



City of Lake Elmo

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NOTICE OF SPECIAL MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, November 6, 2006, at 6:30 p.m.
in Council Chambers at City Hall.

AGENDA

Pledge of Allegiance

1. Agenda Approval
2. Minutes
 - a. October 23, 2006
 - b. October 17, 2006
3. Zoning Ordinance
4. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of October 23, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:16 p.m. at the Public Works Facility due to an emergency power outage at City Hall
COMMISSIONERS PRESENT: Lyzenga, Ptacek, Roth, Armstrong, Schneider, Deziel, Van Zandt, McGinnis, and Pelletier (7:30). STAFF PRESENT: Planner Dillerud, Assistant Planner Matzek, and Recording Secretary Anez. Finance Director T. Bouthilet arrived at 7:55 p.m. to notify the assembly that power was restored at City Hall. He left at 7:58 p.m.

Agenda

M/S/P, Armstrong/Roth to accept the Agenda as presented. Vote: 9:0.

Minutes

M/S/P, Armstrong/Lyzenga to accept the Minutes of September 6, 2006 as presented. Vote: 9:0.

Minutes of September 11, 2006 were not present in the packet.

M/S/P, Lyzenga/Schneider, to accept the Minutes of September 20, 2006 as presented. Vote: 6:0:3, Abstain-Ptacek, Van Zandt, Roth-Absent.

M/S/P, Ptacek/Van Zandt, to accept the Minutes of September 25, 2006 as presented. Vote: 9:0.

Commissioner Deziel said at the end of the Minutes of October 2, 2006, there was discussion regarding the future of RR zoning. Planner Dillerud said it was his impression everyone agreed for the FSD zoning district to have RR standards.

M/S/P, Roth/Deziel, to accept the Minutes of October 2, 2006 as amended. Vote: 8:0:1, Abstain-Ptacek-Absent.

Public Hearing: Amend Code for Accessory Buildings

Planner Dillerud reminded the Commission about a problem with AG non-conforming parcels greater than 10 acres because interpretation of zoning text for accessory buildings was unclear. He said the Council asked the City Attorney to draft clearer language. That new language is now before the Commission.

Commissioner Deziel asked if this code would apply to the small spin-off farms from nominal 40 acre farms. The Planner said that it would apply to those small AG parcels.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:25 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:26 P.M.

M/S/P, Armstrong/Van Zandt to recommend approval of the new zoning text relating to accessory buildings as drafted by the City Attorney and presented in the Planner's Staff Report.

Commissioner Pelletier arrived at 7:30 p.m.

Commissioner Armstrong said there is a gap for parcels over 40 acres. He said there is a different standard there. He proposed that the text should add "over 40 acres" in AG non-conforming. Vote: 9:0. Commissioner Armstrong was asked by the Chairman to draft new language and the Commission will revisit it.

Zoning Ordinance

Assistant Planner Matzek said the City Attorney recommending keeping existing right-of-way and land filling/grading codes in their existing separate chapters.

The commission agreed that a Communications Tower Permit should be a conditionally permitted use.

Commissioner Helwig said we should keep the last sentence under 154.501, I and delete the rest of the paragraph. Another clause should be added saying it will be allowed only if no space for an antenna is available at the time of application. In the list under A., it should say Water Towers as the first choice where they can be placed. The commission agreed.

A one mile radius was found too restrictive; the commission agreed to strike the one mile distance from page 5 under 154.503 in the introductory paragraph. Allowed Tower Sites on page 3, should be rewritten so that an antenna cannot be freestanding until the applicant proves it is unable to be added to one of our towers. Wording in the last sentence in the first paragraph should be changed from "structure" to "due." The commission agreed.

Page 4, 154.502 Tower Design, B. Keep the existing text so the towers are camouflaged to blend with surroundings. Keep B. 3. The commission agreed.

Page 6, 154.04 Setbacks. The interpretation by the Commission was to keep A, B, C, and D along with the "and/or" stipulation while striking E. Also, strike F because it is similar to D. The commission agreed.

Finance Director T. Bouthilet arrived to notify the Commission that power was restored at City Hall. He left the building at 7:58 p.m.

