



**STAFF REPORT**  
**DATE: 1/5/2021**

**TO:** City Council  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Zoning Code Clean Up – Proposed Ordinance Amendments  
**REVIEWED BY:** Ken Roberts, Planning Director

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**BACKGROUND:**

The City Zoning Code has been amended over the years which has resulted in the need to adjust text and references for clarification purposes. The Planning Department asked the Planning Commission to review the proposed edits at a public hearing on December 14, 2020. Comments from the Planning Commission were incorporated into the report. Now the City Council is being requested to review the recommended code changes.

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**ISSUE BEFORE THE CITY COUNCIL**

The City Council is being asked to review and approve the proposed ordinance amendments.

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**REVIEW AND ANALYSIS:**

Sections for review:

- 154.103 B. 1.
- 154.400
- 150.451 Table 10-1
- 154.501
- 154.550
- 154.600 & 154.212

**Section 154.103**

This section outlines the expectation of what uses or structures are required to be reviewed under a certificate of zoning compliance. City Staff believes the current language is slightly confusing because there is a pool permit, fence permit, driveway permit, etc. application on the City website. For example, when comparing the certificate of zoning compliance to the pool permit it is much more appropriate for residents to use pool permit application. There is no need for a resident to complete both a pool permit application and a certificate zoning compliance when installing a pool. Staff would like residents to understand that a certificate of zoning compliance may not be the correct permit for their project.

**Existing Code**

B. Certificate of Zoning Compliance. A certificate of zoning compliance is a zoning permit that is intended as a means of administratively reviewing a new use, change in use, or structural change that does not require a building permit.

1. When Required. A certificate of zoning compliance is required for the following activities:
  - a. A new use classification within an existing building or structure;
  - b. A change of use classification within an existing building or structure;
  - c. Addition, removal or change in parking or other on-site improvements;
  - d. Small accessory structures that do not require a building permit;
  - e. Swimming Pools;
  - f. Antennas, including amateur radio antennas and wireless communications facilities that meet the criteria for administrative review in §150.111(C);
  - g. Fences six feet and less in height;
  - h. Driveways that are not authorized as part of an approved building permit;
  - i. Storm water management activities and structures not otherwise permitted as part of a development application;

- j. Other situations requiring additional review or interpretation, as specified elsewhere in this ordinance.

Recommended amendment.

“B. Certificate of Zoning Compliance...

1. When Required. A certificate of zoning compliance or other City issued permit is required for the following activities:”
  - c. Addition, removal or change in parking or other on-site improvements including patios;
  - f. Tennis Courts, Sport Courts, or other similar improvement;
  - k. Other situations or improvements requiring additional review or interpretation, as specified elsewhere in the ordinance.

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**Section 154.400**

The 2040 Comprehensive plan states (*Ch. 3. Existing Land Use Definitions pg. 3-6*) “*This land use designation identifies land that was platted for conventional subdivision prior to 2005, and includes large lots that are primarily serviced by private on-site well and septic system.*” Because of this, Staff believes it would be appropriate to also adjust the language in the description section of the Rural Single Family (RS) zoning district. The amendment is an attempt to clarify the intent of the 2040 Comprehensive Plan, it is likely that no new lots will be zoned or rezoned to RS.

Recommended Amendment.

**D. RS Rural Single Family District.** The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. ~~This district provides an environment of predominantly single family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services.~~ Only lots which were a part of a subdivision prior to and up to 2005 are eligible for rezoning to RS.

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**Section 154.451**

The line in table 9-1, 10-1, 11-1, and 14-1 regarding swimming pools either makes no reference or makes a reference to section 154.012 B. (13) or 154.310 (C). Section 154.012 B. does reference swimming pools but it is more of a definition than a standard and this language is the same language used in Chapter 11 to define what a swimming pool is (stated below), and section 154.310 (C) is a reference for Solar Energy Systems. Instead the standard should reference Section 151.085 which is specific to outlining the expected standards for swimming pools.

The City Defines a swimming pool as: (*Any pool meeting or exceeding the listed requirements will need a pool permit.*)

“*Swimming Pools. Any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.*”

Proposed amendment to Table 10-1

<b>Accessory Uses</b>					
District	GCC	LDR	MDR	HDR	Standards
Swimming pools, hot tubs, and the like	P	P	P	P	<del>154.310 (C)</del> 151.085

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**Section 154.502**

Staff is confused as to why there is a maximum lot size for developments in the VMX district. At this point the only reasoning that Staff could determine is that perhaps the City wanted to limit the potential size of an individual business or development in the VMX district. However, if the creamery property were to develop with the old lumber yard the lot could exceed 5 acres. The City should not discourage developers to keep properties separate for sake of skirting around this section of the code. There are also other properties zoned as VMX which are currently over 5 acres. Staff believes this could pose issues down the line when these properties come to develop or re-develop. From a high level perspective it would not seem appropriate to force a variance or PUD request for their development. Furthermore, to use a PUD the minimum lot requirement is 5 acres for un-developed properties and

2 acres for developed properties (Section 154.753 A.). To resolve this, Staff is proposing to drop the maximum lot size for developments in the VMX district by removing the maximum lot size requirement.

