



City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

(651) 777-5510 Fax: (651) 777-9615
www.lakeelmo.org

NOTICE OF MEETING

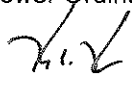
The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, July 13, 2009, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Introduction of New Commissioner – Todd Williams
4. Approve Minutes
 - a. None
5. Public Hearings
 - a. None
6. Business Items
 - a. Wireless Communications Ordinance Discussion
 - i. Update on Open House held June 10th
 - b. Buffer Setback in Open Space Preservation Developments
 - c. Recommendation on Economic Development Activities
 - d. Special Event Permit Ordinance
7. City Council Updates
 - a. June 16, 2009
 - i. Sign Ordinance – Tabled
 - ii. Storm Water Management and Erosion and Sediment Control Ordinance - Approved
 - b. July 7, 2009
 - i. Buffer Setback in OP Development - Discussion
 - ii. Appeal from Mr. Pelletier, Buffer Setback – Withdrawn
 - iii. Buffer Setback Reduction in Tana Ridge and Parkview Estates - Approved
8. Adjourn

Planning Commission
Date: 7/13/09
Staff Report
Item: 5a

ITEM: Wireless Communications Tower Ordinance Discussion

SUBMITTED BY: Kyle Klatt, Planning Director 

REVIEWED BY: Kelli Matzek, City Planner
Craig Dawson, City Administrator

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to provide some initial feedback to staff and the consultant working on the revised wireless communication ordinance to assist with the preparation of an initial draft of this new ordinance. The attached report outlines some of the major decision areas for the proposed code, and some initial guidance from the Commission will be useful before a revised Ordinance is presented to the City. This meeting will also provide an opportunity for the Commission to meet the project consultant, Garret Lysiak of Owl Engineering, and have any questions answered regarding wireless communications services before an ordinance draft is completed.

As noted previously, the City Council has adopted a moratorium on the construction of any new communications towers within the City. The purpose of the moratorium (which extends through the end of 2009) is to provide the City with time to further study the issues associated with wireless communications facilities and to draft revisions to the ordinance that will better represent the community's expectations concerning the design and siting of new facilities in Lake Elmo. The moratorium was adopted for a period of one year, and could be rescinded at an earlier date if the new code is ready for adoption in accordance with the planned work schedule.

ADDITIONAL INFORMATION:

The next step in the ordinance update process will be to complete a draft ordinance for review at the next Planning Commission meeting. It is anticipated that after the Commission has had a chance to review a draft ordinance, there will be another open house scheduled to receive public feedback before a formal public hearing is scheduled and recommendation is made to the City Council.

RECOMMENDATION:

The Planning Commission is asked to review the major decision areas highlighted in the attached report and to provide guidance to staff and the wireless communications consultant concerning the major decisions that need to be made regarding the wireless communications ordinance update project.

ATTACHMENTS:

1. Staff Report
2. Current Ordinance (with highlighting to show sections targeted for revisions)

ORDER OF BUSINESS:

- Introduction..... Kyle Klatt, Planning Director
- Report/Presentation Kyle Klatt, Planning Director
- Questions from the Commission Chair & Commission Members
- Commission Discussion on Action Items Chair and Commission Members

City of Lake Elmo Planning Department
Wireless Communications Ordinance Amendment

To: Planning Commission

From: Kyle Klatt, Planning Director

Meeting Date: 7-13-09

Introductory Information

Objective: Early this year, the Lake Elmo City Council adopted a moratorium on the construction of new telecommunications towers within the City, and has previously directed the Planning Department to begin work on an update to the existing wireless communication tower ordinance during the moratorium period. The moratorium was established until the end of 2009; however, the work plan that was approved by the Council for the update project anticipated that the new ordinance would be adopted by July or August.

Based on the progress made to date, the City is about a month behind on the work plan as originally approved by the City. The planning department has conducted an open house to receive public feedback regarding wireless communications issues in the City and is currently working with the project consultant to prepare an initial draft of the revised ordinance. Prior to completing this draft, staff is seeking some direction from the Planning Commission regarding the major decision areas that have been identified as issues and that need to be addressed with the new code. These decision areas are highlighted below.

With the feedback received from the Planning Commission, the project consultant and staff will finish drafting the ordinance revisions with the intent of bringing these back for review in August. The work plan calls for a second open house once a draft has been prepared, which would likely occur sometime in the middle of August.

Open House Summary: An open house related to the wireless communications ordinance update project was conducted on June 10, 2009 and was attended by six citizens and a representative from the Minnesota Wireless Communications Association. The comments received at this meeting can be summarized in general as follow:

- Residents spoke about the lack of coverage in certain portions of the City, especially in the Tri-Lakes area.

(cont.)

- There was support for providing expanded service in Lake Elmo, even if it means the construction of new towers.
- The citizens present expressed a preference for towers that support co-location to help expand the options for service in the City.
- There was no specific preference stated for where towers should be located, whether on public or private property.
- The residents in attendance did not express concern over the appearance of new towers, and did not see a significant benefit to using techniques to camouflage new towers.

Garret Lysiak of Owl Engineer was present at the open house to answer questions from the public and will also be available at the Planning Commission meeting to further discuss the drafting of a revised ordinance.

Staff Review and Analysis

***Major
Decision
Areas:***

The Planning Commission has previously been provided with information concerning the current ordinance and a summary of the issues that intend to be addressed with a new ordinance. At this time, the Commission is being asked to review some of the major decision areas to help provide direction for the drafting of a new ordinance. Some of these decisions involve community preferences and the City will have a fair amount of discretion at determining appropriate standards. Other amendments to the code will likely be somewhat technical in nature and will be based to a much greater extent on the expertise of the project consultant. Staff is planning to bring a draft ordinance in front of the Planning Commission and to the public another open house prior to setting a formal hearing date on the ordinance.

The attached existing wireless telecommunication tower permit ordinance has been highlighted to depict which of the existing ordinance provisions will likely be updated as part of the City's review. In addition, the following are the major decision areas that will need to be address by a new ordinance:

- *Location Preferences/Requirements.* The City Council has previously indicated that new towers should be located on public property, and only constructed on private land when there is no reasonable pubic space available to accommodate a new facility. Currently, the ordinance lists the allowable locations, and was recently amendment to specify that the list of locations is presented in preferential order. The ordinance could be revised to require applicants to approach the City first before negotiating with a private property owner.
- *Submittal Documentation.* The project consultant will be proposing language in the ordinance that more clearly identifies the information to be submitted in order for the City to verify the need for a new tower. Although this language is more technical in nature, the Planning Commission should

confirm that a clear demonstration of need will help aid the City's decision regarding new facilities.

