



**MAYOR AND COUNCIL COMMUNICATION**

DATE: 01/05/2016  
**REGULAR**  
ITEM #: 16  
**MOTION**

**AGENDA ITEM:** OP-Open Space Preservation Ordinance Amendment Discussion  
**SUBMITTED BY:** Stephen Wensman  
**THROUGH:** Clark Schroeder  
**REVIEWED BY:** Ben Gozola

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**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item.....Staff
- Report/Presentation .....Staff
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

**SUMMARY AND ACTION REQUESTED:**

On November 4, 2015, the City Council passed a motion, 3-1, directing staff to have the Planning Commission look at changes to the OP Ordinance. Staff held an informational session with the Planning Commission on November 9, 2015 and from the discussion it became apparent that the Planning Commission and the City Council had a divergent vision/goals for the ordinance amendment. Because of the divergent nature of the comments between the Planning Commission and City Council, the Planning staff is requesting clarification and direction from the City Council for the future amendment.

**DISCUSSION ITEMS**

On November 4, 2015, the City Council briefly discussed several issues related to the OP – Open Space Preservation District and requested that the Planning Commission discuss the ordinance referencing certain aspects of the ordinance. The staff report requested the Planning Commission specifically discuss the following:

- Overall Purpose of the OP District – Review the overall purpose.
- Density – should density be increased?
- Density calculation – Should the density calculations be based buildable or gross land area.
- Buffer zones – what buffer or buffers are appropriate (maintain 200' around RR, but no buffers against adjacent OP's).
- Septic system options.
- Minimum lot size.

- Qualifying property size, i.e. 20 acres vs. 40 acre minimum.
- Lot Design.

On November 9, 2015, the Planning Commission recommended the following:

- No community septic systems.
- 1 acre minimum lot sizes.
- Allow the 50% open space requirement to be based on gross acres, rather than buildable acres.
- Remove lot design criteria (not enforceable).
- Density 18 units per 40 gross acres of buildable land.
- Buffer: supportive of waiving the buffer between OP developments, if potential for OP, then 100' buffer, and potential for berms and trees to buffer in lieu of 100' buffer might be acceptable.
- Remove 4/5th vote to waive requirements to allow more flexibility.

In addition to the Planning Commission comments, staff has identified some additional issues that warrant examination with the ordinance amendment to the OP District regulations. Staff's considerations are as follows:

- Remove redundancies between OP Ord platting requirements and regular subdivision platting requirements.
- Restructure OP Ordinance as a PUD with Overlay Zoning rather than a CUP process.
- Hardcover regulations may need to be updated, depending on the changes.
- Street minimum standards.

**SUMMARY AND ACTION REQUESTED:**

Staff requests the City Council discuss the divergent goals for the potential ordinance amendment and provide direction to staff for an amendment to the Open Space Preservation Ordinance.

**ATTACHMENT(S):**

- November 4, 2015 City Council Minutes
- November 9, 2015 Planning Commission Minutes
- Open Space Preservation Ordinance



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of November 9, 2015**

Chairman Dodson called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Dodson, Dorschner, Haggard, Larson, Griffin Kreimer and Williams. Fields joined at 9:15

**COMMISSIONERS ABSENT:** Fields until 9:15

**STAFF PRESENT:** City Planner Stephen Wensman

**Approve Agenda:**

The agenda was accepted as presented.

**Approve Minutes:** None

**Presentation – Public Safety and Response Time**

Chief Malmquist presented data regarding public safety and response time. They identify those things that they can control and make the response time quicker. Chief Malmquist went over the County street naming system. It is a grid pattern. This has been complicated with the winding roads in the new developments. The other problem we have in Lake Elmo is the one access point in Developments.

Chief Malmquist also talked about the street widths. He stated that he had sat down with Engineer Griffin and came up with some standards and would like the City Council and Planning Commission to support those standards. Malmquist talked about connectivity. There is a reason that the City put in stubs. These neighborhoods need to be connected for response time. If they are on a call, they may get another one and have to go around to the next one. One argument against connectivity was that it creates a safety issue for children. Malmquist stated that for how dense Cimarron is, there has never been a call for a child being struck by a car.

Chief Malmquist would appreciate the Planning Commission supporting his recommendations for safety issues moving forward.

## **Business Item – General Discussion of Open Space Preservation Ordinance**

City Planner Wensman introduced the topic of the Open Space Preservation Ordinance. There is currently a project in the works, and the City Council thought this would be a good time to discuss if some changes would be appropriate. The topics that have been suggested for discussion are to review the purpose and possible flexibility. Should the density go from 18 to 20 homes per 40 acres? How should the density be calculated and how should the buffer setbacks be dealt with? Should there be a buffer between two OP developments. What should septic system options be? Should community systems be allowed going forward? Should there be a minimum lot size for individual septic? Should we allow the community septic? How should lot design be determined? Should the septic be the most important?

Dorschner stated that we need to decide if we want to stay rural. If that is the case, we need to consider the environment and the impacts of septic if we are not going to have sewer. He would like to hear from U of M or Washington County on what is acceptable.

The Commission likes the OP, but some would like more choice such as RE. Dodson mentioned that with RE, residents would use their property more for things such as gardens etc. In some OP developments, the open space is not accessible or even usable.

Larson would like to talk about the land trust documents as well and what kind of uses would be allowed.

Williams thinks the first sentence of the purpose statement is fine, but would like the second and third sentence to read “This type of development is intended to provide additional flexibility of housing styles in the City. It provides an alternative to large lot, single family housing and will reduce the cost of constructing and maintaining costly infrastructure.”

Dodson asked what single family attached would mean. Wensman stated it is 2 or more single family homes that share a common wall.