154.505, C, The height restriction should be increased from more than two times the maximum height in a zoning district to no limit, but the exception should continue to be included. Strike the text beginning with, "Except..." The commission agreed.

154.506, Personal Wireless Service Antennas, the Commission agreed that the entire section could be eliminated. Text should be reworded to say that fences should meet the fence requirements in 154.506, 2.d. The commission agreed.

The Commission agreed to put the entire section of Personal Wireless Service Antennas on hold until staff is able to research and provide more information.

154.507, Satellite Dishes, The Assistant Planner agreed to change number 3 so it does not begin with an exception.

154.508, Commercial and Public Radio..., Commissioner Armstrong said Page 1 of the text already has the relevant restrictions for commercial and public radio in it. The entire section was

problematic for the Commission but will be left in for now. 12. C has another fence in it to be addressed. Chairman Helwig said he sees security fences as a specific use and therefore would need a separate set of fence standards.

Commissioner Armstrong suggested that there be a table for all the types of antennas we regulate, where they can be placed, all that need CUPs, minimum lot sizes and setback requirements, height and other standards. The Commission agreed and said a chart is needed.

The section on height (page 2) should be the only portion kept for the new zoning ordinance. That section can be taken up later with preliminary modifications. The commission agreed. The Planner said that the water tower design was specifically made for co-locating.

On page 15, Amateur Radio Tower height should be 120 feet.

The next meeting will be October 30, 2006 at 6:30 p.m. New districts will be introduced at that time including, FSD and SDR 3.5. That meeting will also address sexually-oriented uses and specialized housing definitions.

The Planner explained that the Planning Commission is obligated to come up with zoning districts and a zoning map. He said it will be close to November 15 before those items are completed.

City Council Updates

The Planner said that at a Special Council Meeting the Council hired Brimeyer Group who said it will be between January and March before a new City Administrator is hired. They also chose to hire a Special Projects Director in the interim, and they are looking at two retired Administrators.

The Hardy house permit was extended to June 30 with specific dates for individual project completion.

The Planner said the Tablyn Park Water Project is on schedule and trees should be asphalted within two weeks.

The Chairman adjourned the meeting at 8:37 p.m.

Respectfully submitted,

Kimberly Anez
Recording Secretary

**City of Lake Elmo
Special Planning Commission Meeting
Minutes of October 17, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 6:34 p.m. COMMISSIONERS PRESENT: Lyzenga, Van Zandt, Schneider, Deziel, and Armstrong (6:41). STAFF PRESENT: Planner Dillerud, Assistant Planner Matzek, and Recording Secretary Anez.

Pledge of Allegiance

Zoning Ordinance

Assistant Planner Matzek said this item is the same as from the agenda packet planned for October 11, 2006.

Page F3, Fences in Shoreland Overlay. Assistant Planner Matzek said she spoke to the DNR and though they do not regulate fences, they proposed suggestions including restricting fences in the water. She introduced text into this section pulled from the City of Minnetrista's ordinance.

The Planner said our current fence ordinance allows a fence up to 42 inches and open to air and light. The Commission agreed to change this code to match the height of the existing fencing code.

Page F8, Landscaping- City Forester comments were incorporated into preliminary plat code. The first paragraph was added.

Page F10, The number of trees required to be planted for multiple family uses was discussed.

M/S/P, Deziel/Van Zandt, under 154.301.B.3., to require 2 trees per dwelling unit for townhouses, manor houses, and manufactured homes park, and one for each apartment unit for apartment buildings. Vote: 6:0.

154.302 Tree Preservation will be included in October 23 packets.

154.315 B. Remove the last sentence for the exceptions to, "The above requirement..." The Commission agreed.

Curb Cut Maximum, Number (10) remove the text, "Except upon approval by the Zoning Administrator."

154.316 Location-Keep (B) A straw vote was taken and all agreed.

154.317 Pedestrian Circulation - A straw vote was taken and all agreed to remove "determined acceptable by the Zoning Administrator," and add "as determined by the City Engineer."

