
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

January 11, 2016



AGENDA
PLANNING COMMISSION
Conference Room, City Hall
January 11, 2016, 6:30 p.m.

P	A	Member	P	A	Member
		Dahlberg, Doug			Schilling, Kara
		Esse, Robert			Schulte, Ray
		Gosiak, Frank			Silbernack, Keith
		Hanfler, Jeremy			Oleson, Ben (Zoning Official)
					Kimman, Greg (City Engineer)

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: January 11, 2016

APPROVAL OF MINUTES: December 14, 2015

PUBLIC HEARINGS:

- 1) None

OLD BUSINESS:

- 1) Discussion – Allowing for construction of homes on small lots / “Tiny Homes”

NEW BUSINESS:

NEXT REGULAR MEETING: Monday, February 8, 2016

ADJOURNMENT:

AGENDA
PLANNING COMMISSION
 Conference Room, City Hall
 December 14, 2015, 6:30 p.m.

P	A	Member	P	A	Member
x		Dahlberg, Doug		x	Schilling, Kara
x		Esse, Robert	x		Schulte, Ray
x		Gosiak, Frank	x		Silbernack, Keith
x		Hanfler, Jeremy	x		Oleson, Ben (Zoning Official)
			x		Kimman, Greg (City Engineer)

CALL TO ORDER The Planning Commission Meeting was called to order by Frank Gosiak, Planning Commission Chairperson, at 6:30 p.m.

ADOPT THE AGENDA: A motion was made by Hanfler, seconded by Silbernack to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES: A motion was made by Dahlberg, seconded by Schulte to adopt the minutes as presented. Motion carried.

PUBLIC HEARINGS:

- 1) Variance application to allow approx. 100 sq ft of a 4,323 sq ft addition to the existing church to be approx. 43.5 ft from a front lot line (min. 50 ft required). Applicant: Little Falls Assembly of God Church. Partial Legal Description: Part of the SE4 of the SW4 and part of the SW4 of the SE4, Section 23, Township 41, Range 32. Property Address: 17389 Haven Road. Parcel number(s): 48.6777.000.**

Public hearing opened at 6:31 pm. Oleson summarized the variance application. Sam Muhlbauer, Pastor at Little Falls Assembly of God Church, 17389 Haven Road, Little Falls explained the request and the reasoning behind it. Robin Hensel, 807 1st street SE spoke in support of the request. Public hearing closed at 6:35 pm. Esse made a motion to approve the variance application as presented. Silbernack seconded the motion. Esse, Silbernack, Schulte, and Dahlberg voted to approve the request. Hanfler and Gosiak voted against approval of the request. Motion carries.

OLD BUSINESS:

- 1) Discussion – Work plan for future ordinance updates.**

There was discussion about future topics to be addressed in the city ordinances such as blight, tiny homes, solar panels, and the city comprehensive plan. It was agreed that these items should be examined one at a time. City staff will come back to next meeting with additional information in regards to tiny homes.

NEW BUSINESS:

- 1) Final Plat application for a two lot subdivision known as “Belle Garden Addition”. Applicant: Earl Lemieur (Lemieur Earl 2011 Revocable Trust). Partial Legal Description: Part of the SW4, Section 26, Township 41, Range 32. Property Address: 14750 Riverwood Drive and 14683 Smith Ave. Parcel number(s): 48.2911.000 and 48.6847.000.**

Oleson summarized the preliminary plat application and explained the process of gaining final approval. Kimman also explained some of the requirements of the application and his recommendation. A public hearing was not required for final approval. Silbernack made a motion to approve the application as presented. Schulte seconded the motion. Motion carries.

2) Discussion – Amendment of ordinances related to Planned Unit Developments (PUDs).

Items were discussed in old business.

NEXT REGULAR MEETING: Monday, January 11, 2016

ADJOURNMENT: A motion was made by Silbernack, seconded by Dahlberg to adjourn. Meeting adjourned at 7:10 p.m. Motion carried.