Table 11-2 outlines the expectations for lot size and use in each district.

Maximum Lot Area (acres)	V-LDR	VMX
Residential Lots	N/A	N/A
Other	N/A	<del>N/A</del>

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### **Section 154.212, Section 154.550, and Section 154.600 B. 2**

When it comes to religion the City Code currently uses two descriptors for more or less the same reason. Staff does not believe there is a need for both definitions due to the potential to unnecessarily make certain situations confusing. Staff is recommending the removal of “Places of worship” and replace it with “Religious Institutions.”

#### **Chapter 11 in American Legal**

*Place of Worship.* A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

#### **Definition in 154.012 Zoning Use B. 2.**

*Religious Institutions.* Establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker’s housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

### **Section 154.212**

Proposed amendment to 154.212 F. 2. B. iv.

“iv. Directional signs to ~~places of worship~~ Religious Institutions, schools, parks and public buildings within the City...”

### **Section 154.550**

In the description section for the commercial districts religious institutions are listed as an allowed use within the Convenience Commercial District (CC). However, religious institutions are not listed as an allowed use in Table 12-1 which identifies if the use can be a permitted, conditional, or interim use. A similar scenario has occurred in the past and it has caused confusion as to if the use is actually allowed. At this point Staff is recommending that the phrase “religious institution” be removed from the description. There are only two properties in Lake Elmo zoned as CC which are both fuel stations. One of them being at the corner of Manning and Stillwater Blvd. and the other at 10<sup>th</sup> St. and Lake Elmo Ave. Religious institutions are allowed in the Village Mixed Use, Commercial, and Public Facility Zoning District.

*Proposed amendment to Section 154.550*

*B. CC Convenience Commercial District. The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, ~~religious institutions~~, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.*

### **Section 154.600 B. 2**

The City of Lake Elmo uses the phrase “Religious Institution” to identify any place where “worship” would take place in all districts (where referenced) except the Public Facility Zoning District. Instead the Public Facility District uses the identifier of “Place of Worship.” Staff does not understand why there would need be two categories to

identify the same outcome. Furthermore, Religious Institution is only used in the zoning code where the Place of Worship is only identified in American Legal. Staff also recommends adding Religious Institutions into American Legal and removing Place of Worship. Place of Worship is also referenced in the sign code, which is recommended to be replaced with Religious Institution.

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**FISCAL IMPACT:**

None.

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**RECOMMENDATION**

**Options:**

Approve resolutions as presented

Approve the resolutions with amendments

Deny the drafted resolution(s)

**Planning Commission:**

The Planning Commission reviewed the proposed amendments and recommended approval on December 14, 2020.

**Staff recommendation:**

There are multiple resolutions under review and if the Council would like to approve the amendments they will need to address them individually.

Staff is recommending that the City Council approve, as part of the consent agenda ordinance 08-241 which outlines the need for specific permits, 08-242 which aligns the RS zoning district description with the 2040 comprehensive plan, 08-243 which correctly references the swimming pool standard, 08-244 which removes the maximum lot size requirement for the VMX District, and 08-245 which removes the “Place of Worship” definition and replaces it with “Religious Institutions.” The drafted resolutions that amend the various sections of the zoning code.

If removed from the consent agenda, the recommended motion for the action is as follows:

***“Motion to approve the drafted ordinances for the zoning code as presented”***

***“Motion to approve summary publication of the zoning code amendments with resolution 2021-004”***

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**ATTACHMENTS**

- Proposed Ordinances and Resolutions

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

**ORDINANCE NO. 08-241**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING SECTION 154.103 TO CLARIFY THE PERMITTING EXPECTATIONS FOR CERTAIN STRUCTURES AND PROJECTS.**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article V. Zoning Administration and Enforcement: by amending Section 154.103 B. 1.); (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language):**

B. Certificate of Zoning Compliance. A certificate of zoning compliance is a zoning permit that is intended as a means of administratively reviewing a new use, change in use, or structural change that does not require a building permit.

1. *When Required.* A certificate of zoning compliance or other City issued permit is required for the following activities:

- a. A new use classification within an existing building or structure;
- b. A change of use classification within an existing building or structure;
- c. Addition, removal or change in parking or other on-site improvements including patios;
- d. Small accessory structures that do not require a building permit;
- e. Swimming Pools;
- f. Tennis Courts, Sport Courts, or other similar improvement;
- g. Antennas, including amateur radio antennas and wireless communications facilities that meet the criteria for administrative review in §150.111(C);
- h. Fences six feet and less in height;
- i. Driveways that are not authorized as part of an approved building permit;
- j. Storm water management activities and structures not otherwise permitted as part of a development application;
- k. Other situations or improvements requiring additional review or interpretation, as specified elsewhere in this ordinance.