154.319 Number of Off-Street Parking Spaces Required

Assistant Planner Matzek explained the table will be modified to relate to the city's new zoning districts.

154.320 Space Reductions-Commissioners agreed they would like applicants to have the option to reduce impervious surface if possible.

154.346 Standards- The commission agreed to Strike (D) "Distance from intersection."

154.360 Review Process-Accessory Buildings. There was discussion regarding utilizing 120 feet for a tool shed versus 160 feet in the existing code. The Assistant Planner said that where it says Moving Permit, it should say conditional use permit.

(C) Review Procedure-Remove the sentence that contains, "within 40 days" and the last sentence of that paragraph. A straw vote was taken and all agreed.

154.351 Leave all text in Performance Standards (C). A straw vote was taken and all agreed.

154.401 Day Care Facilities-A straw vote was taken and the commissioners agreed Day Care Facilities should be allowed in all zoning districts. Discussion ensued regarding State mandated regulation requirements versus the standards of this code. The Planner reported that State Law prohibits cities from regulating day care for six or fewer children, and it could be confusing if our standard was different.

154.403 General Provisions (2) - Delete the sentence regarding the Zoning Administrator.

154.451 Commissioner Armstrong was concerned if every time an individual got cable or some simple utility hook-up they would be required to apply for a CUP. The recommendation was to delete Essential Services because the existing code has right-of-way permits but staff was asked to check this with the City Attorney.

154.460 Model Homes provides regulations for a sales office or model home in a new development.

154.462 B Remove "Zoning Administrator" and replace with "City Engineer."

154.480 Keeping Animals. The text was changed to also allow animals within the zoning districts RR and FSD as well as AG. J) Keeping of wild animals. The Commission agreed we need to be sure we prohibit exotic animals.

The Chairman adjourned the meeting at 7:46 p.m.

Respectfully submitted,

Kimberly Anez
Recording Secretary

MEMO

(November 3, 2006 for the Meeting of November 6, 2006)

To: Lake Elmo Planning Commission

From: Kelli Matzek, Assistant Planner

Subject: Zoning Code Rewrite

We will be discussing the following topics:

- Accessory Buildings, Structures, Uses and Equipment
- Recreational Camping Area
- Service Stations
- Enforcement
- Setbacks

The topic of accessory structures is a difficult and often personal item. Staff has researched a number of other cities to see in what manner they regulate the number and size of accessory structures. This text is a very rough draft and still needs a lot of work, but I would like to bring it in front of the commission for discussion.

I have utilized the legislative formatting suggested by the Planning Commission at a previous meeting. The regular text is the existing Lake Elmo Code. The bold text identifies from where the existing Lake Elmo code was pulled. The underlined text is proposed and the striken text is removed. The proposed language I have pulled from other city codes (Oak Park Heights and Plymouth primarily).

Changes were made to correct generic spelling mistakes and the format was changed.

The next meeting will be held on **Monday, November 13th at 7:00 p.m.** At that time we will be discussing the following topics:

- Definitions
- Fees
- Any other outstanding topics

I plan to hand-out at the meeting an updated and clean copy of all the ordinances the commission has reviewed thus far.

Accessory Buildings, Structures, Uses and Equipment

- 154.270 Accessory Building Type
- 154.271 Size and Number
- 154.272 Height
- 154.273 Setback and Location
- 154.274 Building Materials
- 154.275 Agriculture Buildings
- 154.276 Time of Construction
- 154.277 Trash Receptacles
- 154.278 Temporary Farm Dwelling

Recreational Camping Area

- 154.290 Recreational Camping Area

Service Stations

- 154.300 Service Stations

Enforcement

- 154.310 Enforcement

Setbacks

- 154.320 Setbacks

ACCESSORY BUILDINGS, STRUCTURES, USES AND EQUIPMENT

154.270 ACCESSORY BUILDING TYPE.

(A) ~~Types of Accessory Buildings— storage or tool sheds; detached residential garage; detached rural storage building; detached domesticated farm animal buildings; agricultural farm buildings.~~ The types accessory buildings are defined as follows:

(1) Storage or Tool Shed. A one story accessory building of less than one hundred sixty (160) square feet gross area with a maximum roof height of twelve (12) feet ~~and exterior colors or materials matching the principal structure or utilizing earthen tones.~~ No door or other access opening in the storage or tool shed shall exceed twenty-eight (28) square feet in area.