Haggard would like to add “natural Habitats” and have the first line read “The purpose of open space preservation (OP) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, natural habitats and other significant natural features, while allowing residential development consistent with the goals and objectives of the City’s Comprehensive Plan.”

Planning Commission would like an update from the Minnesota Pollution Control Agency (MPCA) and Washington County regarding septic design and why there are failing systems.

Dodson would like on page 3 Item (2) 4 to change “deed Covenants” to “CIC Declarations”.

There was a general discussion regarding septic systems. What type should be allowed and who should oversee. There are several items that need to be discussed, but the Commission would like a presentation from the County and MPCA before a decision would be made on which way to go.

Wensman asked if the Commission felt it was appropriate for septic systems to be located in the preserved open space. Some members thought it was fine, but others wanted to think about it.

Williams is not in favor of increasing the density. The density already reflects a bonus that was intended to stimulate development. The smaller lots already provides a bonus by having fewer roads and infrastructure when the homes are clustered. Dorschner and Dodson do not believe that we should increase the numbers in the rural areas for OP to relieve the numbers in the sewerred areas. This is where the higher numbers belong. We need to think about the environment and how we are managing these septic systems. The Planning Commission as a whole is not in favor of increasing density. They also are not in favor of changing the density calculation. They would like to leave it at buildable acres. Wensman stated that buildable land is usually how all developments are measured.

Williams suggested that the Commission consider changing the 50% open space to be based on gross acres vs. buildable acres.

Dodson feels that minimum lot size is linked to the type of septic that it has. Others are interested in what Washington County has to say regarding septic. Williams might like to see larger lots to preserve the rural character in the OP. Kreimer is concerned that the 1 acre for individual well and septic might not be big enough. He feels that there should be a requirement at preliminary plat to prove that the lot perks when they come before them for primary and secondary drainfields and where the house is going to be.

The majority of the Commission still would like to see a 1 acre minimum even with a shared sewer system.

Williams mentioned that there is such a variance in buffer zones because in the past, there was not enough oversight. He would like the existing rules to be enforced.

The Commission was interested in exploring using discretion with the buffers. They would like to explore a possible list of things that could be used for deciding when and how large of a buffer to employ, instead of just requiring one.

Dodson feels that anything less than 40 acres is too small for an OP development, especially if there is a CIC. Other Commissioners felt that anything smaller than 40 acres might require private septic. The Commission wanted the Planning staff to explore if it is even viable to do less than 40 acres for OP. Some thought anything less than 40 acres should possibly be RE.

The Planning Commission discussed the lot design objectives and their relevance. There was no real consensus on this.

Dodson asked that the boulevard landscaping be checked for consistency with our landscaping code. If it is a higher standard we would keep it in, if not we should probably defer to the landscape code.

Williams asked about the impervious surface allowed and thought 20% of gross seemed high and possibly should be buildable.

Williams thinks the review process should follow that of any other development within the City. This section needs to match what we are already doing, or possibly it should be one section for all types of development. Also the wording in 150.179 should probably be changed from “development stage plan” to “Preliminary Plat”. 150.183 (2) (e) should also include trails. 150.184 should be reviewed for public hearing and stage requirements. Williams would like to add something to the effect that an application is not complete until all of the City Engineers comments are met. Commissioners would like these met before the preliminary plat moves forward.

Dodson would like “Homeowners Association” changed to “Common Interest Community” wherever it appears in ordinance.

#### **Council Updates – October 20, 2015 Meeting**

1. Hammes Plat Extension – Passed

#### **Staff Updates**

1. Upcoming Meetings
  - a. November 23, 2015
  - b. December 14, 2015

#### ***Commission Concerns***

Haggard asked if the staff has a chart regarding all of the developments that have passed and all of the conditions of approval. Have they all been met? How is this tracked? Wensman stated that it is an issue that they are going to be working on.

Dodson stated that Fields, Rolf and he went to a seminar. He went to energy planning which was very interesting and they talked about how this should be part of the planning.

Williams stated that his packet did not arrive until Monday at 5:00. He would like to see packets arrive on Thursdays before the meeting.

Meeting adjourned at 10:15 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
NOVEMBER 4, 2015**

**A. CALL TO ORDER**

*Mayor Pearson called the meeting to order at 6:30 pm.*

**PRESENT:** Mayor Mike Pearson and Council Members Julie Fliflet, Anne Smith, Justin Bloyer, and Jill Lundgren.

Staff present: Interim Administrator Schroeder, City Attorney Snyder, City Engineer Griffin, City Planner Wensman, and City Clerk Johnson.

**B. PLANNING COMMISSION INTERVIEW**

Susan Dunn was interviewed for a vacancy on the Planning Commission.

*Councilmember Bloyer, seconded by Councilmember Fliflet, moved TO APPOINT MAYOR DUNN TO THE PLANNING COMMISSION. MOTION PASSED 5 – 0.*

**C. PLEDGE OF ALLIGENCE**

**D. APPROVAL OF AGENDA**

Items 4, 7, 9 and 11 were removed from the Consent Agenda and Item 12 was moved to the beginning of the Regular Agenda.

*Councilmember Smith, seconded by Mayor Pearson, moved TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED 5 – 0.*

**E. ACCEPT MINUTES**

Minutes of the October 20, 2015 Regular Meeting were accepted as presented.

**COUNCIL REPORTS**

**Mayor Pearson:** Thanked Washington County for hosting neighborhood meetings on the Olson Lake Road project, met with owner on 33<sup>rd</sup> Street regarding right of way concerns, met with Fields of St. Croix residents, announced the upcoming Meeting with the Mayor, noted that the ISD 622 election process went well, and welcomed Stephen Wensman to the City staff.