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-241 was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2021, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance 08-241 was published on the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

**ORDINANCE NO. 08-242**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING THE PURPOSE AND DESCRIPTION SECTION FOR THE RURAL SINGLE FAMILY ZONING DISTRICT.**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XI. Rural Districts: by amending Section 154.400 Purpose D: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)**

D. *RS Rural Single Family District.* The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. ~~This district provides an environment of predominantly single family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services. Only lots which were part of a subdivision prior to and up to 2005 are eligible for re-zoning to RS.~~

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-242 was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2021, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Charles Cadenhead, Mayor

ATTEST:

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

This Ordinance 08-242 was published on the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

**ORDINANCE NO. 08-243**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING ALL APPLICABLE ZONING TABLES TO APPROPRIATELY REFERENCE  
SWIMMING POOL STANDARDS, A PERMITTED ACCESSORY USE**

**SECTION 1. 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 154.401 table 9-1: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)**  
Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Solar Energy Systems	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	<del>154.012 (B) (12)</del> <u>151.085</u>
Temporary Sales	P	P	P	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
<b>Open Space Preservation Development</b>						
OP Development	-	C	C	-	-	Article 16

**SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XII. Urban Districts: by amending Section 154.451 table 10-1: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)**  
Table 10-1: Permitted and Conditional Uses, Residential Districts

	GCC	LDR	MDR	HDR	Standards
<b><i>Accessory Uses</i></b>					
Home occupation	P	P	P	P	154.310 (E)
Bed and breakfast	P	P	P	P	154.310 (A)
Domestic pets	P	P	P	P	
Family day care	P	P	P	P	154.012 (12) (b)
Group family day care	-	C	C	C	154.012 (12) (b)
Temporary sales	P	P	P	P	154.456 (I)
Parking facility	-	-	-	C	



Solar equipment	P	P	P	P	154.456 (I)
Swimming pools, hot tubs, and the like	P	P	P	P	<del>154.310</del> <del>(C)151.085</del>

**SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XIII. Village Mixed Use District: by amending Section 154.501 table 11-1: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)**

Table 11-1: Permitted and Conditional Uses, Village Districts

<b>Accessory Uses</b>			
Home Occupation	P	P	154.310 (E)
Bed and Breakfast	P	P	154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	-	C	
Temporary Sales	P	P	154.509 (G)
Parking Facility	-	P	154.505 (H) (7)
Solar Equipment	P	P	154.310 (C)
Swimming Pools, Hot Tubs, Etc.	P	P	<u>151.085</u>
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

**SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XVI. Mixed Use Commercial And Mixed Use Business Park District: by amending Section 154.510 table 14-1: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)**

Table 14-1: Permitted, Conditional and Interim Uses, Mixed Use Commercial and Mixed Use Business Park Districts

<b>Accessory Uses</b>			
Home Occupation	P	P	154.012 (B) (13) and 154.310 (E)
Bed and Breakfast	P	P	154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	P	P	
Temporary Sales	P	P	154.509 (G)
Parking Facility	P	P	
Outdoor Storage	C	-	
Outdoor Display	C	-	
Solar Energy System	P	P	154.310 (C)
Wind Generator – Ground Mounted	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	154.308 (B)
Swimming Pools, Hot Tubs, Etc.	P	P	<u>151.085</u>
Other Structure Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 6. Adoption Date.** This Ordinance 08-243 was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2021, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance 08-243 was published on the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

**ORDINANCE NO. 08-244**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING TABLE 11-2 WHICH WILL REMOVE THE MAXIMUM LOT  
REQUIREMENT FOR THE VILLAGE MIXED USE DISTRICT (VMX)**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XIII. Village Mixed Use District: by amending Section 154.502 Lot Dimensions and Building Bulk Requirements Table 11-2: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)**

Table 11-2: Lot Dimensions and Setback Requirements, Village Districts

	V-LDR	VMX
<b>Minimum Lot Area (sq. ft.) <sup>a</sup></b>		
Non-Residential Use	-	None
Single Family Detached Dwelling	9,000	9,000
Two-Family Dwelling (per unit) <sup>b</sup>	-	3,000
Single-Family Attached (per unit) <sup>c</sup>	-	See notes a and h.
Multi-Family Dwelling (per unit)	-	See notes a and h.
Secondary Dwelling	-	See 154.454 (C)
Live-Work Unit	-	3,000
Congregate Housing	-	154.301 (C)
Other Structures	-	3,500
<b>Maximum Lot Area (acres)</b>		
Residential Lots	N/A	N/A
Other	N/A	<del>5</del> N/A