(2) Detached Residential Garage. A one-story accessory building used or intended for the storage of motor driven passenger vehicles regulated in Section 300.13, Subd. 4. with a maximum roof height of twenty (20) feet. No door or other access opening shall exceed fourteen (14) feet in height. ~~The exterior color, design, and materials shall be similar to the principal structure.~~

(3) Detached Rural Storage Building. A one story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment,

etc. ~~Exterior materials shall match the principal structure in exterior color or be of an earthen tone.~~

(4) Detached Domesticated Farm Animal Building. A one story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building shall require a Minnesota Pollution Control Agency feedlot permit and site and building plan approval.

(5) Agricultural Farm Building. An accessory building used or intended for use on an active commercial food producing farm operation of more than twenty (20) acres. A Minnesota Pollution Control Agency permit may be required.

154.271 SIZE AND NUMBER.

(A) The Number of Accessory Buildings.
 The number and size of accessory buildings permitted ~~in each zoning district~~ shall be as follows.

Maximum Number and Size of Accessory Buildings	
Agricultural	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal forty (40) acres or more and buildings are agricultural buildings as defined in 300.13 Subd 3 (A) (5)
Agricultural (Non-conforming)	
— Up to ten (10) acres	Two buildings with a total area not to exceed one thousand (1,000) square feet
— Over 10, but less than a nominal forty (40) acres	Two buildings with a total area not to exceed two thousand (2,000) square feet
Rural Residential	
— Up to 10 Acres (Nominal)	One 2,000 square feet detached building in addition to an attached garage.
— 10 Acres to 15 Acres	One 2,500 square feet detached building in addition to an attached garage.
— 15 Acres to 20 Acres	One 3,000 square feet detached building in addition to an attached garage.
Residential – R1, RED and OP	
— 5,000 square feet to 1 Acre	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure.
— Over 1 Acres to 2 Acres	One 1,200 square feet detached residential garage or building in addition to an attached garage.
— Over 2 Acres	1,300 square feet detached residential garage or building in addition to an attached garage.

Lot Area (acres)	Maximum Individual Accessory Structure Footprint Area (square feet)	Maximum Allowed Total of All Accessory Structure Footprint Areas* on a Property (square feet)
0 – 1.99	1,000	2,000
2.00 – 3.00	1,200	2,400
3.01 – 3.50	1,400	2,800
3.51 – 4.0	1,600	3,200
4.01 – 4.5	1,800	3,600
4.51 – 5.0	2,000	4,000
5.01 – 6.0	2,200	4,400
6.01 – 7.0	2,400	4,800
7.01 – 8.0	2,600	5,200
8.01 – 9.0	2,800	5,600
9.01 or more	3,000	6,000

* Excluding nonroofed tennis courts, pools, paddocks, arenas.

(B) A tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.

(C) An attached private garage not exceeding one thousand (1,000) square feet in gross floor area shall be considered an integral part of the principal building and such garages are exempt from the provisions of this section. Attached private garages in excess of 1,000 square feet of gross floor area are not permitted.

(D) No accessory building used or intended for the storage of passenger automobiles shall exceed one thousand (1,000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet, ~~nor shall any structure exceed one story in height except when the garages are located in Business, Industrial or Planned Unit Developments.~~

(E) On parcels of twenty thousand (20,000) square feet in area or less, no detached accessory building or attached garage shall exceed the size of the principal building in gross floor area.

(F) All accessory buildings over thirty-five (35) square feet in area shall have a foundation, concrete slab or wind anchor. Buildings larger than ~~one hundred (100) one hundred twenty (120)~~ one hundred twenty (120) square feet shall require a building permit regardless of improvement value. Such buildings shall comply with all applicable regulations set forth in this Chapter. Roof loads and wind loads shall conform to requirements as contained in the Building Code.

