ROCHESTER-OLMSTED PLANNING DEPARTMENT
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COUNTY OF Olmsted
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TO: CITY COUNCIL

FROM: JOHN HARFORD

DATE: OCTOBER 6, 2003

RE: ZONING ORDINANCE TEXT AMENDMENT - RESIDENTIAL PARKING

Council Concerns:

The City Council requested that staff review the issue of front yard parking, non-conforming and illegal parking in residential districts. The council requested that additional language be prepared that would not permit properties with illegal parking spaces to be considered non-conforming and be permitted to continue.

The proposed additional language attempts to address that issue. The attached subsection provides for:

1. the intent of the section;
2. an administrative procedure;
3. performance standards;
4. definition change.

The front yard parking issue was addressed by the CPZC through a proposed subsection 63.455(1)(g). The proposal is a new element of this section and allows parking where it currently is not permitted. The Council has the choice of:

1. removing that subsection and not permit front yard parking,
2. changing the standards proposed, or
3. trying to combine the proposed subsection (g) and the performance standards proposed in 63.459. Subsection 63.459 Performance Standards would have to be changed to reflect coverage of both front yard parking as a permitted use of the property, and existing non-legal parking areas in residential districts.

CPZC Recommendation on Front Yard Parking:

The CPZC recommended at their hearing in February, 2002 that a subsection that addresses parking in the front yard be added to the proposed text amendment. The recommended language appears in the minutes attached to this memo. In the staff report of January, 2002 the staff recommended that one parking space be permitted if set back from the front or side street lot line 50' and landscaped. (NOTE: The committee that worked on the changes to this section had suggested language the could permit front yard parking under certain conditions.)

2

At the March 18, 2002 City Council meeting the Council expressed concern about front yard parking even outside the **required front yard** and recommended not permitting new front yard parking in the residential districts. The council also asked that unpaved non-permitted front yard parking be reviewed and language developed.

If the concept of front yard parking is not acceptable Section 63.455(1)(g) should be removed from the proposed amendment. If the concept is acceptable to the Council as proposed by the CPZC the Staff recommends that the format and language be changed as follows:

g) In the R-1, R-1X, and R-2 districts (and in the R-3 and R-4 districts for single family detached dwellings or duplexes only) two off street parking spaces shall be permitted in front of a dwelling if in compliance with the following standards:

1) the parking area is setback at least 25 feet from a front lot line, and if on a corner lot the parking area must be set back a minimum of 25 feet from the side lot line, and must be located outside any required side yard;
2) the area must be accessed from an existing driveway;
3) the parking area shall be no larger than 300 square feet;
4) the parking area must be paved;
5) the parking area must be landscaped with one shrub every four feet surrounding the parking area;
6) any such parking area shall not be used for the parking of trailers, recreational vehicles, or other recreational or commercial equipment.

If the Council is of the opinion that the non-permitted parking and new front yard parking should have the same performance standards than the staff will need to amend that proposed subsection.

At the August 27, 2003 CPZC meeting staff reviewed the proposed changes to the front yard parking section. A specific point of discussion was on the number of applications that might be submitted in any one year. The CPZC after some discussion recommended that the Alternative Review be conducted by staff, as much as possible, and it should be a Type I Design Modification. Appeals, if requested by a property owner, would be heard by the Zoning Board of Appeals.

Based in part on comments by the City Attorney staff has written the section to treat existing non-permitted paved or unpaved areas the same. The performance standards of Subsection 3 would apply to all proposals to bring such parking into conformance with the ordinance.

Council Action:

The council will need to advise staff as to how to proceed with the final draft proposed text amendment. The Council should answer the following questions.

1. Determine if **new** front yard parking should be permitted in the residential districts. This is specifically covered in the proposed Section 63.455(1)(g) as amended by the CPZC.
2. Determine whether to allow for non-permitted existing front yard parking to continue in some fashion. Should the proposed performance standards apply or should there be a statement indicating that front yard parking areas have not been permitted and must be removed within some time period.