- *Proximity to Residential Areas.* The current ordinance only allows towers in residential zones on property that is greater than 10 acres in size. Although this leaves a large percentage of the City available for towers, it does eliminate some potential sites that could provide coverage within residential neighborhoods.
- *Proximity to Natural/Scenic Areas.* During the course of the T-Mobile application review, there was some concern expressed over the visibility of the proposed tower from Sunfish Lake Park and Lake Jane. The Planning Commission should indicate if there are specific natural or scenic areas that should be protected from the visibility of new towers.
- *Maximum Height.* As part of a discussion concerning tower siting issues, the Commission should consider whether smaller, less visible towers that may not be suitable for co-location would be preferable to taller towers that could allow for additional carriers and potentially reduce the overall number of wireless communication sites needed on the in the community.
- *Co-location Preferences.* If co-location is determined to be a priority for the City, the resulting tower design standards will need to allow for larger and taller towers.
- *Tower Design.* The Commission has seen many examples of traditional, stealth and camouflaged towers, and will need to determine if any particular design is preferred in Lake Elmo. The type of tower that is used may have impacts on whether or not co-location is viable for a particular site.
- *Review Process.* Staff is recommending that new towers be reviewed as a Conditional Use Permit and that co-location facilities be allowed by administrative permit. In order to make this change, the individual district use charts would need to be amended to include wireless communication facilities.
- *Outside Review and Analysis.* The Planning Commission should consider including language in the revised code that clearly gives the City the authority to request outside assistance with reviewing applications. Much of the information that is submitted with a wireless communications facility request is very technical in nature and should be reviewed by someone with expertise in the area of RF Engineering.
- *Search Radius.* The ordinance has recently been amended to require a wider search radius to determine whether or not there are suitable co-location facilities for a new tower. Presently the search area is set at 2 miles from a

proposed site. Given the large open, natural, and park areas in Lake Elmo, this distance may still be somewhat minimal.

- *Alternative Sites.* For applicants that choose to locate on a private site, there is no language in the present code that requires any study of alternate sites as a part of the City's review. This issue should be addressed as part of the location preferences discussion as noted above.

Although a definitive response from the Planning Commission is not needed in order to prepare an initial draft ordinance, it will be useful to incorporate the Planning Commission's discussion into this first draft to facilitate later decisions on this item.

Conclusion and Next Steps:

The Planning Commission is not being asked to make a formal recommendation at this time; however, any feedback received will be used to prepare a draft wireless communications ordinance in advance of a public hearing on the revised ordinance.

The meeting will also provide the Commission with an opportunity to meet and ask questions of the project consultant at an early juncture of the ordinance development.

The next major steps that are anticipated in the process of developing a revised ordinance include the following:

- 1) Council workshop discussion on major decision areas with project consultant (July 14, 2009).
- 2) Preparation of initial ordinance draft.
- 3) Review of draft ordinance by the Planning Commission (August 10, 2009)
- 4) Public open house concerning draft ordinance (week of August 17th through 21st).
- 5) Public hearing by Planning Commission on draft ordinance (September 14, 2009).

WIRELESS TELECOMMUNICATION TOWER PERMIT

§ 150.110 PURPOSE AND INTENT.

The wireless telecommunication tower permit regulations are intended to:

- (A) Reasonably accommodate the provision of wireless telecommunication services to the general public;
- (B) Minimize adverse visual effects of wireless telecommunication towers, antennae, or accessory equipment through careful design and siting standards;
- (C) Avoid potential damage to adjacent properties from tower failures through structural standards and setback requirements; and
- (D) Maximize the use of existing and approved towers, structures, and/or buildings for the location of new wireless telecommunication towers in order to reduce the number of the structures needed to accommodate wireless telecommunication services.

(1997 Code, § 1390.01) (Ord. 97-24, passed 1-21-1998)

§ 150.111 PERMIT REQUIRED.

No person shall install a wireless telecommunication facility or any portion thereof, at a height greater than is allowed for structures in the underlying zoning district without first being issued a wireless telecommunication tower permit.

(1997 Code, § 1390.03) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99


§ 150.112 PROHIBITED AREAS.


Wireless telecommunication towers shall not be allowed in the following areas:


- (A) Residentially zoned parcels of less than 10 acres unless the wireless telecommunication tower and ground facilities accessory thereto are located within 100 feet of the right-of-way of a public utility transmission line;
- (B) Open space easements or conservation easements; and/or

Summary of Comments on Printing - Lake Elmo, MN Code of Ordinances

Page: 1

 Number: 1 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 12:50:27 PM

 Number: 2 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:13:30 PM
Recommended to require a Conditional Use Permit

 Number: 3 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:15:48 PM
Evaluate parcel and zoning requirements.

Lake Elmo, MN Code of Ordinances

- (C) Airport impact zones without consent of the F.A.A.

(1997 Code, § 1390.03) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

§ 50.113 ALLOWED TOWER SITES.

Applicants for a wireless telecommunication tower permit shall make a reasonable effort to locate the towers and accessory ground facilities in the following areas:

- (A) On an existing public utility power line support structure, within an existing public utility power line right-of-way, or within 100 feet of the right-of-way;
- (B) On publicly owned property, as approved by the City Council; and/or
- (C) On agriculturally or residentially zoned parcels greater than 10 acres.


(1997 Code, § 1390.04) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99


§ 50.114 APPLICATION.


Applications for a wireless telecommunication tower permit shall be submitted on forms provided by the City Planner, which shall include the following information:


- (A) A sketch drawn to scale acceptable to the City Planner and City Engineer which illustrates:
 - (1) The parcel on which the tower and accessory ground facilities;
 - (2) The buildings located and to be located on the tower parcel;
 - (3) The buildings located within 100 feet of the perimeter of the tower parcel;and
 - (4) Access easements as necessary to the tower parcel.


(B) A sketch drawn to scale or a photo image acceptable to the City Planner and City Engineer which illustrates the relative size of the proposed wireless telecommunication tower or existing structure on which the antenna will be located compared to structures located within 100 feet of the perimeter of the parcel on which the tower is located and which illustrates the visibility of the tower from adjoining parcels located within 100 feet of the perimeter of the parcel on which the tower is located. The City Planner may also require a visual impact demonstration including mock-ups and/or photo montages and plans for painting the tower;


 Number: 1 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 12:51:04 PM

 Number: 2 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:16:33 PM
Establish as a requirement to consider public lands before permitting on a private site.

 Number: 3 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:16:46 PM
Review area requirements.

 Number: 4 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:50:52 PM

 Number: 5 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:17:21 PM
Multiple changes to provide better information as part of the application process.