**Councilmember Smith:** Met with Ellie Hammes, met with Fields II residents regarding realignment of County Rd. 5, met with Focus Engineering and took calls from developers.

**Councilmember Fliflet:** Met with residents regarding various issues, noted Kyle Klatt's last day with the City and thanked him for his service, welcomed the new City Planner and thanked Ben Gozola for his high quality work during the transition period. Recognized and thanked the administrative staff team (Patty Baker, Joan Ziertmann, Cathy Bendel, and Julie Johnson) who for the past 6 months have continually stepped up and done whatever was needed with great attitudes.

**Councilmember Bloyer:** Received a lot of emails from Fields II residents, met with League of Minnesota Cities with Councilmember Fliflet.

**Councilmember Lundgren:** Met with Fields II residents, thanked staff for meeting with Councilmembers prior to the Council meeting to answer questions and welcomed City Planner Wensman.



**PUBLIC COMMENTS/INQUIRIES**

Mike Reeves, 11075 14<sup>th</sup> Street North, commented on City Council effectiveness and interaction with each other, and censure of Councilmember Bloyer.

Christine Nelson commented on her application to serve on the HR Committee and comments made concerning her experience.

**PRESENTATIONS**

None

**FINANCE CONSENT AGENDA**

- 2. Approve Payment of Disbursements**
- 3. Approve 404 Lake Elmo Avenue Assessment Agreement**
- 5. Wildflower at Lake Elmo – Approve Release of Grading Security per the Site Grading Agreement**
- 6. Eagle Point Boulevard Street Improvements – Change Order No. 2**

*Councilmember Bloyer, seconded by Councilmember Smith, moved TO APPROVE THE FINANCE CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.*

**OTHER CONSENT AGENDA**

- 8. Receive Building Department Report**
- 10. Motion to Request Being Added to the County CIP for 2017**

*Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE THE OTHER CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.*

**ITEM 12: 2016 STREET IMPROVEMENTS – IMPROVEMENT HEARING, ORDER PREPARATION OF PLANS AND SPECIFICAITONS AND PUBLIC HEARING**

City Engineer Griffin provided an introduction of the history of the project and planning. City Engineer Stempski reviewed the project schedule for each of the three portions of the project, providing details on the improvements proposed for each area. Stempski also reviewed the assessable properties and the costs for each neighborhood with the City share and per unit assessment rate for the proposed street project and optional water project.

*Councilmember Smith, seconded by Councilmember Bloyer, moved TO OPEN THE PUBLIC HEARING AT 8:00 P.M. MOTION PASSED 5 – 0.*

Curt Monteith, 331 Julep, requested clarification on the project area and suggested squaring off the parking area at the park.

Wayne Hector, 5110 Kirkwood, provided a written statement in favor of the project.

David Loos, 3567 Kelvin, spoke in favor of the water main improvement due to pollution from the landfill and plume, adding he is not in favor of the road project unless the water portion is included.

Dick Hedquist, 3440 Kelvin, questioned the expense for the water connection and additional cost for looping.

Bill Rogers, 3490 Kelvin, spoke against the water project and stated the road project should be paid from tax dollars due to City neglect in maintaining the road.

Joe Chaves, 3505 Kelvin, stated that street maintenance has been lacking.

Allen Kristenson, 5230 Kirkwood, spoke in favor of the project.

***Councilmember Bloyer, seconded by Councilmember Smith, moved TO CLOSE THE PUBLIC HEARING AT 8:22 P.M. MOTION PASSED 5 – 0.***

Discussion was held concerning the water utility portion of the project and funding options. City Engineer Griffin reviewed the 2030 Comprehensive Water System Plan as it relates to the Kelvin project.

***Councilmember Bloyer, seconded by Councilmember Smith, moved TO AMEND RESOLUTION 2015-82 TO INCLUDE STONGATE AND KIRKWOOD AREAS AND REMOVE THE KELVIN AVENUE AREA FROM THE PROJECT. MOTION PASSED 5 – 0.***

Discussion held concerning the Kelvin Avenue area of the project. Citizen input was considered and allowing payment on the water connection as was done with the Keats Avenue project was discussed. Councilmember Fliflet stated that the road is not well traveled and the project could be postponed.

***Councilmember Lundgren, seconded by Councilmember Smith, moved TO ADOPT 2015-82 ORDERING THE 2016 STREET, DRAINAGE AND UTILITY IMPROVEMENTS AND THE PREPARATION OF PLANS AND SPECIFICATIONS AS AMENDED, WITH REMOVAL OF THE 6” WATER MAIN LATERAL TO THE EAST, AND TO AMEND THE WATER LATERAL ASSESSMENT TO \$2,900 WITH AN ADDITIONAL \$2,900 DEFERRED TO THE TIME OF CONNECTION. MOTION PASSED 3 – 2. (Bloyer, Fliflet – Nay)***

Councilmember Bloyer stated he was opposed to the motion due to the \$12,000 assessment on the north portion of the project.

City Engineer Griffin reviewed the bids received for engineering design and support services.

***Mayor Pearson, seconded by Councilmember Lundgren, moved TO APPROVE A PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT WITH SEH AS RECOMMENDED BY THE CITY ENGINEER. MOTION PASSED 5 – 0.***

**ITEM 4: APPROVAL FOR GASB 67 & 68 VALUATION ACTUARIAL SERVICES CONTRACT**

Councilmember Fliflet reported that it is a new requirement to approve actuarial review on an annual basis.