Addition to the Proposed Text Amendment for Residential Parking – Sec 63.455

63.459 Front Yard Parking – Performance Standards

The purpose of this subsection of the ordinance is to regulate the location of surface parking on existing lots in residential zoning districts. The City has regulated front and side street side yard parking as part of the zoning ordinance since 1966. Therefore parking outside of a driveway and garage that is not in conformance with the Zoning Ordinance and Land Development Manual adopted in 1992 is considered a non-approved use of a residential lot and must be brought into conformance with the current standards.

Exceptions to this section of the ordinance exist only where front or side street side yard parking in a residential zoning district has been approved as a part of a development review zoning process including a Variance, Conditional Use Permit, Planned Unit Development as defined in this Ordinance, Incentive or Restricted Use Development. (Note: This section of the zoning ordinance is further supported by Section 134.11(3) of the Rochester Code of Ordinances.)

1) **Complying with the Performance Standards**: All non-compliant front yard parking must be brought into compliance with the provisions of this section within one (1) year of the date of approval. Violations of this section enforced as established in Section 60.130.

OR

1) **Complying with the Performance Standards**: All non-compliant front yard parking must be brought into compliance with the provisions of this section at the time a zoning certificate is required for planned improvements of the property or at the time that a city rental certificate is issued.

2) **Procedure**:

   a) Zoning Certificate: Following notification of a property owner for non-compliance with Section 63.455 the property owner must apply for a zoning certificate.

   b) Alternative Review: Where a property owner is unable to relocate the parking area on a lot that is in compliance with the provisions of Section 63.455(1) of the ordinance due to the physical limitations of the property, including lot width or depth, building location or easements, the property owner must apply for a variance following the provisions of Section 60.410 **OR** the property owner must apply for a Type III Phase III procedure. *(A Type III procedure would allow the Council to see the application if they feel it necessary to review.)* OR the property owner must apply for a Type I Design Modification.

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The following Site Performance Standards shall apply to an Alternative Review. The applicant of the Alternative Review shall meet or exceed all of the Site Performance Standards of Subsection 3.

3) **Site Performance Standards**: Non-compliant front yard parking shall meet or exceed the minimum site performance standards of this subsection where an Alternative Review is approved.

   a) Location of Parking: Parking spaces shall abut the existing driveway that leads directly to the public street. The parking spaces shall be setback from the front lot line and the side street side yard lot line the minimum distance required for that use in the applicable zoning district, and 6 feet from a side lot line. The minimum distance from the parking area to the side yard opposite the driveway must be at least half the length of the principle building as measured from side yard to side yard.

   b) Lot Coverage: The parking spaces that are located in a front yard may not cover more than:

      1) 25% of the front yard, or no more than 300 square feet, whichever is less in the R-Sa, R-1, and R-1X districts; (NOTE: this would allow 2 cars. Staff suggests it be kept to one car resulting in an 11% coverage and 155 s.f. area.)
      2) 25% of the front yard in the R-2, R-3 or R-4 districts.

   c) Access: Access to the parking space(s) shall be directly from an established driveway.

   d) Surface Materials: The parking area shall be paved and bordered by a curb, fence, or other similar features to prevent parking beyond the intended parking area.

   e) Landscaping adjacent to parking areas: The parking area located in a front yard shall be screened. The landscaping shall comply with the standards provided in Section 63.154. A landscaped berm may serve as a screen with Bufferyard "D" landscaping requirements, or, a hedge with plants located at 4 feet on center surrounding the parking area, except for the connection to the driveway.

   f) Landscaping of other yard areas: Except for patio and similar areas, areas of yards not established as parking areas must be maintained in a landscaped condition including turf, shrubbery, or other vegetative materials.

   g) Number of Spaces: There shall be no more spaces provided on the property than the number required for the use by this ordinance.

h) Use: Any such parking shall not be used for the parking of trailers, recreational vehicles, or other recreational or commercial equipment.

Section 65.110 DEFINITIONS:

Nonconforming parking: *ADD THE FOLLOWING SENTENCE TO THE DEFINITION.* The existence of parking spaces located outside of an approved driveway in the front or side street side yard on a property in a residential district that were not approved through a Lot and Site Development Approval Procedure do not constitute legal, nonconforming parking.