 Number: 6 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 12:51:51 PM

Lake Elmo, MN Code of Ordinances

(C) A report from a qualified and licensed professional engineer which:

- (1) Describes the wireless telecommunication tower height and design including a cross-section and elevation;
- (2) Certifies the wireless telecommunication tower's compliance with structural and electrical standards;
- (3) Documents the height above grade for the mounting positions, which can be used for co-location and the minimum separation distances between the co-location positions; and
- (4) Describes the wireless telecommunication tower's capacity to support antennae, including an example of the number and type of antennas that can be accommodated on the wireless telecommunication tower.

(D) A 2-year plan for wireless telecommunication facilities to be located within the city shall be submitted by the applicant. The city acknowledges that the plans are fluid and in all likelihood will change depending upon market demands for the service. The city will maintain an inventory of all existing and reasonably anticipated cell site installations. The applicant shall provide the following written information in each 2-year plan and the plan must be updated with each submittal for a new wireless telecommunication tower permit as necessary:


- (1) A description of the radio frequencies to be used for each technology;
- (2) A list of all existing sites to be upgraded or replaced, and proposed cell sites within the city for these services by the applicant; and
- (3) A presentation size map of the city, which shows the 2-year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.

(E) The cost of mailing addresses for all property owners of record located within 1,000 feet of the subject property to be complied by the city;


(F) An application fee in an amount prescribed from time to time by City Council resolution as necessary to reimburse the city for costs incurred to process the wireless telecommunication tower permit application;

(G) Confirmation that the applicant is properly licensed by the F.C.C., or is the authorized representative of a wireless telecommunication provider properly licensed by the F.C.C.;

(H) Written authorization from the property owner describing the area which will be subject to the tower lease and acknowledging that the property owner will be responsible for removal of the wireless telecommunication tower, antennae, and tower accessory equipment which is unused or abandoned for 12 consecutive months;

 Number: 1 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:18:14 PM

Provide information that can be used to clearly demonstrate the need for a new facility.

 Number: 2 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:19:10 PM

Require carriers to provide information about surrounding sites. Need to establish coverage gaps and plan for addressing gaps.

Lake Elmo, MN Code of Ordinances

(I) Documentation of the steps to be taken by applicant to avoid causing destructive interference to co-located previously established public safety communications facilities; and

(J) A detailed landscape plan, which indicates how tower accessory equipment will be screened.

(1997 Code, § 1390.05) (Ord. 97-24, passed 1-21-1998)

§ 150.115 PLANNING COMMISSION REVIEW.

(A) Upon receipt of a completed application, the City Planner shall schedule a hearing before the Planning Commission which shall be preceded by 10-days mailed notice to the record owners of property located with 1,000 feet of the parcel on which the tower will be located.

(B) The Planning Commission shall make recommendations to the City Council regarding the issuance of the wireless telecommunication tower permit and, in particular, in regard to the following:

(1) Compliance of application with the city regulations and development standards; and/or

(2) Proposed conditions, as necessary, to prevent the wireless telecommunication tower, antennae, and tower accessory equipment from becoming a nuisance to surrounding property owners.

(1997 Code, § 1390.06) (Ord. 97-24, passed 1-21-1998)

§ 150.116 CITY COUNCIL REVIEW.

(A) Upon receipt of Planning Commission recommendations, the City Council shall review the application. The City Council may approve the application subject to conditions, table its review until a date certain, or deny the application for a wireless telecommunication tower permit. If the application is approved by the City Council, a wireless telecommunication tower permit and a building permit shall be issued upon the execution of a wireless telecommunication tower agreement.

(B) The agreement shall be signed by the applicant and property owner and the terms of the agreement shall include the following:

(1) A list of the conditions of approval to the wireless telecommunication tower permit;

(2) A statement indicating that failure to comply with the conditions of
American Legal Publishing Corp.

This page contains no comments

Lake Elmo, MN Code of Ordinances

approval shall result in the removal of the wireless telecommunication tower, antennae, or tower accessory equipment;

(3) A statement indicating that the expenses incurred by the city to enforce the provisions of the wireless telecommunication tower agreement shall be reimbursed by the applicant;

(4) A statement, which requires the applicant to utilize the procedures established by the F.C.C. to resolve any complaints received relating to interference allegedly caused by the wireless telecommunication tower; and

(5) A statement indicating that a wireless telecommunication tower which has not been used for 12 consecutive months shall be deemed abandoned and may be required to be removed in the same manner and pursuant to the same procedures as for hazardous and substandard buildings (M.S. §§ 463.15 through 463.261, as they may be amended from time to time).

(1997 Code, § 1390.07) (Ord. 97-24, passed 1-21-1998)

150.117 CO-LOCATION REQUIREMENTS.

Except as hereinafter provided, antenna utilized to provide wireless telecommunication services shall be located on existing towers or structures which exceed 75 feet in height and which are located within $\frac{1}{4}$ mile of the antenna site being proposed by the applicant. In the event that co-location is not possible, the applicant must demonstrate that a good faith effort to co-locate on existing towers and structures was made but an agreement could not be reached.


(1997 Code, § 1390.08) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99


§ 150.118 EXCEPTIONS TO CO-LOCATION REQUIREMENTS.

The City Council shall waive any or all of the co-location requirements if it is determined that:

(A) The antennae and/or tower accessory equipment would cause the structural capacity of an existing or approved tower or building to be exceeded, as documented by a qualified and licensed professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate the antennae or tower accessory equipment at a reasonable cost;

(B) The antennae and/or tower accessory equipment would cause interference materially impacting the usability of existing antennae or tower accessory equipment as

 Number: 1 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 12:52:45 PM

 Number: 2 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:19:51 PM
Adjusted to 2 miles, consider larger amount due to conditions in Lake Elmo.

Lake Elmo, MN Code of Ordinances

documented by a qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;

(C) Existing or approved towers and buildings within the applicant's search radius cannot or will not accommodate the antennae and/or tower accessory equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer; and/or

(D) Other unforeseen reasons make it infeasible to locate the antennae and/or tower accessory equipment upon an existing or approved tower or building.

(1997 Code, § 1390.09) (Ord. 97-24, passed 1-21-1998)

§ 150.119 CONSTRUCTION PERMITS.

All wireless telecommunication towers erected, constructed, or located within the city, and all wiring therefore, shall comply with the requirements set forth in the Uniform Building Code.

(1997 Code, § 1390.10) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

§ 150.120 TOWER STANDARDS.

(A) Wireless telecommunication towers shall comply with the following standards unless the City Council grants a variance as necessary to reasonably accommodate the wireless telecommunication tower. Variance procedures shall be processed according to the zoning code.