***Councilmember Fliflet, seconded by Councilmember Smith, moved TO APPROVE THE CONTRACT FOR ACTUARIAL SERVICES AND ACCEPT AS AN ANNUAL POLICY NOT REQUIRING CITY COUNCIL APPROVAL EACH YEAR. MOTION PASSED 5 – 0.***

**ITEM 7: RETAINING WALL FOR LIONS PARK**

Interim Administrator Schroeder explained the need for a retaining wall in Lions Park needed to support the trail as a result of a change in grade with the downtown project.

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE THE RETAINING WALL CHANGE ORDER FOR LIONS PARK. MOTION PASSED 5 – 0.***

**ITEM 9: APPROVE MASSAGE LICENSE RENEWALS**

***Mayor Pearson, seconded by Councilmember Fliflet, moved TO APPROVE THE LICENSE RENEWAL FOR RENEW AND RECOVER MASSAGE. MOTION PASSED 5 – 0.***

***Mayor Pearson, seconded by Councilmember Lundgren, moved TO TABLE THE LICENSE RENEWAL FOR NIRVANA MASSAGE & SPA. MOTION PASSED 5 – 0.***

***Councilmember Lundgren, seconded by Councilmember Smith, moved TO APPROVE THE LICENSE RENEWALS FOR BODY & SOUL AND JENNIFER MERTES. MOTION PASSED 5 – 0.***

**ITEM 11: REASSIGNMENT OF INWOOD DEVELOPMENT CONTRACTS**

Interim Administrator Schroeder reported that M/I Homes is acquiring the assets of Hans Hagen Homes. Schroeder explained that Hans Hagen Homes will continue to construct the homes and there will be no design changes.

***Councilmember Smith, seconded by Councilmember Lundgren, moved TO REASSIGN DEVELOPMENT CONTRACTS FROM HANS HAGEN HOMES TO M/I HOMES, LLC. MOTION PASSED 5 – 0.***

**ITEM 13: HAMMES PLAT EXTENSION**

Interim Administrator Schroeder reviewed the request for an extension of the plat approved in 2014. Councilmember Fliflet requested clarification on how the moratorium affects this request. City Attorney Snyder stated that the moratorium does not apply to previously approved plats. Discussion held concerning outstanding special assessments and property taxes.

***Mayor Pearson, seconded by Councilmember Bloyer, moved TO EXTEND THE PRELIMINARY AND FINAL PLAT APPROVAL AND DEVELOPMENT CONTRACT FOR TWO YEARS THROUGH OCTOBER 7, 2016 WITH THE CONDITION THAT ALL***

***SPECIAL ASSESSMENTS BE PAID AT PLAT, AND THAT THE DEVELOPER'S AGREEMENT BE EXECUTED BY A DEVELOPER AS A CONDITION OF RECORDING THE PLAT. MOTION PASSED 3 – 2. (Fliflet, Lundgren – Nay)***

***Mayor Pearson, seconded by Councilmember Smith, moved THAT ASSESSMENT ARREARAGES AND BALANCE BE PAID WHEN OTHERWISE DUE UNDER THE CONTRACT. MOTION PASSED 3 – 0 – 2. (Fliflet, Lundgren – abstain)***

**ITEM 14: RFP REQUEST FROM PARKS COMMISSION FOR BALLPARK REDESIGN**

Parks Commission Chair Weis explained the scope of the RFP request and presented photos of ball parks in other Minnesota cities. Weis explained that the Parks Commission has placed Lions Park on the Parks Commission CIP and has incurred significant cost for repairs, prompting the need for further planning.

Curt Monteith, 331 Julep, asked for denial of the request and stated that future parks should include long space, not just tot lots.

Barry Weeks, 3647 Lake Elmo Avenue, stated that the ball field is a tradition in the area and is heavily used.

Pam Hartley, 10010 Tapestry, spoke as a Parks Commissioner, stating that the Commission was unanimous in its decision to move forward toward making Lions Park a focal point and asset for the community.

Nadine Obermueller stated she loves Lions Park and baseball is great for the town but the park needs freshening up.

Jerry Kromschroeder, 3517 Lake Elmo Avenue, stated that Lions Park is an icon and anything that can be done to improve it would be a good thing.

Parks Chair Weis discussed a potential timeline for receiving plans and initiating a project.

***Councilmember Fliflet, seconded by Councilmember Bloyer, moved TO ISSUE AN RFP FOR ARCHITECTURAL WORK TO REDESIGN THE BALLFIELDS IN THE HISTORIC DOWNTOWN. MOTION PASSED 5 – 0.***

**ITEM 15: BUILDING DEPARTMENT TRUCK**

Interim Administrator Schroeder reviewed bids received for two vehicle options under leasing and purchasing plans. Councilmember Lundgren stated that a leased vehicle would be cheaper for the City in the long run. Councilmember Fliflet stated she is in favor of leasing and allowing staff to turn in leased vehicles for new leased vehicles without City Council approval.

***Mayor Pearson, seconded by Councilmember Bloyer, moved TO PURCHASE A 2016 JEEP COMPASS WITH A LOAN FROM LAKE ELMO BANK AT 1.99%. MOTION PASSED 3 – 2. (Fliflet, Lundgren – Nay)***

**ITEM 16: OP ORDINANCE DEVELOPMENT DISCUSSION**

Interim Administrator Schroeder reviewed the general requirements regarding density in the OP zoning district and questions concerning potential revisions. Councilmembers noted restrictions in the current code and potential for improving it.

***Councilmember Fliflet, seconded by Councilmember Smith, moved TO DIRECT THE OP ORDINANCE BACK TO THE PLANNING COMMISSION FOR CONSIDERATION BASED ON THE AREAS IDENTIFIED IN ORDINANCE THAT WERE DISCUSSED BY THE CITY COUNCIL. MOTION PASSED 3 – 1 – 1. (Bloyer – Nay, Pearson – Abstain)***

**ITEM 17: PARLIAMENTARIAN DISCUSSION**

Councilmember Fliflet stated that she would like the Council to hire a parliamentarian to run the City Council meetings while the Council continues to work toward better relations.