(G) A conditional use permit is required for construction of more than the limitations specified above for accessory buildings in excess of 120 square feet in gross floor area.

(H) No accessory building or combination of accessory buildings, including a detached private garage for a single family dwelling, shall equal more than thirty (30) percent of the area of the yard in which it is located.

(I) The gross floor area of an accessory building classified as either a storage or tool shed, detached residential garage, or detached rural storage building shall not exceed the gross floor area of the principal building, except by conditional use permit.

(J) In residential Zoning Districts, the total gross floor area of a private garage for a single family detached dwelling shall not exceed one thousand (1,000) square feet in gross floor area or the gross floor area of the dwelling, whichever is less, except by conditional use permit.

(K) Accessory buildings for all other uses except in the case of single family detached dwellings shall not exceed thirty (30) percent of the gross floor area of the principal buildings. In those cases where the standards are exceeded, a conditional use permit shall be required.

154.272 HEIGHT

(A) No accessory building used or intended for the storage of passenger automobiles shall ~~exceed one thousand (1,000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet, nor shall any structure exceed one story in height except when the garages are located in Business, Industrial or Planned Unit Developments.~~

(B) No accessory building in a commercial ~~or industrial~~ district or in apartment developments shall exceed the height of the principal building.

(C) The height of an accessory structure shall not exceed the height of the principal structure unless more restrictive portions of this section prevail. it is classified as a detached domesticated farm animal building or agricultural farm building.

~~No accessory buildings in apartment developments shall exceed the height of the principal building.~~

154.273 SETBACK AND LOCATION

(A) An accessory building shall be considered as an integral part of the principal building if it is located six (6) feet or less from the principal building.

(B) Accessory buildings in the commercial and business and industrial districts ~~may~~ shall be located ~~to~~ in the rear yard of the principal building, subject to the Building Code and fire zone regulations.

(C) No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R-1 districts where detached garages may be permitted nearer the front lot line than the principal building by resolution of the City Council, except in planned unit developments or cluster developments. An accessory use, building or structure may be allowed within a front yard which qualifies as an equivalent rear or side yard as defined by this Chapter, provided it meets the minimum front yard setback specified for the principal building on the lot.

(D) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided that the physical conditions of the lot require such a location and a resolution is issued. In no event shall the structure be located closer than twenty (20) feet to the public right-of-way.

(E) The required rear yard setbacks for detached residential garages, and storage, boat, and tool sheds shall be a distance equal to the required side yard setback of the primary dwelling for each zoning district, except on through lots when the required rear yard setback in each zoning district shall apply.

(F) No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

(G) Private garages having direct access onto an alley shall be set back twenty (20) feet from the alley lot line.

(H) Accessory buildings in the residential districts shall be set back from adjoining lots as prescribed in the applicable district. Accessory buildings in the non-residential districts shall be set back from adjoining lots as prescribed for the principal building on the lot.

154.274 BUILDING MATERIALS.

(A) The All accessory buildings in excess of one hundred twenty (120) square feet shall be constructed with an exterior design and color shall be the same as that of the principal building or be of an earthen tone; consistent with the general character of the principal structure on the lot with the exception of Agricultural Farm Buildings and Detached Domesticated Farm Animal Buildings as defined #####.
~~the height shall not exceed the height of the principal structure unless more restrictive portions of this section prevail.~~

(B) Accessory buildings constructed primarily of canvas, plastic fabric, or other similar non-permanent building materials shall be prohibited.

154.275 AGRICULTURE BUILDINGS.

(A) Performance standards for detached agricultural buildings and domesticated farm animal buildings on parcels of less than twenty (20) acres, shall include the following:

(1) Setbacks. All animal buildings, feedlots, and manure storage sites shall be set back as follows:

(2) Slopes. The building, feedlot, or manure storage shall not be placed on slopes which exceed thirteen percent (13%).

(3) Evidence of the seasonally high ground water level or mottled soil (as established by eight and one-half [8 ½] foot borings) shall not be closer than six and one-half (6 ½) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed building and/or feedlot.

(4) No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot, or grazing area.

154.276 TIME OF CONSTRUCTION.

No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.

