

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 08-XXX**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
REMOVING THE MINIMUM LOT SIZE STANDARDS FOR CERTAIN SINGLE-  
FAMILY ATTACHED AND MILTI-FAMILY HOUSING**

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.452 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

**§ 154.452 LOT DEMENSIONS AND BUILDING BULK REQUIREMENTS.**

Lot area and setback requirements shall be as specified in Table 10-2: Lot Dimension and Setback Requirements.

**Table 10-2: Lot Dimension and Setback Requirements, Residential Districts**

|                                                | <i><b>LDR</b></i> | <i><b>MDR</b></i>                   | <i><b>HDR</b></i>                   |
|------------------------------------------------|-------------------|-------------------------------------|-------------------------------------|
| <b>Minimum Lot Area (sq. ft.)</b>              |                   |                                     |                                     |
| Single family detached dwelling                | 8,000             | 7,000                               | 5,000                               |
| Two-family dwelling (per unit) <sup>a</sup>    | 5,000             | 4,000                               | 3,000                               |
| Single-family attached (per unit) <sup>b</sup> | -                 | <del>4,000</del> <u>See note i.</u> | <del>2,500</del> <u>See note i.</u> |
| Multi-family dwelling (per unit)               | -                 | <del>4,000</del> <u>See note i.</u> | <del>1,800</del> <u>See note i.</u> |
| Secondary dwelling                             |                   | See 154.454(c)                      | See 154.454 (c)                     |
| Live-work unit                                 | -                 | -                                   | 3,600                               |
| Congregate housing                             | -                 | See 154.301(c)                      | See 154.301(c)                      |
| Manufactured home park                         | -                 | See 151.035-151.150                 | See 151.035-151.150-                |

|                                                        |                 |                 |                 |
|--------------------------------------------------------|-----------------|-----------------|-----------------|
| <b>Minimum Lot Width (feet)</b>                        |                 |                 |                 |
| Single family detached dwelling                        | 60              | 50              | 50              |
| Two-family dwelling (per unit) <sup>a</sup>            | 35              | 30              | 20              |
| Single-family attached (per unit) <sup>b</sup>         | -               | 25              | 20              |
| Multi-family dwelling (per building)                   | -               | 75              | 60              |
| Live-work unit                                         | -               | -               | 25              |
| <b>Maximum Height (feet)</b>                           | 35              | 35              | 50              |
| <b>Maximum Impervious Coverage</b>                     | 40%             | 50%             | 75%             |
| <b>Minimum Building Setbacks (feet)</b>                |                 |                 |                 |
| Front yard                                             | 25 <sup>c</sup> | 25 <sup>c</sup> | 20 <sup>c</sup> |
| Interior side yard <sup>e</sup>                        |                 |                 |                 |
| Principal Buildings <sup>f,g</sup>                     | 10              | 10              | 10 <sup>d</sup> |
|                                                        | <b>LDR</b>      | <b>MDR</b>      | <b>HDR</b>      |
| <b>Minimum Building Setbacks (feet)</b>                |                 |                 |                 |
| Interior side yard                                     |                 |                 |                 |
| Attached Garage or Accessory Structures <sup>f,g</sup> | 5               | 5               | 10 <sup>d</sup> |
| Corner side yard <sup>g,h</sup>                        | 15              | 15              | 15              |
| Rear yard                                              | 20              | 20              | 20              |

#### Notes to Urban Residential Districts Table

- Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit

measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.

- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- i. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City’s Comprehensive Plan.

**SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.502 is hereby amended by changing the following sections** (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

**§ 154.502 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.**

Lot area and setback requirements shall be as specified in Table 11-2: Lot Dimension and Setback Requirements.

**Table 11-2: Lot Dimension and Setback Requirements, VMX District**

|                                                | VMX                                          |
|------------------------------------------------|----------------------------------------------|
| <b>Minimum Lot Area (sq. ft.)<sup>a</sup></b>  |                                              |
| Non-Residential Use                            | None                                         |
| Single Family Detached Dwelling                | 5,000                                        |
| Two-Family Dwelling (per unit) <sup>b</sup>    | 3,000                                        |
| Single-Family Attached (per unit) <sup>c</sup> | <del>2,500</del> See notes a and h.          |
| Multi-Family Dwelling (per unit)               | <del>1,800</del> See notes a and h.          |
| Secondary Dwelling                             | See 154.454.C                                |
| Live-Work Unit                                 | 3,000                                        |
| Congregate Housing                             | See 154.454(c)                               |
| Other Structures                               | 3,500                                        |
| <b>Maximum Lot Area (acres)</b>                |                                              |
| Residential Structures                         | N/A                                          |
| Other Structures                               | 5                                            |
| <b>Minimum Lot Width (feet)</b>                |                                              |
| Single Family Detached Dwelling                | 50                                           |
| Two-Family Dwelling (per unit) <sup>b</sup>    | 30                                           |
| Single-Family Attached (per unit) <sup>c</sup> | 25                                           |
| Multi-Family Dwelling (per building)           | 75                                           |
| Live-Work Unit                                 | 25                                           |
| <b>Maximum Height (feet/stories)</b>           |                                              |
|                                                | 35/3 <sup>d</sup>                            |
|                                                | VMX                                          |
| <b>Maximum Impervious Coverage</b>             |                                              |
| Residential Structures                         | 75%                                          |
| Other Structures                               | No Limit                                     |
| <b>Minimum Building Setbacks (feet)</b>        |                                              |
| Front Yard <sup>e</sup>                        | See 154.452, 154.505 (A)(6) or 154.505(A)(7) |

