



**STAFF REPORT**

DATE: August 7, 2019

**REGULAR**

ITEM #:

**TO:** City Council  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Screening and Trailer Parking Requirements in the Rural Residential Zoning District  
**REVIEWED BY:** Ken Roberts, Planning Director

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**BACKGROUND:**

The Planning Commission reviewed proposed City Code language for exterior storage and screening requirements on two occasions - June 10<sup>th</sup> and June 24<sup>th</sup> of 2019. The Commission specifically reviewed the code pertaining to screening requirements for trailer parking and firewood storage on site. At the last Planning Commission meeting Staff was looking for direction on final proposed amendments, and for a recommendation to bring forward to City Council. The proposed amendments from the Commission and Staff are included below.

**ISSUE BEFORE THE CITY COUNCIL**

Would the City Council like to adopt the proposed ordinance that amends screening and trailer parking requirements in Rural Residential zoning districts?

**REVIEW AND ANALYSIS:**

This report incorporates the final drafted language of the entire section (154.407). If the discussed section is amended, Staff also is recommending the repeal of Section 150.001 since each residential district has its own section addressing screening. Leaving section 150.001 in place will continue to cause conflicts for Staff and residents.

**Lake Elmo:**

Each residential district, Rural, Urban, and Village Mixed use has their own screening requirements. Those sections are 154.407, 154.456, and 154.507. Realizing that each district might have different expectations Staff has chosen to specifically focus in on the rural district (154.407). Below are the two sections of Code that would have influence over the rural district for screening requirements in the City. Staff has merged the two existing sections and combined aspects of other communities to create new language for the City (*see recommendation section of the report*).

**Existing City Code Language:**

**§ 154.407 ACCESSORY USES.**

A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:

1. Laundry drying
2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
3. Agricultural equipment and materials, if they are used or intended for use on the premises.
4. Off-street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section 154.102.  
*(This reference should be 210)*
5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.
6. Outdoor parking

**§ 150.001 PROHIBITED WITHOUT SCREENING.**

(A) *Storage of property in Agricultural and Residential districts.* All personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following:

- (1) Laundry, drying;
- (2) Recreational equipment commonly used in residential yards;

- (3) Construction and landscaping materials, and equipment currently (within a period of 6 months) being used on the premises;
- (4) Off-street parking of licensed operable passenger automobiles and pick-up trucks;
- (5) Boats and trailers less than 25 feet in length, if stored in the rear yard more than 10 feet distant from any property line;
- (6) Merchandise being displayed for sale in accordance with the provisions of the zoning code;
- (7) Farm implements in the AG Zoning District; and/or
- (8) Firewood storage for personal use.

Other communities do allow trailers to be stored on the driveway, side, and rear yard. Since number 4. Of section 154.407 says “Off-street parking and storage of vehicles and accessory equipment...” or number 6 “Outdoor parking” Staff is under the impression that trailers could be stored in the front yard as long as they were on an improved surface. These statements are fairly broad for the purposes of enforcing the nuisance code if outdoor parking were to become an issue. A very brief explanation of other Community codes are provided below.

Forest Lake: The location of the vehicles is limited to the setback requirements of accessory structures. Generally this means storage would not be allowed between the front of the home and the street. They allow firewood without screening in the side and rear yards.

Mounds View: Mounds View has a simple code in that it restricts recreational vehicles and equipment from being stored closer than 15 ft. to a paved surface of a public roadway.

Orono: They do allow for boats to be stored in the front yard (on the driveway) if it is on a trailer. However, they only allow utility trailers to be stored for a duration of 24 hours.  
*Staff Comment: Staff understands there is a visual difference between boat trailers and utility trailers (or other) but does not necessarily believe there needs to be different standards for different trailers.*

Woodbury: One trailer may be stored in the front yard as long as there is 15ft. of separation between the trailer and the curb. Firewood is allowed without screening only on the side and rear yard of the property.

**FISCAL IMPACT:**

Staff does not directly foresee a fiscal impact. However, amending the code may decrease the number of complaints received which would reduce Staff time dedicated to code enforcement.

**COMMENTS AND RECOMMENDATION**

The Planning Commission recommended approval of the code language below (with amendments shown in red) by a 6-0 vote. As proposed, the items listed would be allowed without screening in the rural zoning districts (A, RR, RT, RS, and RE). No parking of commercial trailers (semi) in residential districts is covered in Section 154.210 H. The attached ordinance provides a comprehensive look at what is proposed for removal and for addition to the City Code.

