

VICTORIA
ORDINANCE 447 ZC ZONING CODE AMENDMENTS

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE VICTORIA ZONING CODE: 16-1 DEFINITIONS; 18-10 ACCESSORY STRUCTURES; 18-12 DECKS; 24-1 LOW DENSITY RESIDENTIAL (R-1) DISTRICT; 24-2 TWO FAMILY RESIDENTIAL (R-2) DISTRICT; 24-3 MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT; 24-4 HIGH DENSITY RESIDENTIAL (R-4) DISTRICT; 24-5 LAKE MINNETONKA RESIDENTIAL DISTRICT (LMR); AND 33-10 PRESERVATION OF NATURAL RESOURCES

NOW THEREFORE, be it ordained by the Council of Victoria, in the State of Minnesota, as follows:

SECTION 1: AMENDMENT The following sections of the Zoning Code of the City of Victoria are hereby *amended* as follows:

AMENDMENTS

Bold/Italic represents additional language; red/strike represents repealed language

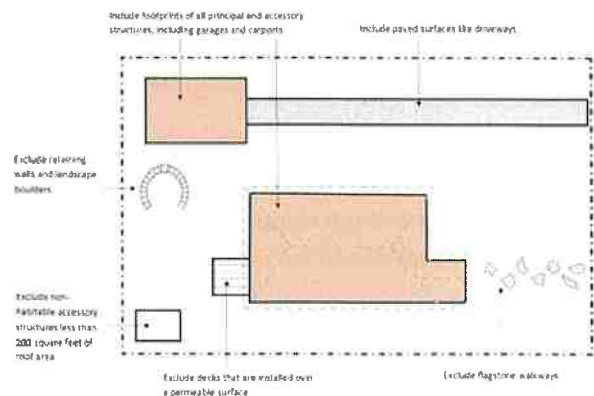
Sec. 16-1 Definitions:

Definitions noted below are either amended or added. Definitions not listed remain unchanged.

Deck means a roofless outdoor space built as an aboveground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure. ***A deck shall be considered part of the principal structure if attached to or directly abutting the principal structure, constructed with frost footings and/or greater than 30 inches above grade. A deck is subject to setbacks of the principal structure***

Detached garage means a building or structure not attached to a principal use ***by common vertical walls***, used or designated to be used for the parking and storage of vehicles

Impervious surface/Lot Coverage means the area of a lot occupied by buildings, accessory structures in excess of ~~120~~ **200** square feet, parking areas and all paved, ***concrete, asphalt*** and gravel surfaces. Buildings shall be measured at the outer edge of the foundation line. Lot coverage shall not include projections ***for bay windows, permeable patios, permeable walkways (e.g. flagstone), swimming pools***, fences, ***retaining*** walls and open patterned decks and stairways that are installed over a permeable surface. ***The surface area of any swimming pool permitted prior to November 9, 2020 shall not count toward a lot's impervious surface maximums.***



Patio or Detached deck means a roofless outdoor space constructed from pavement, pavers, stone, decking or other comparable materials that is separate from and does not project from the wall of a building. A patio or detached deck is considered an accessory structure and is subject to accessory structure setbacks. A patio shall not be used as a parking space for vehicles.

Permeable Patio or Walkway means any patio or walkway designed to facilitate the infiltration of water into the soil. A permeable patio or walkway must be constructed in a way that allows water to channel or absorb in the underlying soil, or into a special storage layer, and not create runoff. Permeable patios and walkways shall be consistent with specifications found in the Minnesota Stormwater Manual and meet the following conditions:

1. All materials shall conform to specifications outlined in the Minnesota Pollution Control Agency's Minnesota Stormwater Manual

Public waters means any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a a body of water capable of substantial, beneficial public use. For the purposes of this Code, this shall be construed to mean any lake, pond or flowage of 25 acres in size or more or any river or stream with a total drainage area of two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no shoreland previously for a designated private use, authorized by the commissioner of natural resources, shall be exempt from the provisions of this Code.

Steep Slopes means areas where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs. Slopes 18 percent or steeper within a vertical elevation change of at least 10 feet. A steep slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this definition:

- 1) The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 18 percent from slopes 18 percent or steeper. Where no distinct break exists, the toe of a steep slope is the lowermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and
- 2) The top of a slope is a distinct, topographical break in slope which separates slopes inclined at less than 18 percent from slopes 18 percent or steeper. Where no distinct break exists, the top of a steep slope is the uppermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

(Ord. No. 420, § 1, 7-24-2017; Ord. No. 440 Impervious Surface, 4-22-2019; Ord. No. 443 ZC R1 and R2 Amendments, 6-10-2019)

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Sec. 18-10 Accessory Structures:

- A. No accessory ~~building or~~ structure will be constructed on any lot prior to the time of construction of the principal building to which it is accessory. Demolition of a principal structure which leaves an accessory structure as the only structure on the property is not permitted.
- B. An accessory structure in the R-1 and R-2 districts can be a maximum of 900 square feet and will not consume greater than ten percent of the buildable rear yard area. A conditional use permit is required for an accessory structure exceeding 900 square feet. The maximum size of a detached accessory structure with approval of a conditional use permit shall be one and one-half times the maximum allowable size. Pole buildings are not permitted in residential districts.
- C. An accessory structure is permitted within the rear yard of a property. A detached garage may be located in a side yard if it meets the required setbacks for an attached garage.
- D. No accessory ~~building structure, with the exception of a patio or detached deck,~~ will be located within ten feet of a principal structure or other accessory building, ~~or located within any easement.~~
- E. ***No accessory structure shall be located within any public easement or other easement dedicated to the city without written approval from the city.***
- F. Temporary buildings incidental to construction work are required to be located entirely on private property and must be removed upon the completion or abandonment of the construction work.
- G. Temporary accessory storage structures not affixed to a foundation or not permanent in nature may be used for three months of a calendar year.
- H. No lot shall contain an attached garage together with a detached garage, ***detached accessory dwelling unit,*** and storage shed. A lot may contain a maximum of two of the ~~three~~ ***four.***
- I. The state building code requires a building permit for accessory ~~structures~~ ***buildings*** in excess of 200 square feet floor area ~~or for buildings that are permanently affixed to the ground by a concrete or bituminous slab foundation.~~
 - a. ***Electronic copy of plans*** ~~Two sets of drawings showing the construction details~~ must be submitted with the application.
 - b. ~~Two copies~~ ***Electronic copy*** of a survey ~~are~~ ***is*** required as part of the application which must show the location of the accessory structure drawn to scale.
- J. ***The following accessory structures require a zoning permit, even if a building permit is not applicable. The permit application must include a survey showing the location of the accessory structure drawn to scale as part of the zoning permit application.***