Discussion held concerning the current Council meeting procedures and decorum.

***Councilmember Fliflet, seconded by Councilmember Smith, moved TO DIRECT THE ADMINISTRATOR TO HIRE A PARLIAMENTARIAN OF HIS CHOICE FOR THE NEXT COUNCIL MEETING. MOTION PASSED 3 – 1 – 1. (Bloyer – Nay, Pearson – Abstain)***

Dale Doerschner – 3150 Lake Elmo Avenue – questioned the cost and effectiveness of hiring a parliamentarian.

**ITEM 18: RFP PROCESS FOR ENGINEERING AND LEGAL CONTRACTS**

Councilmember Fliflet asked staff to look into the current contracts with City consultants to determine if the City needs to start an RFP process as part of year end planning.

**ITEM 19: INTERIM CITY ADMINISTRATOR CONTRACT**

City Attorney Snyder stated that he prepared a letter to the Council and provided a copy of the Interim Administrator's contract for Council review. Councilmember Bloyer suggested the City Attorney negotiate with the Interim Administrator for an extension to allow the City time to stabilize. Councilmember Fliflet stated the City needs to finish the process and conduct a search for a permanent Administrator but noted she is against using a search firm. Councilmember Smith stated she is in favor of using a search firm and offered to gather additional information for the next meeting.

**ITEM 20: PROFORMA UPDATE**

Interim Administrator Schroeder reported on follow up he conducted on questions from the previous Council meeting. Schroeder explained that the document is a very complex, interlinked spreadsheet with issues in calculations that occur after the year 2021. Schroeder reiterated his recommendation from the previous meeting for the City to purchase software from an outside vendor and hire a contractor to input the information to replace use of the spreadsheet.

Wally Nelson, 4582 Lilac Lane, thanked staff for admitting errors in the spreadsheet and offered assistance to the Finance Director and Finance Committee Chair.

**STAFF REPORTS AND ANNOUNCEMENTS**

**Interim City Administrator Schroeder:** Attended a library meeting, Washington County municipal water meeting, League of Minnesota Cities Meeting, met with developers, attended an in-service regarding livable communities.

**City Clerk Johnson:** Reported that the ISD 622 special election went very smoothly with a 25% voter turnout, and thanked City staff and election judges for their help. Attended an HR training last week, preparing for HR Committee meeting Monday, November 9<sup>th</sup>, posted Community Development Director position opening, interviewing candidates for the Office Administrative Assistant position later in the week, working on license renewals and assisting residents with special assessment questions. Noted City Hall will be closed on Wednesday, November 11<sup>th</sup> in observance of Veteran's Day.

Meeting adjourned at 12:26 a.m.

**LAKE ELMO CITY COUNCIL**

ATTEST:

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Mike Pearson, Mayor

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Julie Johnson, City Clerk

Print

Lake Elmo, MN Code of Ordinances

## OPEN SPACE PRESERVATION

### § 150.175 PURPOSE.

(A) The purpose of open space preservation (OP) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure.

(B) Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods.

(Ord. 97-79, passed 5-1-2001)

### § 150.176 INTENT.

(A) It is the intent of the City of Lake Elmo to accomplish the stated purpose of OP by approving a conditional use permit for portions of property currently zoned Agricultural, Rural Residential, and Rural Estate; and by adopting the comprehensive development regulations contained herein.

(B) In return for requiring preserved open space as contained herein; it is the intent of the City of Lake Elmo to allow dwelling unit density that will provide a development density equal to or greater than the prior zoning; AG, Agricultural, RR, Rural Residential, and RE Residential Estate.

(Ord. 97-79, passed 5-1-2001)

### § 150.177 DEFINITIONS.

Unless specifically defined in §§ 150.175 *et seq.*, common definitions, words, and phrases used in §§ 150.175 *et seq.* shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(Ord. 97-79, passed 5-1-2001)

### § 150.178 USE REGULATIONS.

Within OP, the following uses are allowed.

(A) *Permitted uses.*

- (1) Single-family, detached;
- (2) Preserved open space;
- (3) Conservation easements;
- (4) Agriculture;
- (5) Suburban farms;
- (6) Private stables;
- (7) Single-family, attached;
- (8) Townhouses (no more than 25% in any development);
- (9) Wayside stand.

(B) *Accessory uses.* Uses that are typically found accessory to a permitted use.

(C) *Prohibited uses.* All other uses are hereby prohibited.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 08-006, passed 6-17-2008; Am. Ord. 08-31-A, passed 10-5-2010) Penalty, see § 10.99

### § 150.179 OP CONDITIONAL USE PERMIT REQUIRED.

No property may be developed responsive to §§ 150.175 *et seq.* unless approval is obtained from the City Council following its approval of the concept plan, development stage plan, conditional use permit, and final plan described herein. Applications for Council approval shall be submitted on forms provided by the City Administrator together with all required fees, maps, surveys, and planning data. Only completed applications shall be referred to the Planning Commission for review.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

### § 150.180 DEVELOPMENT STANDARDS.

(A) OP developments shall comply with the following minimum standards unless modified by 4/5 affirmative votes of the City Council.

(B) (1) *Land area.* Applications for a residential development in the OP District shall meet all the following criteria.

(a) The minimum land area for an OP conditional use permit is a nominal contiguous 40 acres. The ratio of parcel length to width shall not exceed 3 to 1. The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan. The total number of dwelling units within an OP development shall not exceed the density limitations contained in the Comprehensive Plan for OP Districts.