**Proposed Code Language:**

1. Laundry drying
2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
3. Agricultural equipment and materials, if they are used or intended for use on the property.
4. Off-street parking and storage of trailers 25ft in length or less as regulated in Article 7, Section 154.210, are licensed (when applicable) and kept in operable condition.
  - a. Trailers shall be licensed to a resident of the property.
  - b. Residential properties are allowed to store one trailer (boat trailer, snowmobile trailer, utility trailer, recreational vehicle, etc.) within the front yard. All other trailers must be stored either in the side or rear yard, and must be at least 5 ft. from all property lines.
  - c. All trailers must be stored on a durable surface with suitable drainage that is not subject to rutting and/or erosion.
  - d. Trailers must not be used as temporary or permanent storage of items as described in Chapter 96 of the City Code.

5. Firewood storage, for personal use only.
  - a. Firewood must be stacked in a stable manner, cannot exceed 5 feet in height, and stored only in the side or rear yards. In the case of properties with multiple street frontages, fire wood shall not be stored on a side that abuts a public street.

Staff understand that there may be residents with home occupations or in general may need to keep a piece of equipment or material on their trailer. It is the opinion of Staff that the chapter 96 reference in number 4 will not have a negative impact.

**Recommendation:** *Move to approve Ordinance 08-226 which amends the screening requirements and trailer parking for the Rural Residential zoning district and removes section 150.001.*

*Motion to approve resolution 2019-055 which is a summary publication for Ordinance 08-226*

## **ATTACHMENTS**

- Draft Ordinance 08-226
- Parking Requirements
  - Mounds View Code for Parking
  - City of Orono Code for Parking
  - Woodbury Code for Parking
  - Forest Lake Code for Parking
- Firewood Storage Requirements
  - Forest Lake Code for Firewood storage
  - Mounds View Code for Firewood storage
  - Woodbury Code for Firewood storage

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-226

AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF ORDINANCES  
BY REPEALING SECTION 150.001 AND AMENDING SECTION 154.407 BY ADDING  
ADDITIONAL STANDARDS AND CLARIFYING LANGUAGE FOR SCREENING  
REQUIREMENTS.

SECTION 1. The City Council of the City of Lake Elmo hereby repeals Title XV Land Usage:  
Chapter 150 General Provisions; Exterior Storage: 150.001 Prohibited Without Screening;

~~150.001 PROHIBITED WITHOUT SCREENING.~~

~~—(A) Storage of property in Agricultural and Residential districts. All personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following:~~

- ~~—(1) Laundry, drying;~~
- ~~—(2) Recreational equipment commonly used in residential yards;~~
- ~~—(3) Construction and landscaping materials, and equipment currently (within a period of 6 months) being used on the premises;~~
- ~~—(4) Off street parking of licensed operable passenger automobiles and pick up trucks;~~
- ~~—(5) Boats and trailers less than 25 feet in length, if stored in the rear yard more than 10 feet distant from any property line;~~
- ~~—(6) Merchandise being displayed for sale in accordance with the provisions of the zoning code;~~
- ~~—(7) Farm implements in the AG Zoning District; and/or~~
- ~~—(8) Firewood storage for personal use.~~

~~—(B) In non-residential districts, exterior storage of personal property may be permitted by conditional use permit provided the property is so stored for purposes relating to a use of the property permitted by the zoning code and will not be contrary to the intent and purpose of the zoning code. (1997 Code, § 1340.03)~~

~~—(C) Existing uses. Existing uses shall comply with the provisions of §§ 150.001 et seq. within a reasonable time, not to exceed 6 months following the enactment of this code. (1997 Code, § 1340.02) Penalty, see § 10.99~~

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use:  
Chapter 154 Zoning Code; Article XI Rural District: by amending Section 154.407 Accessory  
Uses;

**154.407 ACCESSORY USES.**

- A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:
1. Laundry drying
  2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
  3. Agricultural equipment and materials, if they are used or intended for use on the ~~premises~~Property.
  - ~~4. Off street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section 154.102.~~

4. Off-street parking and storage of trailers 25ft. in length or less as regulated in Article 7, Section 154.210, are licensed (when applicable) and kept in operable condition.

- a. Trailers shall be licensed to a resident of the property.
- b. Residential properties are allowed to store one trailer (boat trailer, snowmobile trailer, utility trailer, recreational vehicle, etc.) within the front yard. All other trailers must be stored either in the side or rear yard, and must be at least 5 ft. from all property lines.
- c. All trailers must be stored on a durable surface with suitable drainage that is not subject to rutting and/or erosion.
- d. Trailers must not be used as temporary or permanent storage of items as described in Chapter 96 of the City Code.

5. Firewood storage, for personal use only.

- a. Firewood must be stacked in a stable manner, cannot exceed 5 feet in height, and stored only in the side or rear yards. In the case of properties with multiple street frontages, fire wood shall not be stored on a side that abuts a public street.