Minutes submitted by Doug Dahlberg, Secretary.

STAFF REPORT

Issue: Allowing for construction of homes on small lots / “Tiny Homes”

Background Information: At their March 16, 2015 special meeting, the City Council was presented with a suggestion that the City look into allowing for small homes to be constructed on small lots that the current city code does not allow to be developed. One of the ways in which some cities have done this is to allow for “tiny homes” to be constructed – homes which may only be 10s or 100s of square feet, but generally less than the 576 (24’ x 24’) or 720 (24’ x 30’) sq ft that is the City’s current minimum dwelling size.

The Planning Commission has discussed this issue at its April 2015 meeting, including a review of two short articles that highlight some of the reasons why people have been advocating for “tiny homes” to be allowed in cities and some of the issues that arise. One is from the Brainerd newspaper about a local resident and the other is from a more national perspective. The Commission also reviewed information from a City of Brainerd Staff Report prepared several years ago for the same issue that provides some additional background.

Staff’s research has provided a few additional relevant pieces of information that have not yet been extensively discussed by the Commission:

- 1) At the current time, Staff’s research indicates that there are about 25 lots left in the City that are substandard in lot width.
- 2) In the R-1C zoning district, nonconforming lots (less than 16,000 sq ft, 100 ft in width) are considered buildable in the current City Code if:
 - a. The lot is at least twelve thousand (12,000) square feet in area; and
 - b. The lot was a recorded lot of record in separate ownership on or before September 1, 2003, or with its incorporation into the city; and
 - c. The lot was in compliance with applicable zoning ordinances at the time of its creation; and
 - d. Any new structures will meet applicable setbacks.
- 3) In all other residential zoning districts, nonconforming lots are considered buildable for single-family detached dwelling purposes “provided the measurements of such area and width are within seventy percent (70%) of the requirements of this chapter, but said lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this chapter.” For each residential zoning district, the result of this would be:

Zoning District	Minimum Required Lot Size	Minimum Required Lot Width	70% Lot Size	70% Lot Width
R-1	11-12,000 sq ft	80 feet	7,700-8,400 sq ft	56 feet

R-2	9,000 sq ft	60 feet	6,300 sq ft	42 feet
R-3	9,000 sq ft*	60 feet	6,300 sq ft*	42 feet

*For one-family structures on a lot. For more intensive development, the required lot size increases.

- 4) The City Code (Chapters 11.03.V) requires that “Unless located in a mobile home park, all residential dwelling structures used for living purposes shall be at least twenty-four feet (24’) in width and at least thirty feet (30’) long, and placed on a permanent foundation.” (Ordinance 132, 2nd Series, eff. 10-29-1984)
- 5) Other parts of the City Code (Chapter 11.05 – in requirements for the R-1, R-1C, R-3 zoning districts) requires that “all habitable dwellings shall have a minimum width and length of twenty four feet (24’) and a permanent foundation meeting the latest edition of the Minnesota state building code.” (Ordinance 78, 2nd Series, eff. 1-24-1983).
- 6) The R-4 Mobile Homes Residential District would appear to allow for the construction/placement of “tiny homes” as there is no minimum dwelling size in that district. However, if the City wishes to clearly allow for such units within that district, Staff would recommend some wording changes in the Code so as to make this clear, as some “tiny homes” may not clearly fit the City’s definition of “mobile home” in the Code.
 - a. Mobile Home definition: “A manufactured home used for living purposes that is transportable in one or more sections, and is less than twenty four feet (24’) in width, with or without a permanent foundation.”)
- 7) The City’s Housing and Redevelopment Authority (HRA) has made significant efforts and expenditures since the 1980s to purchase small (usually 40 ft wide) lots as they go tax-forfeit and then attempt to combine them with adjacent properties. In some cases, this involved the City purchasing two adjacent lots and combining them itself. In other cases, it involved buying a lot, clearing off the home, and selling the lot to the adjacent landowner provided the lots were combined into one. Much of this work by the HRA was initially done with state and federal grant monies, but has more recently been via primarily local funds. The focus has typically been removal of dilapidated or damaged housing on tax-forfeited or distressed properties so that they can be replaced and returned to the tax rolls.