(B) (1) *Design.*

(a) To blend into the surrounding environment through the use of color and architectural treatment;


(b) To be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment;

(c) All proposed wireless telecommunication tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 100 feet in height or for at least 1 additional user if the tower is between 75 feet and 100 feet in height; and


(d) Where possible, all proposed wireless telecommunication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

 Number: 1 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:20:17 PM

Community design preferences should be determined and included in this section.

 Number: 2 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:21:24 PM

Consideration for stealth and camouflage designs. Co-location limitations should also be considered.

 Number: 3 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:21:55 PM

Adjust in relation to general height requirements.



Setbacks from lot lines.

- (a) In all residential zoning districts, wireless telecommunication towers shall be set back 1 foot for each foot of tower height plus 20 feet.
- (b) In all zoning districts, towers may encroach into the rear or side yard setback areas, provided that the rear or side yard property line abuts a commercial or business zoned property and the wireless telecommunication tower does not encroach upon any easements.
- (c) Wireless telecommunication towers shall not be located between a principal structure and a public street.
- (d) A required setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow for the integration of a wireless telecommunication tower with an existing or proposed structure such as a church steeple, power line support device, or light standard.
- (e) A required setback may be reduced or its location in relation to a public street varied upon providing the city with a licensed professional engineer's certification that the wireless telecommunication tower is designed to collapse or fail within a distance or zone shorter than the required setback distance.



Height.

(a) In all residential zoning districts, the maximum height of any wireless telecommunication tower including all antennas and other attachments, shall not exceed 1 foot for each 1 foot the tower is setback from a residential dwelling unit up to a maximum of 195 feet for parcels of 40 acres or more and 125 feet for parcels between 10 to 40 acres in size.


(b) In all non-residential zoning districts, wireless telecommunication tower and antennae shall not exceed 195 feet in height above ground for a freestanding wireless telecommunication tower, and 195 feet in height above ground as measured by the lowest ground elevation adjacent to a building on which the tower/antenna is located, including all antennas and other attachments where the zoning district is adjacent to a residential zoning district. The setback from a common lot line shall be 2 feet for each 1 foot of tower height.


(1997 Code, § 1390.11) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

§ 150.121 LIGHTING.

At night, wireless telecommunication towers shall not be illuminated by artificial means.

(1997 Code, § 1390.12) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

 Number: 1 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:22:26 PM
Evaluate in relation to community preferences.

 Number: 2 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:23:03 PM
Determine appropriate heights as part of tower location and proliferation discussions.

 Number: 3 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:53:57 PM

Lake Elmo, MN Code of Ordinances

§ 150.122 SIGNS AND ADVERTISING.

The use of any portion of a wireless telecommunication tower for signs other than warning or equipment information sign is prohibited.

(1997 Code, § 1390.13) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

§ 150.123 INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATION.

No wireless telecommunication facility shall interfere with public safety telecommunications. All wireless telecommunication towers/antennas shall comply with F.C.C. regulations and licensing requirements.

(1997 Code, § 1390.14) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

§ 150.124 PROHIBITED SUBDIVISIONS.

Where a wireless telecommunication facility has been located on a residentially or agriculturally zoned parcel greater than 10 acres, except when the facility is located within a power line easement, or within 100 feet of the easement, the parcels shall not be further subdivided unless the resulting parcel on which the wireless telecommunication facility is located continues to be more than 10 acres in size.

(1997 Code, § 1390.15) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

§ 150.125 ACCESSORY UTILITY BUILDINGS.

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment.

(1997 Code, § 1390.16) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

§ 150.126 GROUND-MOUNTED EQUIPMENT.

All ground mounted equipment accessory to a wireless telecommunication tower shall be

Number: 1 Author: kyle.klatt Subject: Highlight Date: 7/9/2009 2:24:10 PM
Evaluate impacts of generators and other potentially intrusive activities on the site.

Lake Elmo, MN Code of Ordinances

enclosed in a building with brick walls and have a dark colored standing seam metal roof and be further screened with sufficient trees, as determined by the City Planner, and shrubs to substantially reduce the visual impact.

(1997 Code, § 1390.17) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

This page contains no comments

ITEM: Addressing Non-Conformities in OP Developments and Discussion of Amending Buffer Setback Code Language

SUBMITTED BY: Kelli Matzek, Planner

REVIEWED BY: Kyle Klatt, Planning Director
Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: The Planning Commission is being asked to review a proposed strategy for addressing existing non-conformities in Open Space Preservation (OP) developments in Lake Elmo and provide input in the amendment of the existing buffer setback section of the OP ordinance to address future developments.

Staff is aware of many existing homes and accessory structures in OP developments throughout the city that are nonconforming to this requirement and many vacant lots in newer platted developments are essentially unbuildable when applying this setback. In fact, based on our research, staff reviewed four of the nineteen OP developments at various stages of development and found 36 homes already existing within the buffer setback and 14 vacant platted lots to be essentially unbuildable due to this setback requirement. Other properties also had a majority of their rear yard in this setback, in many cases eliminating any option of a permitted accessory structure (pool, shed, etc.)

Not taking action will result in continued variance requests being made on some lots in most, if not all, OP developments. As mentioned, some existing platted vacant lots in the City are also essentially unbuildable when this setback applies, which appear to be due to errors, oversight, or an alternate interpretation made at the time of the development review in some cases.

History of the Open Space Preservation Ordinance

The Open Space Preservation development ordinance was first written for Lake Elmo in the 1990's. The purpose of the ordinance is to provide a developer the ability to cluster more homes than otherwise permitted on smaller lots and to set aside land as preserved open space in perpetuity. Originally, an Open Space Preservation development required an additional step to rezone the property as OP before a development was reviewed and approved. Since then, this approach has been revised so that an OP development could be permitted by a conditional use permit in specific zoning districts, thereby eliminating the additional step of rezoning the property. Although the zoning district code language was repealed, the zoning of the existing developments was never retroactively returned to Agricultural or Rural Residential, and therefore the Open Space district remains on the zoning maps.

As a part of this ordinance from the beginning, a buffer setback (originally called a buffer zone) was identified as an effort to physically buffer the existing adjoining neighbors from the more densely built clustered homes. The buffer setback section of the ordinance has been revised a few times throughout the years to its current form, which was last approved in 2001. A buffer setback has always been required, but has varied in depth from 100 to 200 feet and has been revised from once just

requiring "main structures" to be outside the setback to all structures and road surfaces not at a 90 degree angle.

The OP ordinance permits the City Council to modify any of the minimum standards outlined in the ordinance by a 4/5 vote. Staff has found this clause has been used in altering the buffer setback requirement in some of the OP developments.