(b) The total preserved open space area within the OP development shall be at least 50% of the total buildable land area, as defined by § 11.01. Areas not meeting the definition of buildable land area shall not be considered to be preserved open space in determining the amount of preserved open space proposed.

(c) Dwelling units shall be grouped so that at least 50% of the buildable land area of the proposed development remains preserved open space. The preserved open space shall consist of agricultural lands, natural habitat, pedestrian corridors, or neighborhood or community recreational areas.

(2) *Open space easement required.*

(a) *Preserved open space standards.*

1. All preserved open space shall be subject to a conservation easement and used for the purposes as defined by §§ 150.175 *et seq.* The land shall be controlled in 1 or more following manners as determined in the city's sole discretion:

a. Owned by an individual or legal entity who will use the land for preserved open space purposes as provided by permanent conservation restrictions (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), to an acceptable land trust as approved by the city; and/or

b. Conveyed by conservation easement to the city.

2. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 10 acres.

3. Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan; and, consistent with the park dedication and fees-in-lieu standards as specified by Chapter 153.

4. The preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of deed covenants to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.

5. Where applicable, a homeowner's association shall be established to permanently maintain all residual open space and recreational facilities. The homeowner's association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of §§ 150.175 *et seq.* for a final plan.

6. Preserved open space parcels uses shall be contiguous with preserved open space or public park, on adjacent parcels.

(b) *Lot design.* Lots shall be designed to achieve the following objectives (listed in order of priority):

1. On the most suitable soils for sub-surface septic disposal;

2. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for the agricultural use;
3. Within any woodland contained in the parcel, or along the far edges of the open fields, adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
4. In locations least likely to block or interrupt scenic vistas, as viewed from Highway 36 and Highway 5 corridors, and other local roads as designated in the Comprehensive Plan; and
5. Away from woodlands in open fields.

(c) *Structures.* Homes shall be oriented on the site that meets the criteria of rural hamlet. It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches.

(d) *Buffer zones.* Where a proposed OP development abuts an existing residential development or a parcel of land not eligible for future development under the OP ordinance due to insufficient parcel area, a 200 foot setback shall be provided between the property line of the abutting parcel and any structure or driving surface within the OP development. Driving surfaces that cross the setback area at a 90 degree angle shall be the only exception. Where a proposed OP development abuts an existing OP development, or a land parcel eligible for future development under the OP ordinance, a 100 foot setback from any structure within the proposed OP development and the property line of the abutting parcel may be substituted. The setback substitution shall only be approved when there is existing mature vegetation and/or changes in topography occurring on the site proposed for development; and/or where the OP site developer introduces the physical features that provide an effective year round buffer of the structures proposed for the OP site from existing residences or development. The determination of the buffering effectiveness of existing or introduced physical features that qualify a site for a 100 foot buffer shall be at the sole discretion of the City Council.

(e) *Boulevard landscaping.* Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in dusters at the same ratio. A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.

(f) *Pathway.* A pathway system or sidewalks shall be identified which will extend through the buildable land area or through the open space land to connect to a planned or developed pathway on adjacent parcels or to a local road. Pathways shall be linked to the "Old Village" to emphasize the connection between existing and new development. Pathways provided shall be at least equal in length to the sum of the centerline length of all public roads within the development. Pathways shall be constructed of asphalt or concrete in compliance with the standard city design plate for OP trails.

(g) *Densities.* The maximum dwelling unit density shall be 18 units per 40 gross acres of buildable land.

(h) *Minimum district requirements.*

<b><i>Open Space Preservation District (OP)</i></b>
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	<i>Single-Family</i>	<i>Townhouse</i>
Maximum Building Height:		
Primary Structure	2 and ½ stories or 35 feet	2 and ½ stories or 35 feet
Accessory Structure	25 feet	1 story or 20 feet, whichever is less
Minimum Lot Width: ½ acre lot; 1 acre lot	NA	NA
Maximum Impervious Surface Coverage: Gross Lot Area	20%. This percentage may be increased to 25% provided a pervious paver or comparable system is installed consistent with the <i>City of Lake Elmo Engineering Standards Manual</i> or storm water mitigation measures are installed to mitigate the runoff created by the additional coverage above the base district amount. All mitigation measures must be approved by the City Engineer.	NA
Minimum Setback Requirements:		
Front Yard	30 feet	20 feet

<i>Open Space Preservation District (OP)</i>		
	<i>Single-Family</i>	<i>Townhouse</i>
Side Yard	15 feet or 10% of lot width, whichever is greater	15 feet or 10% of lot width, whichever is greater
Corner Lot Front	30 feet	30 feet
Corner Lot Side Yard	30 feet	30 feet
Rear Yard	20 feet	20 feet
Buffer Setback	See (d) Buffer zone above See city staff or website for individual requirements	See (d) Buffer zone above See city staff or website for individual requirements
Well From Septic Tank	50 feet	50 feet
Minimum Lot Size:		
Individual Well and Septic System	1 acre	NA

Individual Well and Communal Drainfield	½ acre	8,000 square feet per unit
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(i) *Utilities.*

1. OP developments may be platted to accommodate home site lots with either individual septic tanks and drainfields; or, with individual septic tanks and communal drainfields. Single-family or multiple-family lots under 1 acre shall be constructed with an individual septic tank and a communal drainfield.

2. All septic systems shall conform to the performance standards of the Minnesota Pollution Control Agency's standards for sewage treatment systems WPC-7080 and its appendices, or the M.P.C.A. standards in effect at the time of installation and septic system regulations of the Lake Elmo Municipal Code.

3. Communal drainfields may be partially or completely located in an area designated as preserved open space provided:

a. The ground cover is restored to its natural condition after installation; and

b. Recreational uses are prohibited above or within 50 feet of communal drainfields, or as approved by the City Engineer.