~~5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.~~

~~6. Outdoor parking~~

B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length.

(Ord. 2012-073, passed 3-19-2013)

**SECTION 3. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 4. Adoption Date.** This Ordinance 08-\_\_\_ was adopted on this \_\_\_\_\_ day of \_\_\_ 2019, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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

ATTEST:

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

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

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

**RESOLUTION NO. 2019-055**

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-226 BY TITLE AND SUMMARY**

**WHEREAS**, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-226, an ordinance amending Section 154.406 as it pertains to accessory structure size limitations within the City; and

**WHEREAS**, the ordinance is lengthy; and

**WHEREAS**, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-226 to be published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-226, which amends the language in Section 154.407 as it applies to Screening Requirements in the Rural Residential zoning districts within the City of Lake Elmo.

- Residents are now allowed to store one trailer on their driveway in the front yard as long as the conditions of the ordinance are met.
  - a. Trailers shall be licensed to a resident of the property.
  - b. Residential properties are allowed to store one trailer (boat trailer, snowmobile trailer, utility trailer, recreational vehicle, etc.) within the front yard. All other trailers must be stored either in the side or rear yard, and must be at least 5 ft. from all property lines.
  - c. All trailers must be stored on a durable surface with suitable drainage that is not subject to rutting and/or erosion.
  - d. Trailers must not be used as temporary or permanent storage of items as described in Chapter 96 of the City Code.
- Firewood storage is no longer required to be screened from view, subject to the condition.
  - a. Firewood must be stacked in a stable manner, cannot exceed 5 feet in height, and stored only in the side or rear yards. In the case of properties with multiple street frontages, fire wood shall not be stored on a side that abuts a public street.

The full text of Ordinance No. 08-226 is available for inspection at Lake Elmo city hall during regular business hours.

**BE IT FURTHER RESOLVED** by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: August 7, 2019

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

ATTEST:

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

(SEAL)

**§ 153.145 EXTERIOR STORAGE IN RESIDENTIAL DISTRICTS.**

(A) All material and equipment related to and located on agricultural and residential property shall be stored within a building or fully screened, as required herein, so as not to be visible from streets, highways, or neighboring property except for the following:

- (1) Construction and landscaping materials and equipment currently being used on the premises;
- (2) Recreational, play, and laundry equipment, if these are used on the premises;
- (3) Off-street parking of licensed and operable passenger automobiles and pickup trucks. See § 153.260 for further requirements;
- (4) Motorized or non-motorized recreational vehicles. See § 153.260 for further requirements;
- (5) Agricultural equipment and materials in agricultural zoning districts;
- (6) Firewood piles that are neatly stacked and free from vermin shall be stored in the rear and side yards only. In the case of corner lots, both yards abutting a public right-of-way are considered a front yard.

(B) All parking and driveways to parking areas of multiple-family dwellings shall be screened, as required herein, from adjacent property. See §§ 153.125*et seq.* for further requirements.

(C) All parking and driveways to parking areas for non-residential uses in residential districts shall be screened, as required herein, from adjacent property. See §§ 153.125*et seq.* for further requirements.

(D) All multi-family structures shall be subject to the building design requirements in § 153.323

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

**§ 153.146 SCREENING.**

(A) *Types of screening materials.* Screening required in this chapter shall consist of: earth mounds, berms, or ground forms; fences and walls; or landscaping (plant materials) or landscaped fixtures (such as timbers), used in combination or singularly, so as to block direct visual access to an object from adjoining properties and public streets throughout the year.

(B) *Placement, height, and traffic visibility.* The screening required in this chapter shall not be less than 6 feet in height. All screening shall be approved by the city. On a corner lot, no screening or landscaping shall be placed in such a manner so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any driveway or street right-of-way. Visibility shall be unobstructed between a height of 3 feet and 10 feet above the center line grades of the intersecting driveways and/or streets, within a triangular area described as follows: beginning at the intersection of the edge of an intersecting driveway and/or curb line of an intersecting street right-of-way, thence to a point 30 feet along the edge of the intersecting driveway or curb line, thence diagonally to a point 30 feet from the point of beginning on the curb line of the intersecting street right-of-way.

(C) *Responsibility for screening.* The owner or occupant of the premises containing the use or features to be screened shall provide the required screening.

(D) *Approval for screening.* Plans for screening shall be approved in the site plan review process.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)



**§ 153.260 VEHICLES.**

(A) Vehicles, boats, trailers, and other equipment in an inoperable state and/or unlicensed shall not be parked and/or kept in any district, except in a location authorized by this chapter or in an enclosed building.