The current OP ordinance is attached at the end of this report with the buffer setback section on pages four and five. Unless specified by a 4/5 vote of the City Council, this is the ordinance implemented in all Open Space Preservation developments.

Current Issues:

Staff has found difficulty in implementing the current buffer setback due to its revisions over time and its resulting impact on existing developments as well as the unknown intent at the time of development review. Staff is seeking to clarify this information for both existing and future developments as it has a direct impact on future building permits and future subdivision layouts.

ADDRESSING EXISTING NON-CONFORMITIES:

In order to address the existing non-conformities, staff is proposing to divide the existing developments into two different groups.

Group One: The first group would be the older, more developed OP developments such as Wildflower Shores, Prairie Hamlet, and Fields of St. Croix Second Addition where the developments were rezoned into a specific OP/OS zoning district. Staff would recommend reducing the buffer setbacks (in most instances 200 feet from the edge of the development) to 50 feet.

While this is a significant decrease in buffer area, staff has found the 200 foot buffer area to generally already be built upon with homes and accessory structures where private residential lots abut or are near the edge of the development. This setback reduction generally reduces a majority of the existing non-conformities while still providing a buffer from the edge of the development. This setback would continue to apply to all structures (pools, sheds, etc.)

Group Two: In 1999 the city changed the methodology for reviewing and managing OP developments. Instead of rezoning a property to OP before it could be developed, the ordinances were changed to permit an OP development as a Conditional Use Permit within certain existing zoning districts (Agricultural, Rural Residential, and Residential Estates). This second group would consist of approved OP developments since 1999 which were approved as a CUP, such as St. Croix's Sanctuary, Tapestry at Charlotte's Grove, and Whistling Valley.

Although the existing ordinance was in place at the time most of the newer developments were in place, there are some instances where there was no documented buffer setback reduction. Current staff is unaware if this was an oversight or a different interpretation of the existing code was used at that time.

Staff would recommend reviewing each of the OP developments approved since 1999 to see if a reduction was approved by the City Council and if so, how it currently functions on the land. If no reduction was approved, an evaluation of how the 200 foot buffer setback impacts the existing properties in each development independently will be completed along with a recommendation. Although this could result in a different setback for each development, for ease of future implementation staff would strive to minimize the variation in buffer setbacks.

This two pronged approach would conceivably address the non-conformities or at least a majority of the non-conformities in existing OP developments at various stages of development.

ADDRESSING FUTURE DEVELOPMENTS:

The third step in addressing the buffer setback is to evaluate the existing ordinance as it is written to see if it is clear, concise, and provides the necessary flexibility when reviewing future OP developments.

Staff would suggest adding a purpose statement to the buffer setback section of the ordinance and to provide additional flexibility by the City Council at the time of development review.

ADDITIONAL INFORMATION:

- At the July 7, 2009 City Council meeting, a resolution was approved reducing the 200 foot buffer setback in Tana Ridge and Parkview Estates developments from 200 feet to generally 50 feet, although one lot in Parkview Estates was provided an additional reduction to 20 feet.
- Staff received an appeal application on the denial of a building permit application. The applicant lives on Lily Avenue in the Tana Ridge neighborhood and applied to build an in-ground pool in the rear yard. Staff found this would not be permitted as it falls within the buffer setback of the OP development. The City Council approved a buffer setback reduction in the development and the applicant withdrew their appeal application.
- The City Council recently approved a variance for an in-ground pool and spa at 2931 Jonquil Trail North. Due to unique circumstances, the pool and spa were permitted to be 12 feet within the 100 foot buffer setback in the Farms of Lake Elmo development.
- The Open Space Preservation ordinance was revised in 2008 to address concern over the impervious surface requirement in the developments. Staff found numerous non-conformities in existing developments. The impervious surface requirement was raised to twenty percent with an additional five percent permitted if mitigation measures were approved.

RECOMMENDATION:

At this time, staff is not asking the Planning Commission to make any decision, but instead to provide feedback on the future revision of the city code to clarify buffer setbacks in future developments.

SUGGESTED MOTION:

A motion is not being asked for at this time.

ATTACHMENTS (1):

1. Current Open Space Preservation ordinance.

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); and
- (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) 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.*

<i>Open Space Preservation District (OP)</i>		
	<i>Single-Family</i>	Townhouse
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:	NA	NA
½ acre lot; 1 acre lot		
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	NA

	approved by the City Engineer.	
Minimum Setback Requirements:		
Front Yard	30 feet	20 feet
<i>Open Space Preservation District (OP)</i>		
	<i>Single-Family</i>	Townhouse
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
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

(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) 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 the 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;

(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; 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) 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)

ITEM: Request to Develop Recommendations on City Activities for Economic Development Activities

SUBMITTED BY: Kyle Klatt, Planning Director



REVIEWED BY: Kelli Matzek, City Planner
Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED:

At its last meeting, the Planning Commission worked with staff to develop recommendations regarding the types of activity the City might begin to undertake in terms of economic development in response to a request from the City Council. At this meeting, a preliminary list of activities was presented by staff and further amended by the Planning Commission. Prior to reporting back to the City Council with this information, staff is recommending that the Commission review the final list compiled from the last meeting and make any final adjustments.

The attached sheet contains both the recommended activities and standards that should be considered if the City were to move forward with an Economic Development program. The items in bold have been added or amended since the last Planning Commission meeting. Please note that some of the background information related to this item has not been resubmitted from the last meeting, but will be made available to any Commissioners not present at the last meeting upon request.

RECOMMENDATION:

Staff is recommending that the Planning Commission review the revised list and authorize staff to present this document to the City Council as an initial response to the Council's request.

ATTACHMENTS:

1. Revised List of Potential Economic Development Activities and Standards

ORDER OF BUSINESS:

- Introduction and Presentation by Staff Kyle Klatt, Planning Director
- Questions from the Commission Chair & Commission Members
- Planning Commission Discussion Chair Facilitates
- Action by the Planning Commission Chair & Commission Members

**ECONOMIC DEVELOPMENT ACTIVIES AND STANDARDS
PLANNING COMMISSION REVIEW – 7/13/09**

RECOMMENDED DISCUSSION TOPICS:

Based partially on discussions concerning Lake Elmo's long range plans, the Planning Commission has considered the issues that will need to be addressed in the future that likely fall under the definition of economic development. The intent of the list below is to help the City Council begin thinking about the issues that will need to be considered as the City works towards implementation of its Comprehensive Plan. Some of the issues that have been identified by the Planning Commission include the following (please note that these issues are being phrased in a way that provides a response to the Council's initial request for the types of activities the City might begin to undertake):