|                                 |    |
|---------------------------------|----|
| Interior Side Yard <sup>f</sup> | 10 |
| Corner Side Yard <sup>g</sup>   | 0  |
| Rear Yard                       | 10 |

#### Notes to VMX District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the Village Mixed Use land use category.
- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Buildings up to 45 feet in height may be permitted as part of a PUD.
- e. The front yard setback for single family homes shall be 25 feet.
- f. Side yard setbacks in the VMX District apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.
- g. Corner properties: the side yard façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be shown in the table.
- h. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City’s Comprehensive Plan.

**SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.511 is hereby amended by changing the following sections** (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

#### **§ 154.511 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.**

Lot area and setback requirements shall be as specified in Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

**Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.**

|                                                          | <i>MU-C</i>                           | <i>MU-BP</i>                          |
|----------------------------------------------------------|---------------------------------------|---------------------------------------|
| <b>Minimum Lot Area (sq. ft.)<sup>a,c</sup></b>          |                                       |                                       |
| Single-family detached dwelling                          | 4,000                                 | 5,000                                 |
| Two-family dwelling (per unit)                           | 3,000                                 | 4,000                                 |
| Single-family attached dwelling (per unit) <sup>b</sup>  | <del>3,000</del> — <u>See note 1.</u> | <del>4,000</del> <u>See note 1.</u>   |
| Multifamily dwelling (per unit)                          | <del>1,500</del> <u>See note 1.</u>   | <del>2,200</del> — <u>See note 1.</u> |
| Secondary dwelling                                       | See Section 154.454 (C)               |                                       |
| Live-work unit                                           | 3,000                                 | 3,000                                 |
| Non-residential uses                                     | 20,000                                | 85,000                                |
| <b>Minimum Lot Width (feet)</b>                          |                                       |                                       |
| Single-family detached dwelling                          | 50                                    | 50                                    |
| Two-family dwelling (per unit)                           | 20                                    | 20                                    |
| Single-family attached dwelling (per unit) <sup>b</sup>  | 20                                    | 20                                    |
| Multifamily dwelling (per building)                      | 60                                    | 60                                    |
| Live-work unit                                           | 25                                    | 25                                    |
| Non-residential uses                                     | 100                                   | 200                                   |
| <b>Maximum Height (feet)<sup>i</sup></b>                 | 50                                    | 50                                    |
| <b>Maximum impervious coverage (non-shoreland areas)</b> | 75%                                   | 75%                                   |
| <b>Building setback requirements (feet)</b>              |                                       |                                       |
| <i>Residential uses</i>                                  |                                       |                                       |
| Front yard <sup>d</sup>                                  | 20                                    | 20                                    |
| Interior side yard <sup>f</sup>                          |                                       |                                       |

|                                                        |           |           |
|--------------------------------------------------------|-----------|-----------|
| Principal Buildings                                    | <u>7</u>  | <u>7</u>  |
| Attached Garage or Accessory Structures <sup>e,f</sup> | <u>5</u>  | <u>5</u>  |
| Corner side yard <sup>g</sup>                          | <u>10</u> | <u>10</u> |
| Rear yard                                              | 20        | 20        |
| <b><i>Non-residential uses</i></b>                     |           |           |
| Front yard <sup>d</sup>                                | 30        | 50        |
| Interior side yard <sup>j</sup>                        | 10        | 30        |
| Corner side yard <sup>g</sup>                          | 25        | 30        |
| Rear yard                                              | 30        | 30        |
| From Residential zones                                 | 50        | 150       |
| <b>Parking setback requirements (feet)</b>             |           |           |
| Front yard                                             | 15        | 30        |
| Interior side yard                                     | 10        | 15        |
| Corner side yard                                       | 15        | 30        |
| Rear yard                                              | 10        | 15        |
| From Residential zones                                 | 35        | 50        |

Notes to Mixed Use Commercial and Mixed Use Business Park Districts Table

- Common open space areas may be used in determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard also is used for multifamily dwellings.
- In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.

- e. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- f. Side yard setbacks shall apply to the ends of attached or two-family dwellings.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Attached garages and accessory structures on parcels on which single family homes are located may have a side yard setback of 5 feet.
- i. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- j. All accessory buildings for non-residential uses must be set back at least 10 feet from property lines.
- k. Ground mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section 154.308 (B).
- l. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City's Comprehensive Plan.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 5. Adoption Date.** This Ordinance 08-XXX was adopted on this \_\_\_\_\_ day of April, 2019, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-XXX was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.