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-244 was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2021, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance 08-244 was published on the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

**ORDINANCE NO. 08-245**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING CODE TO REMOVE THE REFERENCE OF PLACES OF WORSHIP AND  
REPLACE IT WITH RELIGIOUS INSTITUTIONS**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I General Provisions: Chapter 11: by repealing Places of Worship within Section 11.01 Definitions and replacing it with Religious Institutions: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)**

~~**PLACE OF WORSHIP.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.~~

**Religious Institutions.** Establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

**SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article VII. General Regulations: by amending Section 154.212 Sign Regulations F. General Sign Regulations 2. b) iv: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)**

- b. *Signs on Public Property.* No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:
- i. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public; or
  - ii. A sign erected in conformity with subparagraph (a.ii) of this subsection
  - iii. Subdivision identification signs, provided an encroachment and license agreement is obtained from the appropriate jurisdiction.
  - iv. Directional signs to ~~places of worship~~ Religious Institutions, schools, parks and public buildings within the City not to exceed four square feet subject to the approval of the road authority. Not more

**SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XIV. Commercial Districts: by amending Section 154.550 Purpose and Districts Descriptions: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)**

B. *CC Convenience Commercial District*. The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, ~~religious institution~~ transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.

**SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XVI. Public and Semi-Public Districts: by amending Section 154.600 B.: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)**

Section 154.600

B. *Uses Allowed by Conditional Use Permit*. In addition to the specific standards and criteria which may be cited below for respective uses, each application shall be evaluated based on the standards and criteria set forth in §§ 154.106 of this code. Uses allowed herein that are in existence within the city at the effective date of this chapter may continue the use as a permitted use. The following uses are conditionally permitted in the PF Zoning District:

1. Cemeteries, provided that:
  - a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial; and
  - b. No mausoleum, crematorium, or other structure is permitted, except a 1-story tool or storage shed of 160 square feet floor maximum floor area.
2. ~~Places of worship~~ Religious Institutions, provided that:

**SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XVI. Public and Semi-Public Districts: by amending Section 154.600 F.: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)**

Section 154.600 F. Performance Standards.

2. *Parking*. Each site shall be provided with off-street automobile parking as follows:
  - a. ~~Places of Worship~~ Religious Institutions. One space for each permanent and temporary 4 seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings and uses shall be subject to additional requirements that are imposed by the city code.

**SECTION 6. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 7. Adoption Date.** This Ordinance 08-245 was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2021, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance 08-245 was published on the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

**RESOLUTION NO. 2021-004**

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-241,  
ORDINANCE 08-242, ORDINANCE 08-243, ORDINANCE 244, AND ORDINANCE 08-  
245**

**WHEREAS**, the Lake Elmo City Council has adopted Ordinance No. 08-241, Ordinance No. 08-242, Ordinance No. 08-243, Ordinance No. 08-244, and Ordinance No. 08-245 ordinances amending the City's Zoning Code language in Sections 153.103, Section 154.400, Section 154.451, Section 154.501, and Section 154.550.

**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. 08-241, Ordinance No. 08-242, Ordinance No. 08-243, Ordinance No. 08-244, and Ordinance No. 08-245 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. 08-241, Ordinance No. 08-242, Ordinance No. 08-243, Ordinance No. 08-244, and Ordinance No. 08-245, which amends the City Code language in multiple sections to correct references and remove outdated language. The following is a summary of the adopted ordinance language:

Ordinance 08-241 (City Code Section 154.103)

- Clarifies the type of permit that will be required for a property improvement that does not require a building permit.

Ordinance 08-242 (City Code Section 154.400)

- The ordinance amends the definition of the Rural Single Family (RS) Zoning District within the Zoning Code so that it will align with the 2040 Comprehensive Plan. This means lots platted after 2005 are not allowed to be zoned/re-zoned to RS.

Ordinance 08-243 (City Code Sections 154.401, 154.451, 154.501, and 154.510)

- The amendment either removes a reference that is not a standard for swimming pools and or inserts the correct reference for swimming pools for each relevant district.

Ordinance 08-244

- The VMX district has a maximum lot area of 5 acres. The code is being amended to remove this maximum lot size requirement.

Ordinance 08-245



- Currently the City uses both A Place of Worship and Religious Institutions. There is not a need to have two definitions for the same use. Place of Worship is being removed from the Code and being replaced with Religious Institutions, where applicable.

The full text of Ordinance 08-241, Ordinance 08-242 Ordinance 08-243, Ordinance 08-244, and Ordinance 08-245, is available for inspection at Lake Elmo City Offices 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: January 5, 2021

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Mayor Charles Cadenhead

ATTEST:

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Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

\_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.