- 1) Creating an economic development plan as a component of the Comprehensive Plan.
- 2) Determining the types of business that will be appropriate for Lake Elmo and that are most compatible with the City's objectives of maintaining its rural character.
- 3) Identifying where commercial activity should take place within the parameters of the future land use plan and where this activity would be most beneficial to the residents of the community.
- 4) Establishing the role that retail will play in the City's business areas, and how to help promote the retention and/or creation of retail activity that will serve the needs of residents.
- 5) Figuring out how to provide services to businesses in the most efficient manner possible.
- 6) Addressing whether or not the City should be actively promoting the community and attracting businesses into the community.
- 7) Maintaining the character of the Village Area, including the mix of residential and commercial uses that presently exist.
- 8) Meeting the needs of the residents that live and employees that work in the City of Lake Elmo, i.e. providing services to support these people.
- 9) Conducting market studies to help determine what types of business activities could be supported by the community.
- 10) Helping the City Council develop an action plan to accomplish the objectives for employment by 2030 as stated in the Comprehensive Plan.
- 11) Promoting the preservation of a rural/agricultural economy and the City's connections to its rural heritage.
- 12) Assisting with efforts to encourage alternative modes of transportation to ensure residents and businesses are not unduly burdened by long commutes and traffic problems.
- 13) Acting as an agent for the acquisition and development of property for public purposes, including the planned community center within the Village area.

- 14) Providing financing options for the City and private entities to accomplish the goals and objectives that have been established for commercial areas.
- 15) Helping the City develop areas with "high density" jobs with an employment base of 40 employees per area in the planned business park at the intersection of Manning Avenue and Interstate 94.
- 16) Working within a revised organizational chart that incorporates the broader function of community development into the City's structure.
- 17) Developing a master plan for the I-94 business park.
- 18) Preserving the existing tax base and employment in the community by retaining existing businesses and/or attracting new businesses to replace those that have left.**
- 19) Putting the City in a position to take advantage of opportunities for park and ride and other mass transit improvements that could benefit Lake Elmo.**
- 20) Promoting legislation that will provide tax advantages to businesses locating in Lake Elmo and that will help minimize the loss of business to surrounding states.**
- 21) Developing support for a community focal point and supporting Lake Elmo as a destination for residents and businesses.**
- 22) Advertising Lake Elmo's assets to promote the businesses that the community would like to attract.**
- 23) Determining appropriate measures to help ensure that the City is being inclusive rather than exclusive.**
- 24) Helping to develop a vision for the community and those activities necessary to distinguish Lake Elmo from other places.**
- 25) Identifying industries and development activity that could set Lake Elmo apart from other communities, i.e. the promotion of green development and buildings.**
- 26) Establishing what role the arts or other amenities might play in strengthening the employment base and opportunities in the community.**
- 27) Analyzing the results of the 2010 Census to help determine how the community has changed and what needs to be done to meet the current residents' and business' needs.**
- 28) Studying the potential impacts associated with the intensification of agricultural uses and how to promote and encourage these uses.**
- 29) Defining what "sustainable development" means to the community and developing standards for sustainable businesses.**
- 30) Considering the role water-oriented development and recreation activities can play in Lake Elmo's future.**
- 31) Discussing issues that are affecting current businesses in the community and acting as a resource to encourage cooperation among these businesses.**

The second part of the Council's request of the Planning Commission is to consider what commercial uses and standards for sustainable commercial development should be permitted in the City. Some suggested standards are listed below:

- 1) Projects should follow sustainable development practices:
 - a. Buildings should be designed for long-term use.
 - b. New structures should minimize their environmental footprint.
- 2) New buildings should embrace LEED standards.
- 3) Natural materials should be given preference to alternative designs.
- 4) Buildings should reflect Lake Elmo's rural character.
- 5) Access management should be used to minimize traffic impacts.
- 6) Businesses should be promoted that achieve a high level of employment density.
- 7) Commercial activities should be compatible with surrounding land uses.
- 8) Mixed-use development should be promoted in the Village area.
- 9) Commercial uses and buildings that cater to automobile traffic alone in the Village area should be discouraged.
- 10) Form-based zoning is preferable to standard ordinances that only specify minimum requirements.
- 11) Existing architecture and design should be considered within new development.

Planning Commission

Date: 7/13/09

REGULAR

Item: 6d

ITEM: Consideration of a draft ordinance to establish a Special Event Permit requirement.

REQUESTED BY: Planning Department

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Kyle Klatt, Director of Planning

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review, discuss, and consider the attached draft ordinance regarding Special Event Permits. The City received a request by the Minnesota Boat Club to hold a rowing regatta on Lake Elmo in 2009 which has prompted staff to do a preliminary investigation of the permit and process used by other communities in Minnesota for regulating large temporary events. A Special Event Permit would be intended to provide some regulation of temporary events on a case-by-case basis and is intended to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, proper insurance, and peace and tranquility of residential neighborhoods.

ADDITIONAL INFORMATION

A special events permit would apply to events that occur within the city such as a Pet Carnival and a Rowing Regatta. It should be considered whether to waive the fee or to not require the permit for public-sponsored events such as the Fall Festival.

The draft ordinance was taken from the City of North St. Paul. This ordinance was chosen as it was fairly broad in terms of its coverage, while some other examples staff researched were very specific to certain types of events. This broad and simple ordinance will be easier to administer as Lake Elmo currently has just a few events to which the permit may pertain.

City History

In 2006 the Council approved an ordinance allowing Commercial Social Outdoor Events as a conditional use in the agricultural zoning district, which it then repealed in April of 2007. A Special Event Permit is different than the Commercial Social Outdoor Events in the following ways:

- 1) - A Special Event permit would be required and reviewed for each event and would not guarantee a future permit would be received by the applicant or property owner.
 - A Commercial Social Outdoor event was established as a conditional use permit (CUP) and would have run with the property in perpetuity.
- 2) - The City Council would have the discretion to deny a Special Event Permit.
 - If a CUP were received and the conditions of a Commercial Social Outdoor Event were being met, the city would have a difficult time revoking the permit.

- 3) - A Special Event permit would not necessarily be based on a zoning district.
- A CUP for a Commercial Social Outdoor Event was allowed only in the Agricultural zoning district.
- 4) - A Special Event permit could be intended to regulate temporary, outdoor privately-sponsored events open to the general public, held on public or privately-owned property, and impacting city facilities or services. The draft ordinance provided identifies specific gathering types that would not require a permit, such as a wedding.
- The only applicant received by the city to implement the Commercial Social Outdoor Event ordinance was to hold weddings on a property in the city.

RECOMMENDATION:

The attached draft ordinance is being presented for review, discussion and consideration.

SUGGESTED MOTION FOR CONSIDERATION

Move to recommend approval of the ordinance for a Special Event Permit.