It is estimated that about 20-25 properties have been addressed in this manner since the 1980s. The Commission may wish to discuss what departing from the above policy/practice may mean for the City.
- 8) Tiny homes must comply with the MN Residential Building Code in most cases. See attached fact sheet from the MN Department of Labor and Industry. Those that don’t have to meet the building code are subject to other regulations.

Staff Comments: There are really two separate, but related, issues in this discussion.

1. The first is whether the City's minimum required dwelling size (either 24' x 24' or 24' x 30' depending on the section of ordinance) should be reduced. The arguments to do so include that it may help make home building and ownership more affordable and help address needs related to affordable housing. Arguments against are that it may contribute to lower property values on nearby properties if building and owning homes in an area with small homes becomes less desirable.

If the City wanted to reduce the minimum dwelling size in ordinance, it could do so without making any changes to the minimum required lot size.

2. The second is whether the City should allow development of smaller lots (lots less than 56 feet wide in the R-1 district and less than 42 feet wide in the R-2 or R-3 districts). Here, the arguments for is that it would allow for a more efficient development pattern in that more homes could be built without the need to extend expensive sewer, water, road and private utility infrastructure. At some point however, too high of a density of development may become unattractive to certain residents and property values might be degraded.

If the City wanted to reduce the minimum lot size in ordinance, it could do so without making any changes to the minimum required dwelling size.

Planning Commission Action: At this time, the issue is only for discussion. If the Planning Commission feels that it would like to initiate an ordinance amendment process to allow for such development, it can direct the Staff to do so. If it would like Staff to research specific questions relating to these kinds of homes or development, it can do so as well.

Finally, if the Planning Commission recommends that no change in the City Code or policies is warranted or desirable, it can make that recommendation to the Council at any time.



TINY HOUSES

CODE FACT SHEET

Minnesota Department of Labor and Industry

OVERVIEW

"Tiny houses" have received a lot of attention and interest in recent years. The following information is provided to clarify how these small structures are regulated by the Minnesota State Building Code. The Minnesota State Building Code is the standard of construction that applies statewide for the construction of buildings (MS § 326B.121) including tiny houses.

Some tiny houses are designed as trailers and referred to as park models or recreational park trailers that are on a chassis with wheels. Tiny houses built like park models but without the chassis and wheels are often referred to as industrialized/modular buildings and regulated accordingly.

Loosely defined, tiny houses range from about 100 to 400 square feet. The following describes how these houses are regulated by building codes, zoning codes and the Department of Housing and Urban Development (HUD).

Zoning requirements

Municipalities establish zoning ordinances to regulate land use, location, height, width, type of foundation, number of stories and size of buildings. These zoning ordinances vary by municipality.

Minimum building size varies from areas of 500 to 2,000 square feet. Jurisdictions may also require minimum lot sizes related to the house size. Sometimes there are minimum house size requirements such as 24 feet by 24 feet or a minimum dimension of 20 feet. Because of these varying requirements, the jurisdiction must be consulted for specifics.

Building codes

Tiny houses, like all other houses, are required to comply with building codes. Minnesota adopts the 2012 International Residential Code (IRC) by reference with amendments. It is known as the 2015 Minnesota Residential Code. The "code," for the purpose of constructing houses, means the 2015 Minnesota Residential Code. It is the standard that applies statewide.

The 2015 Minnesota Residential Code defines a dwelling as a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. By definition, a tiny house is a dwelling unit and



The trend of tiny houses has received a lot of attention in recent years. This handout is provided to clarify how these small structures are regulated by the Minnesota State Building code.