(B) Recreational vehicles, including but not limited to trailers, campers, motor homes, boats, pop-up campers, and trailers that transport snowmobiles, wave runners, ATV's, and the like are restricted as follows:

(1) Recreational vehicles exceeding 30 feet in length may not be stored in any residential district.

(2) No recreational vehicles or equipment shall be parked in the public right-of-way.

(3) Recreational vehicles exceeding 30 feet in length may be temporarily parked in residential driveways for a maximum of 72 hours for trip preparation and unloading purposes.

(4) Recreational vehicles shall be parked meeting accessory structure setback requirements.

(5) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes in any zoning district unless otherwise authorized by this chapter.

(6) This section does not apply to recreational vehicles offered for sale in any approved outdoor sales and display area of a motor vehicle or recreational equipment sales dealership.

(B) No more than 1.5 vehicles per licensed driver within the household may be stored on a residential parcel unless kept within an enclosed building. All vehicles shall be licensed to a member of the household. This does not pertain to guest parking.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

g. The outside storage of cut wood, unless all of the following requirements are satisfied: (Ord. 694, 3-11-02)

(1) Shall be stored in the side or rear yard. (Ord. 694, 3-11-02)

(2) Shall be stacked or secured in a stable manner so as to avoid collapse. (Ord. 694, 3-11-02)

(3) Shall not exceed five feet (5') in height. (Ord. 694, 3-11-02)

(4) Combined stacks shall not exceed a volume of five feet (5') high by ten feet (10') wide, by twenty five feet (25') long. (Ord. 694, 3-11-02)

(5) Shall not be closer than five feet (5') from side or rear property line unless screened by a solid fence or wall. (Ord. 694, 3-11-02)

h. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their fair market value or which are so situated as to endanger the safety of the public.

i. Any structure, or portion thereof, in a residential district whose exterior is not completed in accordance with City-approved construction plans within one hundred eighty (180) days after the date the City building permit was issued, whichever occurred first.

j. Any construction materials, including piles of dirt, sand, and sod, left on the property more than sixty (60) days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.

k. All buildings and all alterations to buildings made or erected in violation of fire codes concerning manner, materials or construction.

l. Any vehicle that deposits mud, dirt, sticky substances, litter or other material on any street or highway.

m. Any discarded construction material or other litter at a construction site which is not placed in an adequate waste container or which is allowed to blow around or off the site.

## CHAPTER 802

**PARKING REGULATIONS**

## SECTION:

802.01:	Definitions
802.02:	Public Parking
802.03:	No-Parking Zones
802.04:	Oversize Vehicle Parking
802.05:	Impeding Traffic
802.06:	Parking During Snow Accumulation
802.07:	Off-Street Parking
802.08:	Restricted Hours
802.09:	Parking Vehicles for Sale
802.10:	Vehicle Towing Provisions
802.11:	Violation of Provisions

802.01: **DEFINITIONS:** As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

- Subd. 1. **BOULEVARD:** That portion of any right of way of a public roadway, other than the paved surface of such roadway, which is not designated for use as an off-street parking facility.
- Subd. 2. **DESIGNATED OFF-STREET PARKING:** Any private garage or properly surfaced off-street parking facility as provided under Chapter 1121 of this Code.
- Subd. 3. **DRIVER:** Every person who drives or is in actual physical control of a motor vehicle.
- Subd. 4. **MOTOR VEHICLE:** Any vehicle propelled by motor and engine and commonly used upon the streets and highways.
- Subd. 5. **OWNER:** A person who owns a legal title to a vehicle.
- Subd. 6. **PARK, STAND or STANDING:** The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the receiving or discharging of passengers.

Subd. 7. **PERSON:** Every natural person, firm, co-partnership, association or corporation.

Subd. 8. **PUBLIC PARKING AREA:** All areas dedicated for public use and maintained by a political subdivision.

Subd. 9. **RECREATIONAL EQUIPMENT:** Any trailer, boat, snowmobile or other equipment mounted on a trailer and designed and primarily used for recreational purposes.

Subd. 10. **RECREATIONAL VEHICLE:** Any motor vehicle designed and primarily used for recreational purposes.

Subd. 11. **STOP:** Complete cessation from movement.

Subd. 12. **TRAILER:** Any nonmotorized vehicle designed for carrying property on its own structure and for being drawn by a motor vehicle.

