the required front yard setback. Such parking need not be paved.
 - c. Parking of one recreational vehicle is permitted outside within the required front yard setback on a hard-surfaced driveway or a hard-surfaced pad adjacent to the driveway provided:
 - 1. Space is not available in the side yard behind the required front yard or there is not reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and an access can be had without substantial damage to existing large trees or major landscaping. A fence shall not necessarily be deemed to prevent reasonable access. A corner lot shall normally be deemed to have reasonable access to the rear yard.
 - 2. Inside parking is not possible.
 - 3. The recreational vehicle is parked perpendicular to the front roadway and is parked at least 15 feet from the back of the curb.
- 4. The recreational vehicle does not prevent persons from having a clear view of all traffic approaching an intersection, whether it is an intersection of two streets or the intersection of an alley with another alley or street, or traffic entering or departing from a driveway.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor _____ and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Vern Rasmussen Jr.

And the following voted against the same:

Introduced the first time on this _____ day of _____, 2019

Introduced and passed this _____ day of _____, 2019.

Mayor Vern Rasmussen Jr.

Filed and attested this _____ day of _____, 2019.

Secretary of the Council

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING CHAPTER 74, ARTICLE I, SEC 74-2 DEFINITIONS

THE CITY OF ALBERT LEA DOES ORDAIN (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Chapter 74, Article I, Sec.74-2 of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 74-2. - Definitions

Yard, front means a yard extending between side lot lines, the depth of which is measured parallel to and beginning at the street right-of-way line. For purposes of determining the front yard on a corner lot, the front yard shall be that portion of the lot having the shortest distance on the public right-of-way. When the lot has equal distance on each right-of-way portion of a corner lot, ~~the front shall be that portion of public right-of-way within a block length on which the majority of properties front or the owner can demonstrate that access and orientation of the primary structure on the larger dimension would not likely create a traffic hazard. the owner may seek a determination or confirmation from the Zoning Official as to the front yard. Such determination shall be recorded with the City of Albert Lea as being the front yard of record from that date.~~

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor _____ and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Vern Rasmussen Jr.

And the following voted against the same:

Introduced the first time on this _____ day of _____, 2019

Introduced and passed this _____ day of _____, 2019.

Mayor Vern Rasmussen Jr.

Filed and attested this _____ day of _____, 2019.

Secretary of the Council

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING CHAPTER 74, ARTICLE I, SEC 74-18 ACCESSORY BUILDINGS, FENCES AND SITE APPURTENANCES

THE CITY OF ALBERT LEA DOES ORDAIN (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Chapter 74, Article I, Sec.74-18 (b) 2 of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 74-18. - Accessory buildings, fences and site appurtenances.

(a) *Fences and walls.*

- (1) No fence or wall shall be permitted which materially impedes vision across a required front yard between the heights of three and ten feet above ground level.
- (2) In residential zones, no fence shall be more than six feet in height in any side yard or rear yard or more than three feet in height in any front yard.
- (3) In commercial and industrial districts, fences may be taller than six feet in height but all fences over seven feet are required to have a building permit.
- (4) Retaining walls over four feet in height require a building permit.
- (5) Fences shall be required to meet the visibility sight triangle requirement of section 74-13(e) but no additional setback requirements apply.

(b) Accessory structures in all residential districts, agricultural districts, and residential uses within a PD district unless specifically addressed in the accepted PD plan or CUP shall meet the following requirements.

- (1) The height of all accessory structures shall meet the requirements of section 74-219 with the following exceptions:
 - a. Accessory buildings containing a dwelling unit for servants' quarters or for private guests on a second story may have a height not exceeding 25 feet.
 - b. Where the principal structure is a residence and is two stories or taller, one accessory structure may be taller than the maximum height specified in section 74-219, but shall be no taller than the principal structure.
- (2) All accessory buildings or structures shall be no less than three feet from a side or rear lot line ~~or less than 60 feet from a front lot line~~, or less than five feet from any alley property line.

(3) Accessory buildings (garages, carports, or sheds) shall not be located closer to the front lot line than the principal building. In no case shall an accessory building be located less than 25 feet to the front lot line. On lots of record where the primary structure is setback an excess of 60 feet, a maximum required setback of 60 feet shall apply.

- (4) An accessory building or structure attached to or part of the main building or located within the ten feet of the rear or side wall of the main or principal building shall maintain the same side yard or rear yard as is required for the main or principal building.