6

9. Traffic design analysis may be required at the time site development to determine lane needs, spacing and traffic control for access points.
10. Watermain extension and connections must be provided as required by RPU.
11. Development of the property in floodway and flood prone districts is subjected to the regulations of Section 62.800 (Flood District and Intent) of the Land Development Manual. The property is also subject to the shoreland regulations of Section 62.1000.
12. The portion of the GDP shown on the West 80 Development is subject to the applicant acquiring that property.

OTHER BUSINESS:

1. **Text Amendment for Residential Parking**

Mr. John Harford presented the staff report, dated August 21, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Alfredson asked how many violation notices they send a week. This would indicate how many reviews there possibly could be.

Mr. Harford responded one a week. He stated that most of the problems occur in the older neighborhoods (ex. Kutzky Park) where homes shift from single family to multifamily housing.

Mr. Ohly stated that 50 applications a year could be processed. He indicated that the Rochester Zoning Board of Appeals would be better suited to review them.

Mr. Harford explained that some of the possible 50 applications could meet the requirements and come into conformance. Only a portion of the applications would go through the "alternative review" process.

Mr. Haeussinger stated that the staff should review the applications, as they have the background necessary. If the applicant is unhappy about the review, they could appeal the decision and go before the Rochester Zoning Board of Appeals.

The rest of the Commission agreed.

2. **Initiate Amendment to Section 64.132 of the Land Development Manual**

Mr. Brent Svenby presented the staff report from Phil Wheeler, dated July 25, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

The Commission indicated that the language presented in the memo was not straight forward enough and needed to be changed.

Ms. Petersson moved to initiate a text amendment to Section 64.132 of the Land Development Manual regarding private wells and septic systems for new development. Mr. Staver seconded the motion. The motion carried 8-0.

City of Rochester
City Administrator's Office

Memo

To: Phil Wheeler
Greg Wise

From: Gary Neumann G.N.

Date: September 23, 2002

Re: Front Yard Parking

Several months ago, we met to discuss the front yard parking issue following a discussion by the Council at a Committee meeting. At the conclusion of our staff meeting, it was indicated that your department would prepare some revised suggestions to address this issue. I would request that something be prepared soon. I have attached some notes that I took at the meeting. However, with the passage of so much time, they do not make much sense to me. Perhaps, however, they will jog your memory.

Can you develop some revisions based on those staff discussions or should I set up another staff meeting?

Enclosures

q

Housing Code – Front Yard Parking Meeting

1. Parking in the front yard of a house is (should be) prohibited.

2. Performance Standard drafted to require landscaping in front of the house.
   - Prohibit parking in front of the house
   - Would address current uses and make them subject to removal (may be legal issue)
   - Could have a variance approach where there is an alternative for exceptional circumstances.
   - Reasonable date before the provisions become effective (several years).

3B. Carried front yard across front of house
   - Front yard left as is for existing (difficult for non-conforming versus new)
   - Variance
   - Could propose as prospective change only (pave all new ones)

3G. Housing Code
   Paving
   - Under new development spaces are required
   - Parking space requirements are not in housing code.
   - No provision under housing code

   (non-conforming, but not a compliance issue under housing code)
   (grandfathered)

COMMITTEE OF THE WHOLE

Room 104 – City Hall
March 18, 2002
4:15 P.M.

PAGE

(1-31) 1) Discussion of Proposed Front Yard Parking Requirements. (attachment).

A presentation was made on the front-yard parking recommendations from the Planning Commission and the Planning Department. Phil Wheeler and Greg Wise made the presentation.

The Mayor and Council expressed concerns regarding allowing any parking in front of the dwelling portion of a residence even if it was outside of the required front yard. The consensus of the Council was to not allow such parking on a prospective basis, as opposed to a retroactive provision. In addition the Mayor and Council expressed concerns regarding existing unpaved parking spaces in front of dwellings that may either be outside of the required front yard or within the required front yard. The Mayor and Council requested that the staff also research how the rental parking requirements are met and what implications they have for the front yard parking discussion.

The Mayor and Council referred this matter to the staff of the Administration, Attorney, and Planning Departments for additional review and recommendation.