Subd. 13. **TRUCK:** A motor vehicle with a gross weight classification of “G” (12,001 – 15,000 pounds) or higher, as identified on the license plate and specified in Minnesota Statutes. Ordinary pick-up trucks and passenger vans customary in residential districts with such a weight classification shall not be considered a TRUCK for purposes of this Chapter. (1988 Code §81.01; Ord. 886, 4-28-14)

802.02: **PUBLIC PARKING:** Unless permitted by an authorized parking sign, no person shall park, remain in or leave standing any motor vehicle in or upon any public park, bathing beach or public land, road or highway adjoining public waters. (1988 Code §81.02)

802.03: **NO-PARKING ZONES:** No person shall stop, stand or park a motor vehicle, except as otherwise provided or unless directed to do so by a police officer, on any street or highway where the Municipal Council has established by resolution a “no-parking zone”, and such zone is marked by a sign or a yellow curb. (1988 Code §81.02)

802.04: **OVERSIZE VEHICLE PARKING<sup>1</sup>:** No person shall allow any recreational equipment, recreational vehicle or truck to remain parked on a public street or highway within Mounds View for a period of more than two (2) hours per day. (1988 Code §81.02)

802.05: **IMPEDING TRAFFIC:** No person shall allow a motor vehicle to remain parked on public property when said motor vehicle impedes, impairs or prohibits the free flow of traffic

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<sup>1</sup> See also subdivision 802.07(4) and (5) of this Chapter and subdivision 1110.07(2) of the Code.

or prohibits maintenance or construction equipment from properly conducting their functions. (1988 Code §81.02)

802.06: **PARKING DURING SNOW ACCUMULATION:** No person shall park or permit to be parked any vehicle within any block on any public street when, within the preceding forty eight (48) hours, melting or blowing snow or a combination thereof has accumulated to a depth of three inches (3”) or more at street level anywhere within that block. Provided, however, that parking shall be permitted within any block of any public street where not otherwise prohibited whenever the entire length of the roadway of such block has been cleared of snow from curb to curb or, in the case of streets without curbs, between the outer edges of the shoulders of such streets. Any vehicle parked in violation of this Section may be removed as provided by Section 802.10 of this Chapter. (1988 Code §81.02)

802.07: **OFF-STREET PARKING:**

Subd. 1. Compliance with Zoning Provisions: The location, design and number of off-street parking facilities shall be as specified in Chapter 1121 of this Code.

Subd. 2. Parking in Yards: No person shall allow any motor vehicle or trailer to be parked in any yard adjacent to a public street, except in a designated off-street parking space.

Subd. 3. Parking in Boulevards: No person shall allow any motor vehicle or trailer to be parked upon the boulevard of a public roadway.

Subd. 4. Recreational Vehicles and Equipment<sup>1</sup>: No person shall allow any recreational vehicle or equipment to be parked off-street closer than fifteen feet (15') to the paved surfaces of a public roadway.

Subd. 5. Trucks<sup>2</sup>: No person shall allow any truck to be parked in any residential district, except as provided in Section 607.06. Subd.4 and Section 802.04. (1988 Code §81.02; Ord. 886, 4-28-14)

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<sup>1</sup> See also Section 801.04 of this Chapter and subdivisions 1110.064(4) and 1110.07(3) of this Code.

<sup>2</sup> See also Section 802.04 of this Chapter

## City of Orono

### Sec. 78-1577. - Exterior storage in R districts.

In all R districts, it is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas; including courtyards and the like, of the property and adjacent rights-of-way in a manner that complies with the following requirements. All recreational vehicles, mobile homes, camping trailers, motor homes, pickup coaches, travel trailers, special mobile equipment, and utility trailers shall meet the requirements of this Code. Additionally, all exterior storage must comply with subdivision (6) of this section.

(1) *Definitions:*

- a. *Blight* means a deteriorated condition, something that impairs or destroys.
- b. *Junk* means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic, or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, regardless of perceived market value or requiring reconditioning in order to be used for its original purpose.
- c. *Recreational vehicle. Mobile home and recreational vehicle* shall mean and include the following definitions, and shall not include any manufactured housing unit bearing a State of Minnesota manufactured housing seal or certificate, for uses including but not limited to those listed below:
  1. *Camping trailer* means a folding structure, mounted on wheels and designed for travel, recreation and vacation uses, also called a pop-up camper.
  2. *Motor home* means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
  3. *Pickup camper* means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
  4. *Travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer.
- d. *Special mobile equipment* means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging equipment, moving dollies, pump hoists and other well-drilling equipment, street sweeping vehicles, and other machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving equipment. The term does not include travel trailers, dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other motor vehicles designed for the transportation of persons or property to which machinery has been attached.
- e. **Utility trailer means** any motorless vehicle, other than a boat trailer or personal watercraft trailer, designed for carrying of snowmobiles, motorcycles, all terrain vehicles, or property on its own structure and for being drawn by a motor vehicle but shall not include boat trailers, a trailer drawn by a truck-tractor semitrailer combination, or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

- (2) *[Parking regulated.]* Parking of recreational vehicles, mobile homes and utility trailers shall be regulated as follows:

- a. It is unlawful for any person to park a mobile home or recreational vehicle upon public property for human habitation
  - b. It is unlawful for any person to park or store a utility trailer, mobile home, recreational vehicle in any "R" district for more than 24 hours, except in a side or rear yard at least five feet from any property line.
  - c. It is unlawful to use a mobile home or recreational vehicle for human habitation on any private property for more than 72 hours without a permit from the city.
- (3) *Vehicle storage.* All vehicles parked or stored on any property within the city shall be operable and currently licensed. The parking of vehicles, other than recreational vehicles, in "R" districts is regulated as follows:
- a. Parking of vehicles other than recreational vehicles, with a maximum gross vehicle weight (GVW) of 14,000 pounds or less is allowed in all "R" districts.
  - b. Parking of vehicles in "R" districts in excess of 14,000 pounds GVW has the potential to create negative impacts on the surrounding neighborhood. These impacts may include noise (from operation as well as maintenance of vehicle); vibration; glare; odors; soil/water contamination (from dripping, washing, etc.); hazards to pedestrians by way of proximity, especially on private roads; wear and tear on local or private roads; propensity to offload remaining cargo on site at end of day; and visual incompatibility with the character of a neighborhood. Such use may be acceptable under certain conditions in zoning districts where lot areas are generally two acres or larger. Therefore, parking of such vehicles requires each of the following conditions be met:
    - 1. Property owner must be vehicle owner or operator.
    - 2. Vehicle must be set back 50 feet from property lines.
    - 3. Vehicle must not be visible from neighboring properties and public streets; vegetative screening is preferred.
    - 4. Maintenance of said vehicle shall occur within an enclosed building.
    - 5. The vehicle shall not constitute a nuisance at any time.
    - 6. In a shared driveway situation, the applicant shall demonstrate that the appropriate easement exists.
    - 7. Minimum lot size of five acres. For any property at least two acres but less than five acres in area, where it can be shown that prior to the effective date of this section such a vehicle was previously stored on a regular basis prior to and after January 1, 2004, a vehicle storage permit may be granted if the above conditions a. through f. are met, subject also to the following limitations:
      - i. A vehicle storage permit may only be issued for properties within the RR-1B, RR-1A, and LR-1A zoning districts.
      - ii. Such permit shall be granted only to the current property owner and only for the specific vehicle applied for. The current owner may replace the vehicle in kind, but shall not add other such vehicles. Any replacement vehicle must be registered with the city within 30 days to transfer its permitted status.
      - iii. This permit shall not apply to subsequent property owners, subsequent property owners shall not be considered as having a grandfathered permit by virtue of their predecessor's permit.
      - iv. This permit shall automatically and permanently expire if the vehicle storage is voluntarily discontinued for a period of one year.
- (4) *[Storage of boats and boat trailers.]* Boats, unoccupied boat trailers, and boats on trailers shall be subject to the following storage requirements when not stored for commercial purposes:

- a. *Licensing, operability and restorations.* All boats stored outside on a residential property shall be licensed to the owner or occupant of the property. All boats stored on a property shall be in operable condition, except that inoperable boats under active restoration may be stored on a property for not more than two years, the intent being to discourage the long-term storage of inoperable boats on residential property.
  - b. **Principal residence required.** No boat shall be stored on a property or on a group of contiguous commonly owned properties that does not contain a principle residence structure.
  - c. **Maximum length.** Boats and unoccupied boat trailers exceeding 30 feet in length shall not be stored on any residential property except within a fully enclosed building meeting all applicable zoning and building code standards. Exception: Existing boats over 30 feet in length which are documented to have been stored on the property within the 24 months prior to the effective date of the ordinance from which this section is derived shall be allowed to continue such storage practice until the property is sold, and shall meet the setback requirements of this section.
  - d. **Allowed storage locations.** Boats and unoccupied boat trailers up to 30 feet in length may be stored outside on residential property as follows:
    1. **Lakeshore lots.** Boats may be stored in a side yard, street yard, side street yard and lakeshore yard as long as they meet required setbacks and have no significant impact on lake views enjoyed by adjacent neighbors.
    2. **Nonlakeshore lots.** Boats maybe stored in a side yard and rear yard; trailerable boats may be stored on trailers in a driveway in a front yard or side street yard.
  - e. **Required setbacks.** Boats and unoccupied boat trailers shall be stored no less than five feet from any lot line and no less than 15 feet from the principal residence structure on any adjacent lot.
  - f. *Screening.* Screening is not required for outside boat storage when in conformance with this section. If boats are shrink wrapped, white is the preferred color but is not mandatory.
  - g. *Dispute resolution.* Complaints regarding boats stored in lakeshore yards and potentially impacting a neighbor's views of the lake will be referred to a dispute resolution committee, consisting of the planning director, the building official, and a member of the planning and zoning staff.
- (5) *[Prohibited parking or storage.]* Outdoor parking or storage of special mobile equipment as defined in this section shall be prohibited in any "R" district.
  - (6) *Prohibited material storage.* Any violation of this section is subject to abatement upon seven days' written notice to the owner of private premises on which such material is found or any conditions in violation of this code section exist. The owner of the property will be determined as shown by the records of the office of the county recorder. The city may remove such matter or correct any conditions in violation, and certify the cost of such removals or corrections as any other special assessment. Additionally, the city may also seek injunctive relief for violation of this section. Owners of private property shall remove and keep removed from all exterior areas of all residential properties the following items:
    - a. *Pest harborage.* All exterior property shall be free from rodent harborage and infestation. Boxes, lumber, scrap metal, and similar materials shall not be allowed to accumulate outside a structure in a manner that attracts an infestation of pests. Materials permitted and approved for exterior storage shall be neatly stacked.
    - b. *Trash and debris.*
      1. All household garbage, offal, dead animals, animal and human waste, and waste materials.