Other codes related to house construction include:

- 2015 Minnesota Energy Code
- 2015 Minnesota Mechanical Code
- 2015 Minnesota Electrical Code
- 2015 Minnesota Rules Chapter 1303
- Minnesota Plumbing Code

regulated by the code. The code includes requirements for light, ventilation, heating, minimum room sizes, ceiling heights, sanitation, toilet, bath and shower spaces, emergency escape and rescue openings, means of egress, smoke alarms and carbon monoxide alarms.

RECREATIONAL PARK TRAILER

Recreational park trailers, or park models, are tiny houses built on a chassis with wheels. These trailers are primarily designed as temporary living quarters for recreational, camping or seasonal use but not a year-round dwelling. These trailers are often constructed to ANSI standard (A119.5) and are self-certified by the manufacturer with the Recreational Vehicle Industry Association (RVIA).

The gross floor area for park models must not exceed 400 square feet when set up. Recreational park trailers exceeding 400 square feet must comply with HUD's manufactured housing program as a manufactured home. HUD defines the gross square footage as encompassing the full width and full length of the unit, including

porches.

A data plate must be attached to the recreational park trailers that includes:

- name and address of the manufacturer
- serial number or vehicle identification number (VIN) of the unit
- date of manufacture
- a statement that the unit is designed to ANSI A119.5.

Recreational park trailers or park models intended as permanent living dwelling units must be designed, constructed and installed in accordance with the 2015 Minnesota Residential Code.

PREFABRICATED BUILDINGS

Minnesota Rules, Chapter 1360

Dwellings constructed as prefabricated buildings must comply with the requirements of Minnesota Rules Chapter 1360 and be designed and constructed in accordance with the 2015 Minnesota Residential Code. Review of building plans and inspections are performed by the Minnesota Department of Labor and Industry. The completed building requires a Minnesota prefabricated building label.

Prefabricated building manufacturers are permitted to build three or fewer buildings per year. Construction of more than three buildings is regulated by Minnesota Rules Chapter 1361 for industrialized/modular buildings.

A data plate must be attached to the dwelling that includes the following minimum information:

- design loads
- codes
- IBC label numbers
- serial numbers
- model designation
- date of manufacture
- name and address of manufacture
- occupancy and type of construction.



Example prefab construction label -
located under kitchen sink.

All on-site work is subject to local jurisdiction and inspections according to the 2015 Minnesota Residential Code.

INDUSTRIALIZED/MODULAR BUILDINGS

Minnesota Rules, Chapter 1361; Industrialized Modular Building Commission (IMBC)

Dwellings constructed as modular buildings must comply with Minnesota Rules Chapter 1361 and the Industrialized Modular Buildings Commission (IMBC). These modular dwellings must be designed and constructed in accordance with the 2015 Minnesota Residential Code. Review of dwelling plans and in-plant inspections are performed by a certified IMBC third-party agency.

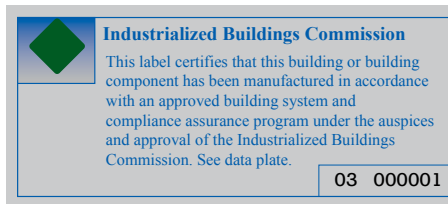
Modular buildings must have IMBC construction labels on each building section or every 600 square feet of closed panels.

A data plate must be attached to the dwelling that includes the following minimum information:

- design loads
- codes

Continued: Minnesota Rules, Chapter 1361; Industrialized Modular Building Commission (IMBC)

- serial numbers
- IBC label numbers
- model designation
- date of manufacture
- name and address of manufacture
- occupancy and type of construction.



Example IMBC label - located inside each home section.

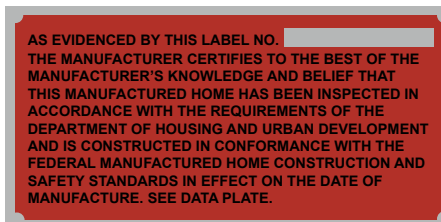
All on-site work is subject to local jurisdiction and inspections according to the 2015 Minnesota Residential Code.