a. Patio or Detached deck

b. Any accessory structure 200 square feet or less

~~An accessory structure less than 200 square feet will require a zoning permit.~~

~~a. Two copies of a survey are required as part of the zoning permit application which must show the location of the accessory structure drawn to scale.~~

- K. Accessory structures will be constructed of the same as or similar quality as that of the principal building. Accessory buildings shall be compatible with the principal building in materials, design, and character.

- L. No additional or separate driveway entrances are permitted for access to an accessory structure. An accessory structure may be accessed from an extension of the existing driveway but an additional curb cut to access an accessory structure is not permitted.
- M. A driveway extension servicing an accessory garage will be no greater than eight feet in width.
- N. A driveway extension requires landscaping and/or screening along the portion of the driveway which abuts any adjacent properties.

(Ord. No. 420, § 1, 7-24-2017)

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Sec. 18-12 Decks:

A deck *as defined in Sec 16-1 Definitions of this code* shall be considered part of the principle structure if attached to *or directly abutting* the ~~home~~ *principal structure*, constructed with frost footings and/or greater than 30 inches above grade. A deck is subject to setbacks of the principal structure. In zoned residential districts lots of record established prior to July 1, 1997, uncovered decks may encroach into rear yard setback areas up to 30 percent of the required minimum setback area.

A patio or detached deck as defined in Sec. 16-1 Definitions of this code shall be considered an accessory structure and is subject to accessory structure setbacks.

(Ord. No. 420, § 1, 7-24-2017)

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Sec. 24-1 Low Density Residential (R-1) District; Sec 24-2 Two Family Residential (R-2) District; Sec 24-3 Multi-Family Residential (R-3) District; Sec 24 – 4 High Density Residential (R-4) District:

The following shall be added to the list of permitted accessory uses and bulk regulations:

Permitted accessory use.

- ***Patios and detached decks***

Bulk Regulations:

Accessory Uses	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Maximum Height
<i>Patio or Detached Deck</i>	<i>45 feet</i>	<i>10 feet</i>	<i>5 feet</i>	<i>N/A</i>

(Ord. No. 415, § 1, 5-22-2017, Ord. No. 436 Docks, 2-25-2019, Ord. No. 443 ZC R1 and R2 Amendments, 6-10-2019,)

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Sec. 24-5 Lake Minnetonka Residential District (LMR)

The following shall be added to the list of permitted accessory uses and bulk regulations:

Permitted accessory use.

- ***Patios and detached decks***

Bulk Regulations:

Accessory Uses	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Maximum Height
<i>Patio or Detached Deck</i>	<i>45 feet</i>	<i>10 feet</i>	<i>5 feet</i>	<i>N/A</i>

The following shall be amended in the bulk regulations:

Bulk Regulations:

Dwelling Units LMR	Minimum Lot Area	Minimum Lot Width
Riparian Lots	40,000	100 110 feet
Non-Riparian Lots	20,000 21,780	100 110 feet

(Ord. No. 415, § 1, 5-22-2017; Ord. No. 428, 9-10-2018)

Sec. 33-10 Preservation of Natural Resources

Steep Slopes (~~over 18 percent~~), with a high density of significant trees shall be preserved in their natural state for their functional and ecological value as well as for their positive impact upon existing and future urbanization to the greatest extent practicable. ***Clear cutting of steep slopes is prohibited, but clearing and trimming of trees and shrubs on steep slopes is allowed pursuant to provisions of City of Victoria Municipal Code Chapter 105-III Tree Preservation and Replacement, provided that perennial ground cover is retained and a maintenance/monitoring plan is established.***

A grading, filling and/or erosion permit is required for the movement of more than 10 cubic yards of material on a steep slope.

~~Notwithstanding, the city may relax the foregoing requirement in a planned unit development which incorporates a flexible design avoiding disturbance of steep wooded slopes to the greatest extent practicable.~~

~~Development within woodland areas less than 18 percent slope may be permitted but, as far as practical, retention of substantial tree stands shall be encouraged and incorporated into the required Landscape Plan.~~


SECTION 3: EFFECTIVE DATE This Ordinance shall become effective upon its passage and publication in accordance with the law.

CITY OF VICTORIA:



Thomas C. Funk, Mayor

ATTEST:


Cindy Patnode, City Clerk

PASSED AND ADOPTED BY THE VICTORIA COUNCIL NOVEMBER 9, 2020.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Black	<u>X</u>	_____	_____	_____
Councilmember Gregory	<u>X</u>	_____	_____	_____
Councilmember McMillan	<u>X</u>	_____	_____	_____
Councilmember Vogt	<u>X</u>	_____	_____	_____
Mayor Funk	<u>X</u>	_____	_____	_____