- (5) Individual private residential accessory structures shall meet the following standards based on lot sizes and other limitations found in City Code.

Lot Size	Maximum Size for Each Accessory Structure	Maximum Total Square Footage of Carports, Garages and Sheds Per Lot
Under 1.5 acres	1,080 square feet or 80% of the size of the footprint of the principal structure (including attached garages and covered porches)	1,400 square feet
1.5 to 2 acres	1,280 square feet	1,600 square feet
2 acres or larger	1,480 square feet	2,000 square feet

- (6) No more than two accessory structures (carports, garages or sheds) shall be allowed per lot or parcel in residential and agricultural districts. The size of any accessory structures shall not exceed 80 percent of the size of the footprint of the principal structure (which would include any attached garages, carports, or covered porches.)
- (7) Detached carports may be allowed as an accessory structure (garage or shed) in a back yard only. Attached carports may be located in the side or front yard subject to all setbacks.
- (8) The dimensions of any accessory structure shall not exceed a three to one ratio between width and depth.
- (9) All development on a lot including principal and accessory structures shall not exceed more than 40 percent of total lot area.
- (10) This subsection shall not prevent the construction or use of a private garage for joint storage of automobiles by two owners built upon the dividing lot lines when no more than the total size, number and area of accessory structures is met for each lot.
- (11) Temporary accessory structures may be allowed for 30 days within any given calendar year or up to six months within any calendar year with a permit issued by the inspection department. Conditions of a six month approval shall relate to public safety, visibility of the structure from neighboring private or public property, general site conditions, limits on period of use, and the general health, safety, and well-being of the neighborhood. Additional time will be considered under the application for an interim use permit (per section 74-60). Temporary structures shall not be allowed in any side or front yard for longer than 30 days.
- (c) Accessory building and structures in business and industrial districts may occupy any of the ground area which the principal building is permitted to occupy.
- (1) Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in the front or side yard in I-2 district.

- (2) Temporary accessory structures allowed in B-1, B-2, B-3, B-4, IDD, I-1, I-2, I-3, and DCD districts.
- a. Tents over 400 square feet in size require a permit issued by the city fire department. Conditions of approval shall relate to public safety, visibility of the tent from neighboring private or public property, general site conditions and limits on period of use and the general health, safety, and well-being of the neighborhood.
 - b. Cargo containers are permitted as temporary accessory structures only. (Subject to applicable building and structure setbacks.)
 - c. Temporary accessory structures shall be allowed for 30 days within any given calendar year or up to six months within any calendar year with a permit issued by the inspection department. Conditions of a six month approval shall relate to public safety, visibility of the structure from neighboring private or public property, general site conditions, limits on period of use, and the general health, safety, and well-being of the neighborhood. An extended period of use may be granted if an applicant seeks an interim use permit pursuant to section 74-60.
- (d) In all zoning districts accessory structures including fences and walls and associated landscaping shall meet the requirements of subsection 74-13(e) for vision clearance.

	Residential Districts					PD**	Business Districts			Industrial Districts		
	R-1	R-2	R-3	R-O	R-P		DCD	B-2	B-3	I-1	I-2	I-3
Accessory structures												
Maximum heights *	15'	25'	25'	25'	25'	25'	25'	25'	50'	25'	25'	25'
Minimum front setback ***	60'	60'	60'	60'	60'	60'	Same as principal structure					
Minimum side setback (interior lot)	3'	3'	3'	3'	3'	3'	Same as principal structure					
Minimum side setback (corner lot street line)	12.5'	12.5'	12.5'	12.5'	12.5'	12.5'	Same as principal structure					
Minimum rear setback (no alley)	3'	3'	3'	3'	3'	3'	Same as principal structure					

Minimum rear setback from center of alley	5'	5'	5'	5'	5'	5'	5'	Same as principal structure				
Fences and walls												
Maximum Height front yard***	3'	3'	3'	3'	3'	3'	3'	No maximum height. All fences over 7' tall require a building permit. See subsection 74-13(a) for additional requirements for fence opacity in front yards				
Maximum Height side and rear yards	6'	6'	6'	6'	6'	6'	6'					
Minimum setback interior lot lines (side and rear)	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Other structures or appurtenances—Side setback												
Nothing over 2' in height shall be constructed or placed in a permanent manner within 1.5' from any side property line.												

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor _____ and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Vern Rasmussen Jr.

