



MEMORANDUM

**DATE:** February 21, 2023  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Dave Perrault, City Administrator  
**SUBJECT:** Ordinance Review for Home Improvement Discussion

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

**For Council Consideration**

Council may direct Staff to bring back further information and evaluation of existing ordinances regarding home improvements.

**Background**

A Councilmember requested this item be brought forward for a preliminary discussion and further direction from the City Council. It was anecdotally communicated to Staff that residents have a hard time getting approved for improvements and renovations to their existing properties due to the City Code being “restrictive”. It was also communicated to Staff that corner lots also have difficulty with improvements to their properties. It should be noted that any perceived difficulty would be due to exterior additions to houses, decks, garages, etc., as interior renovations would generally not require approval other than a building permit.

In the last three years, the City has received 5 variances for residential improvements/renovations, of these 4 were approved and 1 was denied, see below for a brief summary.

- Approved PC22-022 – Highway 96 – House demo and reconstruct (needed for setbacks)
- Approved (previously denied) PC22-008 – Valentine Court – Garage addition (needed for setbacks)
- Approved PC22-004 – Benton Way – Deck addition (needed for setbacks, landscape coverage, structure coverage and floor area ratio)
- Approved PC20-008 – Sandeen Road – House demo and reconstruct (needed for floor area ratio)
- Denied PC20-004 – Venus Avenue – Front porch/deck (needed for setbacks, also had previous variance for setbacks)

This information would not account for projects that did not end in a formal request (i.e. withdrawn request), projects that were for subdivisions or splits of lots only, or new construction.

As corner lots were also mentioned, the most common question for staff pertains to front yard setbacks. The zoning code previously allowed one of the road frontages on a corner lot to be a side yard thereby reducing the setback to 20 feet. Today, the city code requires that corner lots be subject to the minimum front yard setback of 40 feet on both road frontages. Depending on when a property was developed, the existing structure(s) might encroach into the current minimum requirements resulting in the property being legal nonconforming. Legal nonconforming means the property/building/use was legally established at the time of construction, but does not conform to current code requirements. Both State Statute and city code have language pertinent to how a nonconforming structure is maintained and/or increased. A good example of such a case would be Planning Case 22-008, 4073Valentine Court. This case was originally denied but later approved. The agenda items for this case can be found on the City’s website Agenda page, the date for approval was June 27, 2022 and the date for denial was May 24, 2021.

This agenda item is intended to be informational and preliminary, should Council want to investigate these further they could direct Staff to compare our City Code to other cities and try to peel out what may or may not make the existing City Code restrictive when compared to other cities. Depending on the breadth of what Council would like Staff to investigate, Staff and Council can consider a timeline for further discussion, but is likely between three and six months (ideally, we’ll have a Senior Planner on board in the coming months to assist with this project). During discussion of this item, the Community Development Director will also touch on other items that have been on Council and Staff’s radar, but are waiting to be fully Staff to be addressed.

**Budget Impact**

N/A

**Attachment**

N/A