4. No wetland treatment system shall be allowed within the village green.

(j) *Streets.* Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.

1. Streets shall be designed according to the following standards; pavement shall be 14 to 16 feet wide for 1-way streets; pavement shall be 22 to 24 feet wide for 2-way streets; and the pavement width shall be 22 to 24 feet for streets where homes are located on 1 side of the street.

2. The minimum street right-of-way for 1-way streets shall be 40 feet and the minimum right-of-way for 2-way street shall be 50 feet.

3. Streets shall not be constructed with a rural cross-section.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 97-184, passed 10-3-2006; Am. Ord. 97-199, passed 11-5-2007; Am. Ord. 08-008, passed 8-19-2008; Am. Ord. 08-035, passed 11-16-2010) Penalty, see § 10.99

**§ 150.181 HISTORIC PRESERVATION.**

Historic structures on the site shall be identified.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

**§ 150.182 OP DEVELOPMENT/CONCEPT PLAN.**

(A) *Required submittals; OP development/concept plan.* The applicant shall submit 20 copies of a concept plan for a development of an OP that shall include the following information.

(1) An existing conditions plan which identifies the following (drawn to a scale of 1 inch equal to 100 feet):

- (a) Primary conservation areas;
- (b) Secondary conservation areas;
- (c) Site topography at 2 foot contour interval; and
- (d) Location and description of existing vegetative cover.

(2) A general site plan to include the general location of all platted lots, streets, and open space areas, structures, trails, common open spaces, and parks (drawn to scale of 1 inch equal to 100 feet).

(3) The applicant shall submit a schedule of site characteristics, calculated in acres, which shall include the following.

(a) *Environmental resources.* Include map and calculated acreage of the following:

1. Total site;
2. Protected wetlands;
3. Wetland buffer/setback area;
4. 12% - 24% sloped area;
5. 25% + sloped area; and
6. Woodlands.

(b) *Public improvements.* Include map and calculated acreage of the following:

1. Public road right-of-way;
2. Drainage way and ponding areas;
3. Trails/bikeways and sidewalks (outside of road right-of-way);
4. Utility easements; and
5. Public parks.

(c) *Proposed development.* Include map and calculated acreage of the following:

1. Total residential area;
2. Total commercial land area; and
3. Total preserved open space.

(d) *A general landscape plan.*

(e) *Statement of intent.* If applicable, provide a statement of intent establishing a homeowners association with bylaws and deed restrictions to include, but not be limited to, the following:

1. Ownership, management, and maintenance of defined preserved open space;
2. Maintenance of public and private utilities; and
3. General architectural guidelines for principal and accessory structures.

(f) *Proposed staging plan.*

(g) *Historic preservation plan.* Where applicable, an historic preservation plan for any historic structures on the site.

(B) *Planning Commission review.*

(1) Upon receipt of a completed application for an OP development/concept plan as certified to by the City Planner, the Planning Commission shall review OP development concept plan application at a public hearing preceded by 10-days published notice and 2-weeks mailed notice to the recorded owners of each parcel located within 350 feet of the perimeter of the proposed development.

(2) The Planning Commission shall make its recommendations to the City Council within 30 days of receipt of a complete application, and shall include its findings on the following.

(a) The concept plan is consistent with the goals, objectives, and policies of the Comprehensive Plan.

(b) The concept plan is consistent with the purpose of §§ 150.175 *et seq.*

(c) The concept plan complies with the development standards of §§ 150.175 *et seq.*

(C) *City Council review.* The City Council shall review and approve or deny OP development concept plan within thirty days of the receipt of a completed application. The City Council may also table its review a reasonable time, if necessary to obtain information that will enable the Council to make a reasonable decision, and if the extension is consented to by the applicant on the record. OP development concept plan approval shall require 3 affirmative votes of the City Council.

(D) *Limitation of approval.* Unless an OP development preliminary plan is submitted within 12 months from the date on which the City Council approved the OP development concept plan, the concept plan approval shall expire. The City Council, in its sole discretion, may extend the filing deadline for an OP development preliminary plan and conditional use permit if an application for extension is filed and approved by the City Council before the OP development concept plan approval expires.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

### **§ 150.183 OP DEVELOPMENT PRELIMINARY PLAN, PRELIMINARY PLAT, AND CONDITIONAL USE PERMIT.**

(A) *Submittals.* The OP development preliminary plan shall include the following:

- (1) A statement of city action necessary for implementation of the proposed plan;
- (2) Twenty sets of site plans, drawn to scale of not less than 1 inch equals 100 feet containing at least the following information:
  - (a) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in Washington County);
  - (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property that may have an impact on the open space or the development;
  - (c) Location, dimensions, and number of all driveways, entrances, curb cuts, par stalls, loading spaces, and access aisles, and all other circulation elements including bike and pedestrian trails; and the total site coverage of all circulation elements;
  - (d) Location, designation, and total area of all preserved open space;
  - (e) Location, designation, and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, and recreational facilities;
  - (f) Proposed lots and blocks, if any, and numbering system;
  - (g) The location, use, and size of structures and other land use on adjacent properties;
  - (h) Preliminary sketches of proposed landscaping;
  - (i) General grading and drainage plans for the developed OP development in conjunction with a Storm Water Management Plan as identified in § 150.277;
  - (j) The development plans shall also indicate the results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area; and
  - (k) Any other information that may have been required by the City Council in conjunction with the approval of the OP development concept plan.
- (3) An accurate legal description of the entire area within the OP development for which development plans approval is sought;
- (4) Architectural and performance standards for the development;
- (5) Preliminary grading and site alteration plan illustrating changes to existing topography and natural vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan;
- (6) A preliminary plat prepared in accordance with M.S. Ch. 505, as it may be amended from time to time, Chapter 153 of the Lake Elmo Municipal Code, and other applicable laws;
- (7) A Soil Erosion Control Plan clearly illustrating erosion control measures to be used during construction and as permanent measures. See also § 150.277 regarding Erosion and Sediment Control Plan requirements; and
- (8) Homeowner's Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.