Respectfully Submitted
Gary Neuer

10

MINUTES OF THE
CITY OF ROCHESTER PLANNING COMMISSION
2122 CAMPUS DRIVE SE – SUITE 100
ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, February 27, 2002, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Mr. Randy Staver, Chair; Ms. Lisa Wiesner, Vice Chair; Ms. Mary Petersson; Mr. John Hodgson; Mr. Michael Quinn; Mr. Paul Ohly; Mr. James Burke; and Mr. Robert Haeussinger

Members Absent: Ms. Leslie Rivas

Staff Present: Ms. Mitzi A. Baker; Mr. Greg Wise; and Ms. Jennifer Garness

Other City Staff Present: None

ADMINISTRATIVE BUSINESS:

Ms. Petersson made a motion to approve the minutes of February 13, 2002, changing Chair to Randy Staver and Vice-Chair to Lisa Wiesner. Ms. Wiesner seconded the motion. The minutes from February 13, 2002 were approved unanimously.

Ms. Baker asked that LUPA #02-01, ZC #02-04 and GDP #178 be heard together and ZC #02-03 and GDP #177 be heard together. However, she explained that each application would need to be acted on separately.

Ms. Baker stated that the findings for the Incentive Development Preliminary Plan for Sunstone Hotel Investors would need to be reviewed and acted on under "Other Business".

Ms. Wiesner made a motion to approve the agenda, as discussed by Ms. Baker above. Ms. Petersson seconded the motion. The motion carried unanimously.

CONTINUED ITEMS:

Text Amendment #01-08, initiated by the Rochester Planning and Zoning Commission, to amend Sections 60.200, 62.220, 62.223, 62.230, 62.252, 63.122, 63.441, and 63.455 of the City of Rochester Zoning Ordinance and Land Development Manual. These sections address residential off-street parking and related issues.

Mr. Staver explained that, if the Commission would like to take new testimony, they would need to make a motion to suspend Robert's Rules of Order.

Mr. Greg Wise presented the staff report, dated January 31, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

11

Ms. Wiesner asked if items j) and k), under Section 63.455, were revised according the Commission's last discussion.

Mr. Wise responded yes. He stated that concerns expressed were regarding 1) not allowing parking in front of dwelling on property, and 2) driveways for single-family dwellings should be required to be paved.

Mr. Wise handed out revised language on pages 21, 28 and 29 of the staff report. He stated that he wanted to allow the same type of parking for single family detached and duplexes in the R-3 and R-4 zoning districts. He explained that there are different standards on page 29 of the staff report that address multi-family residential.

Ms. Wiesner asked if staff was suggested the top g) or bottom g) of the revised handout.

Mr. Wise responded the bottom g). He explained that it had minor changes to the language on page 28 and 29 of the staff report.

Mr. Staver asked if anyone was present to comment on the proposed text amendment. No one came forward. Therefore, the Commission agreed to not re-open the public hearing.

Ms. Wiesner moved to recommend approval of Text Amendment #01-08, initiated by the Rochester Planning and Zoning Commission as presented by staff, except to use the top g) listed in the revised handout that states:

g) In the R-1, R-1x, R-2 Districts (and in the R-3 and R-4 Districts for single family detached dwellings or duplexes only), two off-street parking spaces shall be allowed in front of a dwelling on a parcel if the parking area is set back at least 25 feet from a front lot line. If on a corner lot, the parking area must also be set back a minimum of 25 feet from the side street lot line. The area must be accessed from an existing driveway and must be located outside of any required side yards. The parking area shall be no larger than 20 feet by 20 feet in size (that area outside of an existing driveway) and must be paved. Also, the parking area must be landscaped with one shrub per five feet, which must be located between the space and any street right-of-way. Any such parking area shall not be used for the parking of trailers, RV's, or other recreational equipment.

Mr. Quinn seconded the motion. The motion carried 8-0.

General Development Plan #171 by Fred Schmidt to be known as Hundred Acre Woods (formerly Eastwood Oaks). The applicant is proposing to develop approximately 100 acres into a single family residential development consisting of approximately 183 lots. The development also proposes public roadways and public open space. The property is located along the north side of Eastwood Road SE, south of Trunk Highway 14 and west of Eastwood Golf Course.

Ms. Mitzi A. Baker presented the staff report, dated February 22, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.