154.277 TRASH RECEPTACLES.

Except as otherwise provided, all buildings having exterior trash receptacles shall provide an enclosed area in conformance with the following:

(A) Exterior wall treatment shall be similar and/or complement the principal building.

(B) The enclosed trash receptacle area shall comply with the setback requirements of Section 21120.05 of this Chapter.

(C) The trash enclosure shall be in an accessible location for servicing vehicles and shall not conflict with site circulation.

(D) The trash receptacles shall be fully screened from view of adjacent properties and the public right-of-way.

(E) The design and construction of the trash enclosure shall be subject to the approval of the Building Official.

(F) Recycling space shall be provided as required by the Minnesota State Building Code.

(G) Noise emanating from trash collection activities shall be minimized so as not to constitute a nuisance as defined and regulated by Section 2010 of the City Code.

154.278 TEMPORARY FARM DWELLING. (Taken from 300.13 Subd 16. Temporary Farm Dwelling)

No person shall park or occupy a mobile home on the premises of a lot with any occupied dwelling or on any land which is situated outside an approved mobile park except as provided in this subsection:

(A) The mobile home will be an accessory dwelling unit located on a farm of at least seventy-five (75) acres in size.

(B) The mobile home will be occupied by persons who are either:

(1) Members of the family of the persons occupying the principal dwelling house on the premises.

(2) Members of the family engaged in the occupation of farming on the premises as partners or other business associates of the persons living in the principal dwelling house on the premises, and who earn fifty (50%) or more of their annual gross income for federal income tax purposes from farming on the premises.

(3) The mobile home use will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming on the premises as required by Section 300.13, Subd. 13 B.

(4) At the time of termination, the mobile home temporary farm dwelling shall be removed from the premises within thirty (30) days when practicable.

~~TEMPORARY CONSTRUCTION OFFICE. (Subd. 17 Temporary Construction Office)~~

~~A temporary mobile home may be permitted in any district if the Zoning Administrator finds the following conditions are satisfied:~~

~~(A) The mobile home will be utilized as a field headquarters for directing the on-going construction of a project.~~

~~(B) Only one (1) mobile home shall be permitted on each project.~~

~~(C) The mobile home shall have adequate sanitary facilities or the site shall have temporary sanitary facilities installed.~~

~~(D) The mobile home and parking spaces shall adhere to all setbacks for the zoning district and shall only utilize the permitted access driveway.~~

~~(E) The mobile home shall not be used as a dwelling unit.~~

~~(F) The mobile home shall be removed within thirty (30) days of the permit termination.~~

MODEL HOMES/TEMPORARY REAL ESTATE OFFICES

154.460 PURPOSE.

The purpose of this section is to provide for the erection of model homes and temporary real estate offices in new subdivisions without adversely affecting the character of surrounding residential neighborhoods or creating a general nuisance. As model homes represent a unique temporary commercial use, special consideration must be given to the peculiar problems associated with them and special standards must be applied to ensure reasonable compatibility with their surrounding environment.

154.461 PROCEDURE.

The erection of a model home(s) and temporary real estate office(s) shall require approval of the City Council.

154.462 SPECIAL REQUIREMENTS.

(A) Model homes and temporary real estate offices shall be allowed as provided for in the applicable zoning district in which they are located. Any such model home or temporary real estate office shall comply with the Minnesota State Building Code.

(B) Temporary parking facilities shall be provided on the site and shall include at least four (4) parking spaces per model home unit or temporary real estate office. Such temporary parking facilities shall provide handicap accessible parking and accessible routes as required by the Minnesota State Building Code. The overall design, drainage, and surfacing of the temporary parking facility shall be subject to the approval of the City Engineer.

(C) Access from a temporary parking facility onto a local, residential street shall be minimized. Where this requirement is physically impractical, access shall be directed away from residential neighborhoods to the greatest extent possible.

(D) No model home or temporary real estate office shall incorporate outside lighting which creates a nuisance due to glare or intensity, as provided for in Section 21105.06 of this Chapter.

(E) All model home and temporary real estate office signage shall comply with the sign regulations as contained in Section 21155 of this Chapter.