(B) *Planning Commission review.* Upon receipt of a complete OP development preliminary plan by the city, as certified as complete by the City Planner, the City Planner shall refer the preliminary plan to the appropriate city staff, consultants, and other review agencies. The Planning Commission shall review the OP development preliminary plan and shall schedule public hearings as required for preliminary plat and conditional use permit review within 30 days of the City Planner's receipt of a completed application and shall make its recommendations to the City Council regarding the preliminary plan, conditional use permit, and preliminary plat.

(C) *City Council review.*

(1) Within 60 days of the city receipt of a complete application, the City Council shall review the OP development preliminary plan, conditional use permit, and the preliminary plat. The OP development plan, conditional use permit, and preliminary plat shall require 3 affirmative council votes for approval.

(2) Upon approval, the City Council shall instruct the City Attorney to draw up an OP development agreement that stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Administrator, and applicant within 30 days of Council approval of the OP development preliminary plan and conditional use permit.

(D) *Limitation on preliminary plan approval.* Unless a final plan covering the area designated in the preliminary development plan as the first stage of the OP development has been filed within 6 months from the date Council grants approval, or in any case where the applicant fails to file final plans and to proceed with the development according to the provisions of §§ 150.175 *et seq.*, the preliminary development plan and conditional use permit shall expire. The Council may, at its discretion, extend the filing deadline for any final plan when, for good cause shown, the extension is reasonable. In any case where preliminary development plan and conditional use permit approval expires, the concept plan approval and preliminary development plan approval for that portion of the OP development that has not received final plan approval is void.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

#### **§ 150.184 OP DEVELOPMENT FINAL PLAN.**

(A) The purpose of the final plans is to provide a complete, thorough, and permanent public record of the OP development and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the OP development process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the OP development.

(B) (1) *Submittals required.* After approval of the concept plan and preliminary plan for an OP development, the applicant shall submit the following material for review by the city staff prior to the issuance of any building related permits:

- (a) A detailed landscaping plan;
- (b) All easements and restrictive covenants;



- (c) All certificates, seals, and signatures required for the dedication of land and recording of documents;
- (d) General architectural working drawings of all historic structures to be rehabilitated;
- (e) Final engineering plans and specifications for streets, utilities, and other public improvements, together with all required development agreements for the installation of the improvements;
- (f) Any other plans, agreements, or specifications reasonably necessary for the city staff to review the proposed construction; and
- (g) Final plat.

(2) *City Council review.* The final plan is intended only to add administration detail to, and to put in final form, the information contained in the concept plan and the preliminary development plan, and shall conform to the concept plan and preliminary development plan. The city shall review and approve the final plan and final plat within 60 days of receipt of a complete final OP development plan and final plat, as certified as complete by the City Planner.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

#### **§ 150.185 RECORDING OF FINAL PLAT.**

The applicant shall submit to the city the recordable final plat drawings; all easements, deeds, plans, fees, financial security, and the other documentation as may be required by the development agreement within 30 days of final plan and final plat approval by the City Council. The recordable Final Plat, approval resolution, and the other documents that require recording shall be released by the city to the applicant for the recording only upon review and approval by appropriate city staff; and, execution by the applicant and required city officials.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

#### **§ 150.186 BUILDING AND OTHER PERMITS.**

Except as otherwise expressly provided herein, upon receiving written notice from the City Planner that the approved final plan has been recorded and all conditions of approval satisfied, the City Building official may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the approved final plan; provided, however, that no permit shall be issued except upon proper application and after the requirements of all other applicable codes and ordinances have been satisfied.

(Ord. 97-79, passed 5-1-2001)

#### **§ 150.187 LIMITATION ON FINAL PLAT APPROVAL.**

Within 18 months after approval of a final plan for OP development, or the shorter time as may be established by the approved development schedule, construction shall commence according to the approved plan. Failure to commence construction within the period shall automatically

render void the OP conditional use permit and all approvals for the final OP development plan. The City Council may at its discretion extend the construction time as necessary when good cause is shown.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

#### **§ 150.188 METHOD OF AMENDING AN OP CONDITIONAL USE PERMIT.**

Any desired change involving structural alteration, enlargement, or intensification of the use, not specifically allowed by the specific terms of a previously passed OP conditional use permit, shall require that an application be filed for an amended permit and all procedures shall then apply as if a new permit was applied for.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

#### **§ 150.189 INFORMATION REQUIREMENTS; ADDITIONS; EXCEPTIONS.**

The City Administrator shall maintain a record of all permits issued, including information on the use, locations, conditions imposed, time limits, review dates, and the other information as may be appropriate.

(Ord. 97-79, passed 5-1-2001)

#### **§ 150.190 BUFFER SETBACKS IN OP DEVELOPMENTS.**

Buffer setbacks shall be applied from the edge of the open space preservation zoning districts as follows.

<i>Recommended Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
St. Croix's Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	
Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	
Tapestry at Charlotte's Grove	50	50	200	50	100

Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shoves	100	200	100	200	

<i>Recommended Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	
Meyers Pineridge	50	50	100	200	
5010 Keats Ave. (Meyers Pineridge)	0	0	0	0	

(Ord. 08-021, passed 12-15-2009; Am. Ord. 08-034, passed 11-16-2010)