HUD MANUFACTURED HOMES

"Manufactured home" means a single family dwelling in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

A data plate must be attached to the dwelling unit to include the following as a minimum:

- design loads
- codes
- label numbers
- serial numbers
- model designation,
- date of manufacture
- name and address of manufacturer



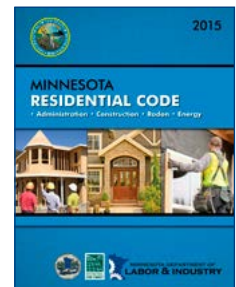
Example HUD construction label - located on exterior of each section.

Review of dwelling plans and in-plant inspections are performed by HUD-certified third-party agencies. All on-site work is subject to the local jurisdiction and inspections according to the 2015 Minnesota Residential Code.

SITE-BUILT STRUCTURES

Tiny homes constructed on site are regulated by the Minnesota State Building Code. The dwelling construction must comply with all the requirements of the 2015 Minnesota Residential Code.

The 2015 Minnesota Residential Code can be viewed at <http://codes.iccsafe.org/app/book/toc/2015/Minnesota/Residential/index.html>.



SUMMARY

If the tiny house does not:

- have a chassis and axles, or
- have a HUD manufactured home label, or
- have a RVIA park model label, then
- it is either a prefabricated or industrialized modular building subject to Minnesota Rules Chapters 1360 or 1361 or site-built subject to Minnesota Rules Chapter 1309.

NOTE: Any modular unit of closed construction built away from the site of occupancy must be labeled (Minnesota Rules, chapters 1360 or 1361).

Closed construction means any building manufactured so that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof (Minnesota Rules, Chapter 1360.0200 Subp. 5).

2015 MINNESOTA RESIDENTIAL CODE

The following code references provide general code requirements related to dwelling construction. Knowledge of the entire state code is necessary to obtain compliance.

General requirements

R202 – Definition of dwelling unit and habitable space.

Dwelling unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Habitable space: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

R301.1 Application.

Buildings and structures shall be constructed to safely support all loads, including dead loads, live loads, roof loads, flood loads, snow loads, wind loads and seismic loads prescribed in this code. The construction of buildings and structures in this code shall result in a structure that transfers all loads from their point of origin to the foundation.

R303 – Light, ventilation and heating

R303.1 – Habitable rooms shall have 8 percent of the floor area as natural light and 4 percent of the floor area as natural ventilation (see exceptions).

R303.3 – Bathrooms shall have 3 square feet of natural light and 1.5 square feet of natural ventilation (see exception).

R303.4 – Mechanical ventilation (see Minnesota Rules 1322 and 1346) requirements.

R303.5 – Intake and exhaust openings (see Minnesota Rules 1346) requirements.

R303.9 – Dwelling must be capable of maintaining a minimum room temperature of 68 degrees at three feet above the floor and two feet from the exterior walls (excludes use of portable heaters).

R304 – Minimum room areas

R304.1 – Every dwelling unit shall have at least one habitable room of 120 square feet.

R304.2 – Other habitable rooms (except kitchens) 70 square feet. R304.3 – Habitable rooms (except kitchens) must have a minimum dimension of 7 feet.

R305 – Ceiling height

R305.1 – Habitable space (hallways,

bathrooms, toilet rooms, laundry rooms and portions of basements containing these spaces) must have a ceiling height of 7 feet (see exceptions for measuring sloped ceilings).

R305.1.1 – Basements without habitable space (hallways, bathrooms, toilet rooms, laundry rooms and portions of basements containing these spaces) must have a minimum ceiling height of 6 feet, 8 inches (see exceptions for beams and girders).

R306 – Sanitation

R306.1 – Every dwelling unit must have a water closet, lavatory and a tub or shower.

R306.2 – Each kitchen must have a sink.

R306.3 – All plumbing fixtures must be connected to a sanitary sewer or approved private sewage system.

R306.4 – All plumbing fixtures must be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs, and washing machines must have hot and cold water.