2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, plastic bags or trash.
  3. Accumulations of clothing and any other items not designed for outdoor storage.
- c. *Non-trash items.*
1. Accumulations of wood pallets.
  2. Accumulations of vehicle parts or tires.
  3. All construction and building materials unless such materials are being used at the time in the construction of a building, in which case such construction must be permitted and on a continuous, uninterrupted basis.
  4. All appliances or appliance parts.
  5. All indoor or upholstered furniture of a type or material which is deteriorated by exposure to outdoor elements.
  6. All recycling materials except for reasonable accumulations, amounts consistent with a policy of regular removal, which are stored in a well-maintained manner according to Chapter 50 and Chapter 54.
  7. All other non-trash items which:
    - (i) Are of a type or quantity inconsistent with normal and usual use; or
    - (ii) Are of a type or quantity inconsistent with the intended use of the property; or
    - (iii) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.
- d. *Fertilizer and burial of waste.* No person shall leave, deposit, or cause to be placed on any private ground any garbage, sewage, waste, debris, carcass, or other substance or matter which is offensive or unhealthy by decomposition unless the same be buried at least three (3) feet under the surface of the ground; provided, that the use of manure and phosphorous free fertilizer in the normal course for agriculture or horticulture is permitted.

(Code 1984, § 10.60(13); Ord. No. 206 2nd series, § 1, 9-10-2001; Ord. No. 4 3rd series, § 2, 11-11-2003; Ord. No. 21 3rd series, § 1, 11-8-2004; Ord. No. 29 3rd series, §§ 1—3, 10-24-2005)

Sec. 24-255. - Recreational equipment in residential areas.

In residential districts recreational equipment up to 24 feet in length may be parked or stored outdoors as follows:

- (a) One piece of recreational equipment per dwelling unit. When recreational equipment is on a trailer, the trailer and piece of recreational equipment shall be considered as one. Measurement does not include tongue of trailer or motor (if applicable).
- (b) On any rear or side lot not within five feet of the lot line on concrete or blacktop.
- (c) In the front lot, not within 15 feet of the curb on concrete or blacktop.
- (d) Recreational equipment may not be parked or stored on a public street.
- (e) Recreational equipment shall be maintained in good condition and currently licensed if applicable.

(Ord. No. 1863, § 1863.01, 10-24-2012; Ord. No. [1957](#), § 11, 12-12-2018)

Sec. 24-239. - Location of parking areas and additional parking criteria.

*Residential:*

- (a) Spaces accessory to one- and two-family dwellings shall be located on the same lot as the principal use served.
- (b) Spaces accessory to multiple family dwellings shall be located on the same lot as the principal use served or within 300 feet of the main entrance to the principal building served.
- (c) Vehicle parking on single-family attached and single-family detached parcels shall comply with the following:
  - (1) All portions of a vehicle shall be located on the dwelling side of a curb.
  - (2) Vehicles shall not obstruct a trail or sidewalk.
  - (3) Vehicles shall be located on an approved parking surface as referenced within section 24-240.
- (d) Vehicles parked/stored outdoors shall have license plates visible at all times.

*Non-residential:*

- (a) When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed, easement or long-term lease, of the subject property. The owner shall file a recordable document with the city council requiring the owner and his heirs and assigns to maintain the required number of his/her off-street spaces during the existence of the principal use.
- (b) Off-street parking spaces shall not be utilized for overnight parking, camping and/or sleeping, storage of goods and/or equipment, or for the storage of vehicles unless approved by the zoning administrator.
- (c) Parking shall not be allowed in areas that are not designated for off-street parking.
- (d) Parking areas may not be used for snow storage unless approved by the zoning administrator through a snow storage plan.

