



**Planning Commission Work Session
Monday, August 18, 2025 at 6:00 PM
Council Chambers**

AGENDA

- 1. Call to Order**
- 2. Items for Discussion**
 - A. Nonconforming Lots Discussion
- 3. Routine Business**
- 4. Future Discussion**
- 5. Adjournment**

Please contact the Departments of Community & Economic Development at 507-334-0100 if you need special accommodations to participate in this meeting.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a accessibility@faribault.org.

Si aad u codsato dukumeentigan oo ku qoran luqad kale, fadlan e-mail u soo dir oo ku soo lifaaq dukumiintiga accessibility@faribault.org.



Staff Report to the Planning Commission Work Session

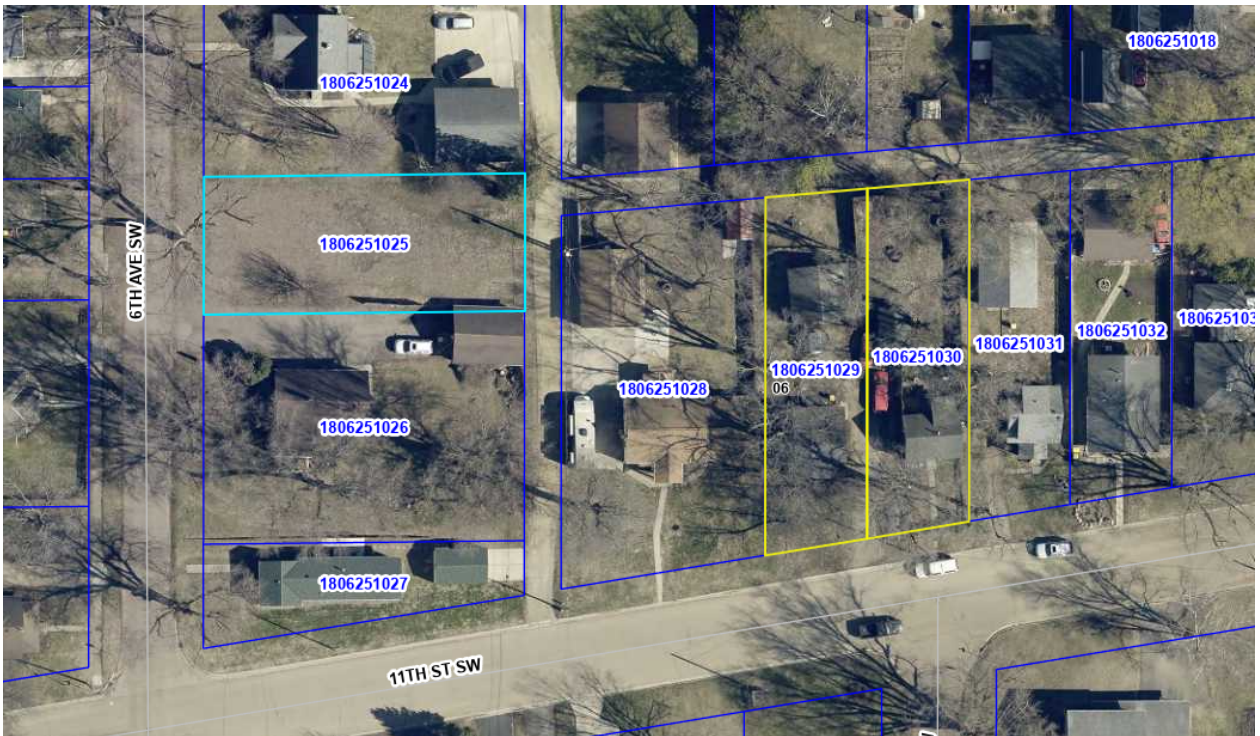
TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: August 18, 2025
SUBJECT: Nonconforming Lot Ordinance Amendments

Request:	City Staff initiated a zoning text amendment to address nonconforming lots.
Recommendation:	Consider the amendment, suggest recommended changes, and support bringing it to the next Planning Commission regular meeting for a public hearing.
Recommended Motion:	No motion needed in a work session.

Background and Details:

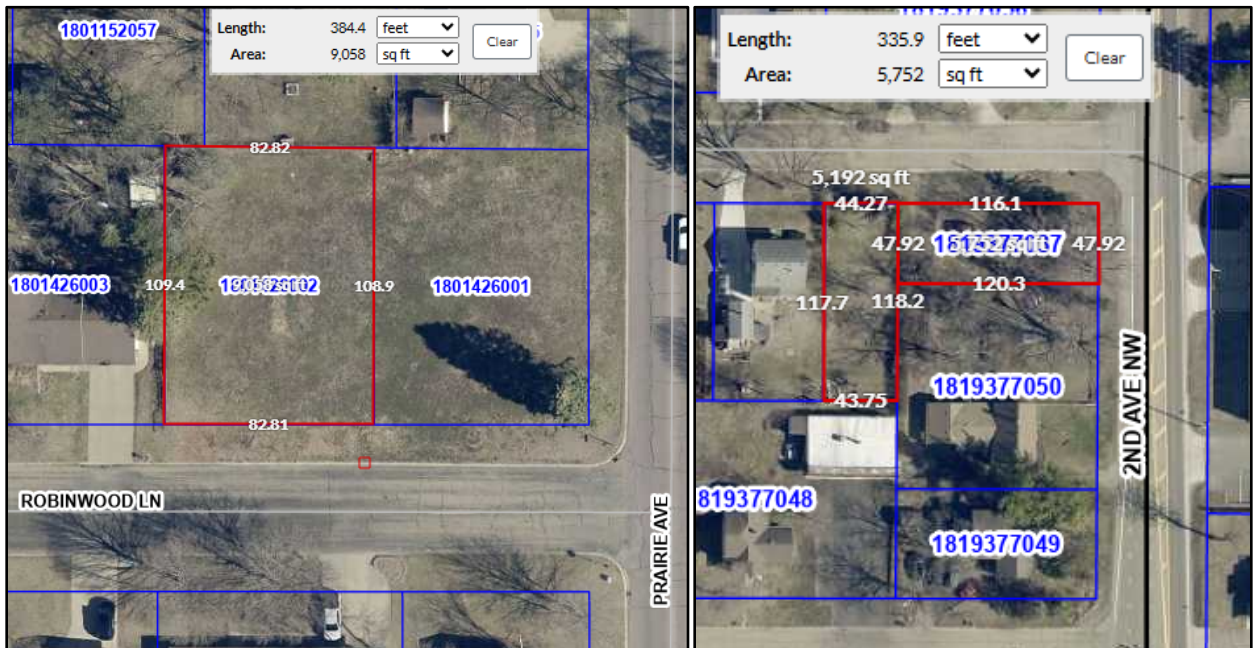
City Staff are seeing development interest in lots that are currently undersized for their underlying zoning district. While variances may address a few properties, there are many properties in Faribault that are legally platted and do not conform to minimum size and dimensional requirements which is likely to cause more variances and headaches for property owners down the road. Plats that pre-date modern zoning code would often plat several small, narrow lots in a row and allow future owners to buy several lots to make up today’s lots that are found in older parts of Faribault.

City Staff is working with GIS to identify properties across Faribault that are unable to meet the underlying zoning requirements. This map will help prospective developers find undeveloped property for new housing and highlight the number of properties in the City that would have trouble being redeveloped should the property owner redesign the property.



Undersized lots (width and area) that cannot be re/developed without variances.

City Staff are currently in talks with two property owners with undersized lots. One property owner bought two lots that are the exact same size as the rest of the lots in the neighborhood, but don't currently meet lot size requirements. The other property owner wants to build on a corner lot that is too narrow and too small. Adjacent to that corner lot is an undeveloped lot of the same size.



Two properties in ongoing discussions about lot size.

Request:

City Staff requests the Planning Commission review, discuss, and make amendments to Chapter 3, Nonconformities that governs nonconforming structures, uses, and lots. The proposal includes amending Sec 3-60 to read:

- (1) Lots that do not fully meet the requirements of the Unified Development Ordinance to be considered a conforming lot for development, and thus are considered nonconforming lots, may be utilized for development under the following provisions:
 - (a) A proposed structure shall meet all applicable building setbacks, height and lot coverage requirements and other applicable zoning and development codes, with the specific exception of the reason for which the lot is nonconforming.
 - (b) Such lot shall have frontage onto a public street, and water and sewer shall be provided to the lot at the time of development.
 - (c) Such lot shall have at least 50% of the required lot width and area of the underlying zoning district, but shall have at a minimum 40-feet in width and 4,000 square feet in area. Corner lots that trigger this provision may reduce principal structure corner side setbacks to be consistent with side setback requirements, but in any case shall not be reduced below 10-feet.
 - (d) A nonconforming lot that does not meet the provisions above may be brought into conformity by way of an approved variance, a rezoning action, or by combining a lot(s) to meet the standards of the underlying zoning district. A lot that was established unlawfully shall not be considered a legal lot of record under this chapter and no building or development permit may be granted until the lot is legally established as provided herein.

Discussion:

City Staff believe the above changes will help draw in new housing and redevelopment projects. As a baseline, development should not occur if the property does not have access to a public street, water, and sewer. Putting a minimum amount of land area and lot width for properties catches most platted lots seen across the city and leaves out lots that are truly not large enough for development and would be very inconsistent with surrounding properties.

2024 Comprehensive Plan

The proposed changes meet the Core and Additional Guiding Principles:

- Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to success.