ATTACHMENTS:

1. Draft Ordinance
2. Sample Special Event Permit
3. Repealed Ordinance 97-167; Commercial Social Outdoor Events

ORDINANCE NO.

AN ORDINANCE ADDING TO THE LAKE ELMO CITY CODE OF ORDINANCES BY ADDING TO CHAPTER 110 OF THE BUSINESS REGULATIONS: BUSINESS REGULATIONS TO PROMOTE THE ORDERLY, COMPATIBLE AND SAFE USE OF PROPERTY FOR TEMPORARY SPECIAL EVENTS AND TO ASSURE ADEQUATE PROVISION OF PARKING, TRAFFIC, SANITARY FACILITIES, UTILITIES, PEACE AND TRANQUILITY OF RESIDENTIAL NEIGHBORHOODS AND SAFETY SERVICES

The City Council of the City of Lake Elmo does hereby ordain:

I.

Ordinance number _____ amends Title XI, Business Regulations, Chapter 110 General Licensing Provisions by adding: Special Event Permits

II Purpose and Intent

The purpose of this Chapter is to promote the orderly, compatible and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, peace and tranquility of residential neighborhoods and safety services.

III Definitions

- (a) Applicant means any individual, partnership, corporation, association, society or group seeking and/or receiving a Special Event Permit from the City.
- (b) Permit means a permit issued by the City to allow a special event.
- (c) Outdoor means activity conducted outside of a permanent structure or building.
- (d) Person means any person, association, partnership, firm, business trust, corporation or company.
- (e) Special Event means any temporary, outdoor privately-sponsored event open to the general public and held on public or privately owned property. "Special Event" shall not apply to the following:
 - (1) Any permanent place of worship, stadium, athletic field, arena, theatre, auditorium, or fairs conducted pursuant to Minn. Stats. Chapter 38.
 - (2) Special events or activities permitted or permitted by other State laws or regulations of the City of Lake Elmo, including publicly-sponsored activities in the local park system and any other established special event operating prior to adoption of this ordinance.
 - (3) Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings, etc.
 - (4) Garage sales
 - (5) Events such as but not limited to National Night-Out established through the City of Lake Elmo.

IV Permit Required

No person on or after the effective date of this Chapter shall conduct or allow to be conducted any special event as defined in this ordinance without first obtaining a Special Event Permit.

V Requirements for Issuance of a Permit

(a) The following standards shall apply to all special events:

- (1) Maximum Number of People. The permittee shall not sell tickets to nor permit attendance at the permit location of more than the maximum number of people stated in the special event permit.
- (2) Sound Equipment. Sound producing equipment, including but not limited to public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the special event so as to be unreasonably loud or be a nuisance or disturbance to the peace and tranquility of the citizens of Lake Elmo.
- (3) Sanitary Facilities. In accordance with Minnesota State Board of Health regulations and standards and local specifications, adequate sanitary facilities must be provided which are sufficient to accommodate the projected number of persons expected to attend the event.
- (4) Security. The permittee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons in attendance at the special event and for the preservation of order and protection of property in and around the event site. No permit shall be issued unless Washington County's Chief of Police is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the event.
- (5) Food Service. If food service is made available on the premises, it shall be delivered only through concessions permitted by the Washington County Health Department.
- (6) Fire Protection. The permittee shall, at his own expense, take adequate steps to insure fire protection as determined by the City of Lake Elmo Fire Chief.
- (7) Duration of Special Event. The permittee shall operate the special event only on those days and during the hours specified on the permit.
- (8) Cleanup Plan. The special event applicant is responsible for clean up. Any clean up required by the City may be charged to the applicant. Any city service that requires overtime will be at the expense of the applicant.
- (9) Waiver. The City Council may grant a waiver from the requirements of this Chapter in any particular case where the applicant can show that strict compliance with this Chapter would cause exceptional and undue hardship by reason of the nature of the special event or by reason of the fact that the circumstances make the requirement of this Chapter unnecessary. Such waiver must be granted without detriment to the public health, safety or welfare and without impairing the intent and purpose of these regulations.
- (10) Insurance. Before the issuance of a permit, the permittee shall obtain public liability insurance and property damage insurance with limits determined by the City Administrator. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit. Evidence of insurance shall include an endorsement to the effect that the insurance company will notify the City Clerk in writing at least ten (10) days before the expiration or cancellation of said insurance.
- (11) Miscellaneous. Prior to the issuance of a permit, the City Council may impose any other conditions reasonably calculated to protect the health, safety and welfare of persons, attendant or of the citizens of the City of Lake Elmo.

VI Application Procedures.

A written application for a Special Event Permit shall be filed on forms provided by the City with the City Administrator not less than thirty (30) days before the date proposed for holding the special event. The written application shall be signed by the person, persons, or parties conducting the event and the property owner, if different, and shall be accompanied by the fee payable hereunder. Upon submission of an application for a Special Event Permit, City staff will review the request and advise the applicant of the need for additional information, if any.

VII Fees

The fee for a Special Event License shall be as established by the City Council.

VIII Granting a Permit

The City Council, in its sole discretion, reserves the right to review and determine whether or not a request for a special event and/or street closing is acceptable. It is the stated purpose of the City Council that all such special events and/or street closing shall be for family-friendly activities only. Special event activities must be inclusive of events and activities for both adults and children. In the event the City Council determines the activity does not meet these criteria, such applications shall be denied.

IX Denial of Permit

The City Council shall have the right to deny the permit if, in the judgment of the City Council, the granting of a permit would adversely affect the safety, health and welfare of the citizens of Lake Elmo. The applicant shall be notified of such denial and may appear before the City Council to appeal such denial.

X Transferability

No permit granted under this Chapter shall be transferred to any other person or place without consent of the City Council, upon written application made therefore.

XI Enforcement and Penalties

- (a) The police department and other such officers, employees, or agents as the City Council or City Administrator may designate, shall enforce the provisions of this Chapter.
- (b) The holding of a special event in violation of any provision of this Chapter shall be deemed a public nuisance and may be abated as such.
- (c) Any person violating any provision of this Chapter is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

XII Revocation of Permit

The permit for a special event may be revoked by the City Council at any time if any of the conditions necessary for the issuing of or contained in the permit are not complied with or if any of the provisions of this Chapter are violated.