R307 – Toilet, bath and shower spaces

R307.1 – Space required, see Minnesota plumbing code for required plumbing fixture clearances.

R307.2 – Bathtub and shower floors and walls (bathtubs installed with shower heads and in shower compartments) must have a nonabsorbent surface a minimum of six feet above the floor.

R310 – Emergency escape and rescue openings

R310.1 – Basements, habitable attics and every sleeping room must at least one operable emergency escape and rescue opening (door or window).

R310.1.1 – Minimum opening area must be 5.7 square feet (see full code text for minimum height and width dimensions).

R311 – Means of egress

R311.1 – All dwellings must have a means of egress.

R311.2 – The egress door must have a clear width of 32 inches and a clear height of 78 inches.

R311.3 – A floor or landing is required on each side of exterior doors (see R311.3.1

through R311.3.3).

R311.5.1 – Exterior landings must be positively attached to the primary structure.

R311.6 – Hallway must have a minimum width of 36 inches. R311.7 – Stairways must have a minimum width of 36 inches. R311.7.5 – Stair treads must be 10 inch minimum and stair risers 7.75 inch maximum.

R311.7.5.3 – Stair nosings must be provided and compliant with this section.

R311.7.5.4 – Composite wood or plastic stair treads must comply with R507.3.

R311.7.6 – A floor or landing is required at the top and bottom of each stairway.

R311.7.8 – A handrail is required at stairs having four or more risers (see all railing requirements).

R314 – Smoke alarms

R314.3 – Smoke alarms are required in each sleeping room, in the immediate vicinity of the bedrooms and on each additional story of the dwelling including basements and habitable attics.

R315 – Carbon monoxide alarms

R315.1 – A carbon monoxide alarm is required in every dwelling unit having fuel fired appliances or attached garage.

MR 1322 – 2015 Minnesota Residential Energy Code

The dwelling must comply with the Minnesota Energy Code.

MR 1346 – 2015 Minnesota Mechanical Code

The dwelling must comply with the Minnesota Mechanical Code.

MR 1303 – Radon requirements

The dwelling must comply with Minnesota Rules Chapter 1303 for either passive or active radon control systems.

MR 1315 – Minnesota Electrical Code

All electrical service, wiring and fixtures for the structure must comply with the 2014 National Electrical Code.

MR 4715 – Minnesota Plumbing Code

The dwelling must comply with the Minnesota Plumbing code.

COMPLAINT/ENFORCEMENT STATUS

PAST 3 MONTHS

Subject	Physical Address1	Date Submitted	Date of Hearing	Type	Type of Application	Description	Date of Final Action	Status	Resolution	Zoning District1	Zoning District2
482597000 Bjerkness Dec 2015 Sign Complaint	17059 RIVERWOOD DR	11/30/2015		Enforcement		Complaint that sign exceeds 4 ft height max ("Happy New Year")	12/22/2015	Resolved - Came Into Compliance			
480425000 Lundberg Waller House complaint parking Nov 2015	301 3RD ST SE	11/22/2015		Enforcement		Complaint that CUP/ordinance requirement for off-street parking not being met.	12/02/2015	Resolved - Came Into Compliance	Staff received call in response to letter sent to landowner, who said they put Class V gravel parking area down between garage and house and that they have 6 spaces for guests plus 2 for owners.	R-1 One and Two Family Residential	
481670000 481402000 Bloom Complaint Shed Setback Oct 2015	729 7TH ST NE	10/16/2015		Enforcement		Complaint of shed built too close to property line.		Documented - Letter Sent/Awaiting Compliance	Sent letter on 12/2/2015.		

482597000 Bjerkness Sign Complaint Nov 2015	17059 RIVERWOOD DR	11/19/2015	Enforcement	Complaint of sign exceeding height limit.	11/24/2015	Resolved - No Violation Found	Sign ordinance effective as of 11/29/2015 allows for such signs as meeting height restrictions. Old ordinance was silent as to how height was measured for signs not placed in the ground.	R-1C Country Homes, One and Two Family
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