And the following voted against the same:

Introduced the first time on this _____ day of _____, 2019

Introduced and passed this _____ day of _____, 2019.

Mayor Vern Rasmussen Jr.

ATTEST:

Secretary of the Council

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING CHAPTER 74, ARTICLE III, DIVISION 3, SEC 74-256 OFF-STREET PARKING AND LOADING

THE CITY OF ALBERT LEA DOES ORDAIN (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Chapter 74, Article III, Division 3, Sec.74-256 of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 74-256. – Off-street parking and loading.

In the R-1 single-family residence district, off-street parking and loading facilities shall be provided as specified in article V of this chapter. The graphics provided in this section are to be used to illustrate the regulations. Where there is confusion, the text regulations govern.

- (1) Parking in the front yard must be on an approved driveway. Where driveways lead to a garage, attached or detached, the driveway portion in the front yard may not extend past the further of the side walls of the garage or two feet beyond the garage door(s). Dimensional standards for parking spaces are provided in article V.
- (2) Driveways in the front yard may include a flair to accommodate one additional parking space per unit.
- (3) Accessory structures in the rear or side yard and used for vehicle parking must be accessed by a driveway.
- (4) Accessory structures used primarily for storage are not required to have a driveway.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor _____ and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Vern Rasmussen Jr.

And the following voted against the same:

Introduced the first time on this _____ day of _____, 2019

Introduced and passed this _____ day of _____, 2019.

Mayor Vern Rasmussen Jr.

Filed and attested this _____ day of _____, 2019.

Secretary of the Council

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING CHAPTER 74, ARTICLE III, DIVISION 3, SEC 74-296 OFF-STREET PARKING AND LOADING

THE CITY OF ALBERT LEA DOES ORDAIN (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Chapter 74, Article III, Division 3, Sec.74-296 of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 74-296. – Off-street parking and loading.

In the R-2 one- to four-family residence district, off-street parking and loading facilities shall be provided as specified in article V of this chapter. For one- and two-family residences, the following shall apply.

- (1) Parking in the front yard must be on an approved driveway. Where driveways lead to a garage, attached or detached, the driveway portion in the front yard may not extend past the further of the side walls of the garage or two feet beyond the garage door(s). Dimensional standards for parking spaces are provided in article V.
- (2) Driveways in the front yard may include a flair to accommodate one additional parking space per dwelling unit.
- (3) Accessory structures in the rear or side yard and used for vehicle parking must be accessed by a driveway.
- (4) Accessory structures used primarily for storage are not required to have a driveway.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor _____ and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Vern Rasmussen Jr.

And the following voted against the same:

Introduced the first time on this _____ day of _____, 2019

Introduced and passed this _____ day of _____, 2019.

Mayor Vern Rasmussen Jr.

Filed and attested this _____ day of _____, 2019.

Secretary of the Council

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING CHAPTER 74, ARTICLE V, SEC 74-1046 – ACCESS

THE CITY OF ALBERT LEA DOES ORDAIN (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Chapter 74, Article V, Sec.74-1046 of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 74-1046. - Access.

- (a) Off-street parking and loading spaces shall have proper access from a public right-of-way through an approved curb cut.
- (b) The number and width of curb cuts and access drives shall be located as to minimize traffic congestion and abnormal traffic hazard. The nearest edge of a curb cut in the R-3, R-P and R-O residence districts and all businesses and industrial districts shall not be less than 30 feet from the intersecting right-of-way lines of a street intersection. The location of a curb cut may be required to be a greater distance from the intersecting right-of-way lines as determined upon approval of the site plan by the zoning administrator. In R-1 and R-2 residence districts, the minimum distance between an intersection right-of-way line and the nearest edge of a curb cut shall be 20 feet.

(c) In the R-1 and R-2 residential districts, driveway means a proper access for vehicles between a roadway and an attached garage, a primary structure, an accessory structure such as a carport or detached garage, or a parking space. Proper access shall be through an approved curb cut and shall meet all provisions of this ordinance. Regulation of parking in the front yard in the R-1 and R-2 residential districts is provided in Article III – Districts.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor _____ and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Vern Rasmussen Jr.

And the following voted against the same:

Introduced the first time on this _____ day of _____, 2019

Introduced and passed this _____ day of _____, 2019.

Mayor Vern Rasmussen Jr.

Filed and attested this _____ day of _____, 2019.

Secretary of the Council