- Balance individual property rights with community interests and goals.

Recommendation:

Consider the amendment, suggest recommended changes, and support bringing it to the next Planning Commission regular meeting for a public hearing.

CHAPTER 3. NONCONFORMITIES

Sec. 3-10. Purpose.

This chapter is established in recognition of the existence of uses, structures, site improvements, and lots which were lawfully established but which do not currently comply with the provisions of this ordinance or subsequent amendment of this ordinance. It is further established to specify the requirements, circumstances, and conditions under which nonconforming buildings, structures, site improvements, and uses will be operated, repaired, replaced, restored, improved and maintained and to encourage actions that bring nonconforming uses into conformance with the city code.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2009-03, § 1, 2-24-09)

Sec. 3-20. Continuance of nonconforming situations.

- (A) *In general.* Legal nonconforming situations shall be allowed to continue as long as they remain otherwise lawful, subject to the provisions of this chapter. Nonconforming situations that were not lawfully in existence on the effective date of this ordinance shall be prohibited.
- (B) *Change of tenant or ownership.* A change of tenancy, ownership, or management of any nonconforming situation shall be allowed, provided there is no change in the nature or character of such nonconforming situation, except as otherwise provided by this chapter.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2009-03, § 1, 2-24-09)

Sec. 3-30. Nonconforming use restrictions.

- (1) A nonconforming principal use shall not be expanded to occupy a greater area of land or by intensifying the use, with the following exceptions:
 - (a) A single-family dwelling that is a nonconforming use may be enlarged by up to twenty-five (25) percent of the bulk of the building, as it was established when it became nonconforming within the required building setback lines and other dimensional standards for the R-1 and R-2 districts.
 - (b) An accessory structure that is incidental to a nonconforming residential use may be enlarged by up to twenty-five (25) percent of the bulk of the building, as it was established when it became nonconforming within the required building setback lines and other dimensional standards for the R-1 and R-2 districts.
 - (c) Structural alterations may be made to a building containing two (2) or more lawful nonconforming residential units provided that alterations will improve the livability of the building without increasing the number of units or the exterior size of the structure.
- (2) When a nonconforming principal use has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- (3) Repair, replacement, restoration, maintenance and improvement of a structure containing or related to a nonconforming use are permitted, except as provided in subsection (5) below.

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- (4) Whenever a nonconforming principal use of a structure or land is discontinued for a period of more than one (1) year, any future use of the structure or land shall be in conformance with the city code.
 - (5) If a structure containing a nonconforming principal use is destroyed by fire or other peril, to the extent of greater than fifty (50) percent of its market value, as determined by the Rice County Assessor and the building official, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, the use shall not be resumed except in conformance with the city code.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2009-03, § 1, 2-24-09)

Sec. 3-40. Nonconforming buildings or structures.

- (1) A principal or accessory building or structure which is nonconforming due to dimensions or setbacks from property lines may be expanded in compliance with the following:
 - (a) The addition or alteration does not increase the degree of nonconformity or further infringe upon established setbacks or building restrictions.
- (2) Repair, replacement, restoration, maintenance and improvement are permitted, except as provided in subsection (3) below.
- (3) A nonconforming building or structure which is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, as determined by the Rice County Assessor and building official and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, shall not be restored except in conformance with the city code.
- (4) If a nonconforming structure is moved for any reason, it shall thereafter conform to the regulations for the district in which it is located.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2009-03, § 1, 2-24-09)

Sec. 3-50. Reserved.

Editor's note(s)—Ord. No. 2009-03, § 1, adopted February 24, 2009, repealed § 3-50, which pertained to repair, maintenance, and restoration and derived from Ord. No. 99-20, adopted November 23, 1999.

Sec. 3-60. Reserved.

- (1) Lots that do not fully meet the requirements of the Unified Development Ordinance to be considered a conforming lot for development, and thus are considered nonconforming lots, may be utilized for development under the following provisions:
 - (a) A proposed structure shall meet all applicable building setbacks, height and lot coverage requirements and other applicable zoning and development codes, with the specific exception of the reason for which the lot is nonconforming.
 - (b) Such lot shall have frontage onto a public street, and water and sewer shall be provided to the lot at the time of development.
 - (c) Such lot shall have at least 50% of the required lot width and area of the underlying zoning district, but shall have at a minimum 40-feet in width and 4,000 square feet in area. Corner lots that trigger this provision may reduce principal structure corner side setbacks to be consistent with side setback requirements, but in any case shall not be reduced below 10-feet.

(Supp. No. 75)

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(d) A nonconforming lot that does not meet the provisions above may be brought into conformity by way of an approved variance, a rezoning action, or by combining a lot(s) to meet the standards of the underlying zoning district. A lot that was established unlawfully shall not be considered a legal lot of record under this chapter and no building or development permit may be granted until the lot is legally established as provided herein.

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