XIII Special Event Vendors

- (a) Vendors. A person who temporarily sets up business on public or private property for purposes of selling or delivering goods in conjunction with a City approved Special Event.
- (b) License. All Special Event Vendors shall be licensed by the City.
- (c) Process. The City Administrator shall determine appropriate requirements to safeguard the health, safety and welfare of the community and its inhabitants. Forms shall be determined by the City Administrator to gather the necessary information to assure safety.
- (d) Fees. All Special Event vendors shall pay an inspection fee the City of Lake Elmo as determined by the City Council. Exception to the fee following shall be exempt from the City Fee:

- (1) All public charities as defined by IRS Code 501C(3)
- (2) Any governmental institution

(3) Any business headquartered in the City of Lake Elmo

(e) Umbrella Fee. Any special event conducted by a public charity as defined by IRS Code 501C(3) is subject to one (1) special event vendor fee for all vendors conducting business at the special event.

XIV Effect

This ordinance shall take effect and be in force from and after its adoption and publication as required by law.

ADOPTED by the City Council of the City of Lake Elmo this _____th day of _____, 2009.



SPECIAL EVENT PERMIT APPLICATION

I. TITLE AND BRIEF DESCRIPTION OF EVENT:

II. APPLICANT INFORMATION:

The Applicant will be responsible for answering all questions, including inquiries from media and citizens.

Applicant: _____ Title: _____

Address: _____

Business/Organization Name: _____

Daytime Phone: _____ Evening Phone: _____ Emergency Phone: _____

III. EVENT TIMETABLE:

A. Requested day and date: _____

B. Requested hours of operation, from _____ a.m./p.m. to _____ a.m./p.m.

C. Set-up beginning day and date _____, time _____ a.m./p.m.

D. Dismantle by day and date _____, time _____ a.m./p.m.

E. Anticipated number of participants: _____ and spectators _____

IV. INSURANCE:

Attach to this application either an insurance policy or a certificate of insurance including the policy number and showing liability amounts. The policy must state that any outside area to be used for an event is covered. The policy must also show evidence that the requested event is not excluded from insurance liability.

V. CHECK ALL ITEMS WHICH APPLY TO YOUR EVENT:

- A. Use of Community Center (check with Steve Roe at 747-2486);
- B. Event participant and/or spectator parking areas (describe) _____;
- C. Entertainment or stage locations (provide to-scale drawing);
- D. Construction/erection of temporary structure(s) (may need permit, check with Community Services);
- E. Trash containers (indicate number/location): _____;
- F. Portable toilet facilities (indicate number/location) _____;
- G. First aid facilities (indicate who is providing): _____;
- H. Parade and/or parade floats (may need permit, check with Fire Department);
- I. Fireworks or pyrotechnics site (may need permit, check with Fire Department);
- J. Cooking facilities, open flame, or vehicle fuels (may need permit, check with Fire Department);
- K. Electricity (The cost of the electrical hook-up is applicants responsibility. Payment must be made to the City of North Saint Paul. Please call Brian Frandle at 747-2472.)
- L. Other. Please describe: _____

VI. FOOD, BEVERAGES AND/OR ENTERTAINMENT:

A. If your event includes music, live entertainment, sound amplification or any other noise impact, please describe, including the intended hours of the music, sound or noise.

B. Will alcoholic beverages be served? Yes No

C. Name of Liquor Establishment: _____

D. For service of alcohol outside a licensed premise, include a diagram showing the defined area of the alcohol concession service and attach a copy of your certificate of liquor liability insurance covering the limits of the alcohol service area.

E. If serving alcohol, describe how you will ensure that alcoholic beverages will be possessed and consumed only by those persons 21 years or older. Describe all security measures in place.

F. Will food and/or non-alcoholic beverages be served? _____ Yes _____ No

G. If yes, describe sanitation measures and food handling procedures:

H. If yes, you will need to have a Temporary Food License from Ramsey County. To obtain such a license, call 773-4466. Attach a copy of your Temporary Food License to this application.

I. If you intend to cook food in the event area, describe your area layout, including fuel or electrical sources to be used.

VII. VENDORS OR CONCESSIONAIRES:

A. List what vendors/concessionaires you will have at your event and include Sales Tax ID Number:

VIII. SECURITY AND SAFETY PROCEDURES:

A. Describe your proposed procedures for security and crowd control:

B. If the event is to occur at night, describe how you are going to light the event area in order to increase the safety of participants and spectators coming to and leaving the event.

IX. CLEAN-UP:

List persons responsible for clean-up duties: _____

X. MITIGATION OF THE IMPACT ON OTHERS:

Describe how you intend to mitigate the impact of the special event on businesses, churches, neighbors, motorists, and others.

NOTE: Any condition which causes adverse impacts may be cause to revoke the Special Event Permit.

Applicant Signature: _____

Date of Application: _____

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

Repealed by
Ord. 97-199
on April 3, 2007

ORDINANCE NO. 97-167

AN ORDINANCE ADDING SECTION 300.07 SUBDIVISION 4.A.2.(h) RELATING
TO CONDITIONAL USES IN THE AGRICULTURAL ZONING DISTRICT

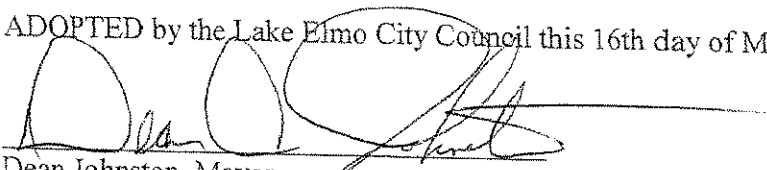
The City Council hereby ordains that Section 300.07, Subdivision 4.A.2(h) of the Lake Elmo Municipal Code is hereby added to read as follows:

h. Commercial Outdoor Social Events, subject to the following required conditions:

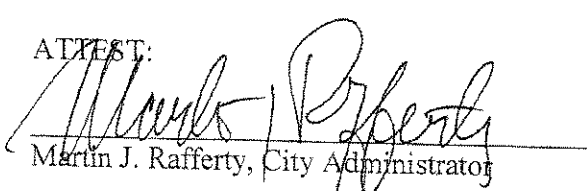
1. A site tax parcel area not less than 10 acres.
2. No existing permanent or newly constructed structures may be used. Tents are allowed.
3. Events limited to twice weekly and only during the months of May through October.
4. Attendance at events shall be limited to 250 people.
5. Compliance with City Code Ambient Noise standards.
6. All parking shall be off-street, and shall be set back and/or adequately screened from adjoining properties.
7. Limiting the hours for any event to 10:00 a.m. to 10:00 p.m. including take down activity. All event-related people must be off the site by 10:00 p.m.
8. On-site portable sanitation adequately sized for the events.
9. Prohibiting charging an admission fee for any commercial outdoor social event.
10. The lighting meets code and lights go off at 10:00 p.m..

This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 16th day of May, 2006.


Dean Johnston, Mayor

ATTEST:


Martin J. Rafferty, City Administrator

Published in the MAY 26, 2006 Lake Elmo Leader