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"Where Minnesota History Begins"

MEMO

Date: October 12, 2016
Re: Planning Commission/Board of Adjustment Report
From: Ben Oleson, Zoning Administrator

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on October 10, 2016. There Commission held public hearings regarding proposed amendments to Section 11.03 of the City Code as well as reviewing previously recommended ordinance amendments that had been sent back to the Commission by the City Council for further discussion. The Planning Commission/Board of Adjustment has made a recommendation for several ordinance amendments as a result of those hearings and discussions.

AGENDA ITEM #1

Public Hearing: Amendment to City Code, Sections 11.03.Q (Fences) and 11.04 (Administration and Enforcement). The purpose of the amendments are to increase the allowable height of fences in a front yard from 4 feet to 6 feet, to clarify that fences 30 inches or less in height do not require a permit and to clarify when a building not subject to the Building Code or requirement for a building permit is required to obtain a land use permit from the City and what setback or other zoning requirements apply.

Applicant: City of Little Falls Planning Commission

Background Information:

Fence height (Section 11.03.Q): At several recent meetings, the Planning Commission has discussed amendments to fence regulations - primarily related to the "sight triangle" at intersections. Changes regarding that item were previously submitted to the City Council with a recommendation for amendment and are included in the Council packet. At the October 10, 2016 public hearing, the Commission took public comment and discussed whether the maximum allowable height of a fence in the front yard (not within a required sight triangle) should be increased from 4 feet to 6 feet.

Staff's research indicates that limiting the height of fences to 4 feet or less in front yards is common across at least a sample of city ordinances (ordinances for townships and counties tend to be less restrictive and allow typically a 6 ft fence in any yard). However, when researching the reasons for why fences should be limited to the lower heights in front yards, it appears to be primarily related to aesthetic preferences and a feeling that it helps improve the value of properties/neighborhoods and/or reduces the potential for devaluation of property. There is also some mention of public safety being a reason to keep fence heights lower (i.e. it allows public safety officials to see house number more easily and/or the front yards of properties in the case that they are pursuing a suspect. Staff's consultation with the Little Falls Police Chief and Fire Chief indicated that they did not have any particular concerns about higher fences (6 ft) in a front yard.

The reasons that people tend to give for wanting higher fences (Staff has had several requests in recent months) is usually to provide them privacy or to allow them to screen out what they see as unattractive yards or buildings on neighboring or nearby properties.

Further, the current ordinance creates a situation on some corner lots where a fence is required to drop from 6 ft in height on the corner lot's rear yard to 4 ft in height where that rear yard is also the front yard of an adjacent lot, before being allowed to increase back to 6 feet in height along most of the corner side yard. Staff had noted that this situation did not seem to make much sense and that either the fence heights should be all limited to 4 feet in these areas or increased to 6 feet.

The proposal to not require permits for fences less than 30 inches in height is in recognition in that such "fences" do not pose the types of concerns that might occur with fences of a taller nature and would not require permits or a need to meet setbacks so long as they are located entirely on the landowner's property (i.e. not within a right of way or on a neighboring property).

Permit required: The second proposed change is intended to clarify when a building is required to obtain a permit and when setbacks are required to be met. The question arises primarily when a building permit is not required (residential accessory buildings less than 200 sq ft generally do not require a building permit). The proposal is to require that setbacks be met for buildings and structures less than 200 sq ft in certain circumstances.

AGENDA ITEM #2

Previous Ordinance Amendment Recommendation (Maximum Size of Accessory Building(s)): Last month, the Planning Commission recommended changes to how the size of detached accessory buildings are regulated. The recommended changes were to limit the total square footage of accessory buildings based on a sliding scale of lot size, and to eliminate a limitation on the size of any one detached accessory building. The Council reviewed those recommendations at its October 3, 2016 meeting (along with a number of other changes recommended over the past couple months) and the motion to adopt those changes failed. The direction from the Council was to have the Commission discuss regulating the size of detached accessory buildings by eliminating the sliding scale and instead to limit the footprint of all detached accessory buildings (combined or individually) to no greater than the footprint of the primary building on the property.

Planning Commission Recommendation: The Planning Commission is recommending approval of amendments to the City Code as noted in the attached ordinance amendment.

The proposed ordinance amendments resulting from the October 10 meeting can be summarized as follows:

1. Fence height: The Planning Commission has recommended that the fence height in front yards (outside of required sight triangles) be increased from 4 feet to 6 feet. The recommendation also includes clarifying that fences up to 30 inches in height (2.5 feet) do not require a permit.
2. Setback requirements for small structures: The Planning Commission has recommended that structures over 48 square feet be required to meet the same setback requirements as those structures over 200 square feet (5 ft side yard, 10 ft rear yard and front yard setback as per zoning district). For structures 48 square feet or less, the Commission has recommended a minimum side yard setback of 2 feet (the same as for a fence that requires maintenance).
 - a. NOTE: The original submittal to the Planning Commission by staff for the public hearing had all of these changes within section 11.04.I. After the public hearing, Staff feels that some of these changes would be better placed within Section 11.03.E.3.F where other setbacks for accessory structures are discussed. The ordinance amendments in your packet reflect this change.
3. Accessory building maximum size: The Planning Commission discussed the Council's thoughts regarding limiting the size of detached accessory buildings to that of the primary building on the lot. After significant discussion, the Commission felt that tying the allowable size of detached accessory buildings to the primary building would create confusion and allow for larger buildings than what the City's residents and the Council may desire. Instead, they have recommended a modified version of the sliding scale that had been previously recommended - dropping the maximum size of an accessory building (individually or combined) to no more than 2,000 sq ft.

If you have any questions, please feel free to contact me. I can be reached by phone at (888) 439-9793 or by email at oleson@hometownplanning.com.