(Ord. No. 1863, § 1863.01, 10-24-2012; Ord. No. [1957](#), § 6, 12-12-2018)

Sec. 24-254. - Exterior storage.

- (a) *Residential districts.* All materials and equipment shall be stored within a building or be fully hidden with a solid fence or wall not less than five feet in height so as not to be visible from adjoining properties except for the following in good order.

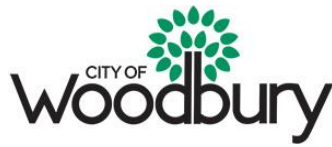
*Exceptions:* The following items which are in use, or usable, and in good condition, are exempt:

- (1) Clothes lines or similar.
- (2) Recreational equipment in compliance with section 24-255.
- (3) Outdoor cooking grills and the like.
- (4) Play structures.
- (5) Construction and landscaping materials and equipment currently being used on the premises.

*Exception:* Materials and equipment located outdoors and in view in excess of six months.

- (6) Agricultural equipment and materials, located on permitted agricultural use property, if they are used or intended for use on the premises.
  - (7) *Firewood.* Firewood shall be located outside of easements, at least five feet from property lines and within side and rear yards only. Firewood shall not exceed three feet in length. Quantities larger than one cord shall be fully hidden (see above) from adjacent properties.
  - (8) Rain barrels, meaning a storage container that holds rain water for reuse including a manufactured, built-in outlet, spigot or faucet for draining and use of the stored water.
  - (9) One storage container, with gate(s)/door(s), not exceeding five feet in height and 25 square feet in area. Containers shall be located outside of easements, at least five feet from property lines and within side and rear yards only.
  - (10) Outdoor furniture. Outdoor furniture may include up to two deck boxes.
  - (11) Hose and/or hose reel when adjacent to an exterior faucet and neatly kept.
  - (12) Lawn, garden, and holiday ornamentation.
- (b) *Nonresidential districts.* All exterior storage shall be fully hidden from view. Merchandise on display without a permit is considered exterior storage and is prohibited except where specifically allowed by zoning district regulations.

(Ord. No. 1863, § 1863.01, 10-24-2012; Ord. No. [1957](#), § 10, 12-12-2018)



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## City Code Frequently Asked Questions

### **Can I park a Recreational Vehicle, boat, trailer, etc. on my property?**

One recreational vehicle or piece of equipment up to 24 feet in length may be stored outdoors. If equipment is on a trailer, the trailer and equipment shall be considered as one. Equipment must be setback 15 feet from the curb, five feet from the side and five feet from the rear property lines. Recreational vehicles and equipment shall be on an established driveway surface, such as concrete or blacktop.

### **Are there any ordinances affecting the placement of play structures, etc.?**

Swing sets, sandboxes, play structures, dog kennels, concrete slabs, satellite dishes and similar structures shall be at least five feet from side and rear lot lines, and may not be within the front yard.

### **Can I store my trash can in the driveway?**

All trash containers and recycle bins shall be stored indoors, or be fully screened from view.

### **I would like to expand my driveway. Are there any ordinances affecting this?**

Driveways shall be a minimum of 10 feet in width, with a maximum width of 30 feet at the property line. Driveways within the R-4 zoning district shall be constructed of plant mixed bituminous or concrete surface. Driveways shall be set back at least five feet from side and rear lot lines.

### **Can commercial equipment be parked in residential areas?**

Commercial vehicles and equipment may not be parked or stored in a platted residential district except when loading, unloading or rendering a service. This includes vehicles over three-quarter ton capacity, maximum 8000 pounds GVW, and commercial trailers.

### **My neighbor has a dismantled lawnmower, ladders, and old appliances in his backyard. Can he store these things outside?**

All materials and equipment shall be stored within a building, or be fully screened by a five foot fence, so as not to be visible from adjoining properties.

Exceptions:

- Laundry drying. Recreational equipment. Construction and landscaping materials. Equipment currently being used on the premises. Agricultural equipment and materials, if they are used or intended for use, on the premises.
- Off-street parking of passenger vehicles and pickup trucks on approved surfaces.
- Firewood must be five feet from property lines and in side or rear yards only. Quantities over one cord must be fully screened from view.

### **Do I need a permit to put up a fence?**

A Permit is not required to build a fence. See Fence Ordinance summary on website.

<http://www.ci.woodbury.mn.us/images/stories/building-docs/fenceordinancesummary.pdf>

**Each development may have its own private covenants that may be more restrictive than the city's ordinances. The Homeowner Association is responsible for enforcing the development's private covenants.**