(F) The conditional use permit shall terminate three (3) years from its date of issuance or until eighty-five (85) percent of the development is completed, whichever occurs first.

(G) No residential occupancy permit shall be issued for a model home until such time as the structure has been fully converted to a residence. Such conversion shall include but not be limited to parking lot restoration and the removal of signage and lighting.

(H) The restoration of all temporary parking areas with appropriate landscaping shall be completed by the end of the next growing season.

(I) All criteria for conditional use consideration but not procedural requirements, as contained in Section 21020 of this Chapter, shall be considered and satisfactorily met.

RECREATIONAL CAMPING AREA

154.290 RECREATIONAL CAMPING AREA. (Taken from Subd. 19 Recreational Camping Area.)

Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents, or recreational camping vehicles free of charge or for compensation. "Recreational camping area" excludes children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules, U.S. Forest Service Camps, State Forest Service Camps, State Wildlife Management Areas or State owned public access area, which are restricted in use to picnicking and boat landing, also referred to as "area" in this section.

(A) Trailer Park Operation. No person, firm, or corporation shall develop or operate any recreational camping area without having first obtained a Conditional Use Permit.

(B) Application. The application for an approval, in addition to the requirements, shall indicate the name and address of the developer and a general description of the construction schedule and construction costs. The application shall be accompanied by twenty (20) copies of plans, which indicate the following:

- (1) Location and size of camping area;
- (2) Location and size of all vehicle or trailer lots, dead storage areas, recreation areas, laundry drying areas, roadways, parking spaces and sites, and all setback dimensions;

- (3) Detailed landscaping plans and specifications;
- (4) Detailed grading plan with two (2) foot contour intervals;
- (5) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, and gas service;
- (6) Plans for an overhead street lighting system shall be submitted for approval by the City Engineer;
- (7) The method of disposing of garbage and refuse;
- (8) Location, size, and character of each lot;
- (9) Location and size of all streets abutting the area;
- (10) Road construction plans and specifications;
- (11) Plans for any and all structures;
- (12) Such other information as may be required or requested by the City.

(C) Designation of Uses. The area design shall designate specific areas for primitive tent camping, recreation vehicles, and trailers.

(D) Trailer Park Lots. On any area lot, the placement of recreational vehicles shall conform to all setbacks and other requirements of the zoning district in which the lot is located.

(E) Performance Standards for Trailer Parks.

(1) All water supply and sanitary facilities must conform to the current recommendations of the Minnesota Department of Health and Pollution Control Agency.

(2) All areas shall have at least twenty percent (20%) of the land area (exclusive of internal streets) developed for recreational use (i.e., tennis courts, children's play equipment, swimming pools, golf greens, etc.) which shall be developed and maintained by the owner or operator at owner's/operator's expense. All areas must have an area or areas set aside for dead storage and "over-load" parking. Open air drying of laundry and clothes shall be allowed only in approved areas established and maintained exclusively for that purpose.

(3) All utilities, such as sewer, water, fuel, electric, telephone, and television antennae lead-ins, shall be buried to a depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. All utility connections shall be approved by the City prior to

connection. Plans for the disposal of surface storm water shall be approved by the City Engineer.

(4) All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish or debris. The proposed method of garbage, waste, and trash disposal, must be approved by the Council and must meet or exceed the current Minnesota Department of Health standards.

(5) All structures shall require a building permit. It is not the intent of this section to repeal or abrogate any part of the Building Code. The provisions of this section shall be enforced in addition to and in conjunction with the provisions of the Building Code.

(6) The source of fuel for cooking, eating, or other purposes for each lot shall be approved by the Council. Periodic inspection of the entire park by the Zoning Administrator may be required.

(7) No vehicle shall be allowed in a vehicle park that does not conform to the requirements of the motor vehicle code of the State of Minnesota. Every structure in a vehicle park shall be developed and maintained in a safe, approved, and substantial manner.

(8) A properly landscaped area shall be adequately maintained around each area. No vehicular building shall be located within twenty (20) feet of the exterior boundary of any park or within forty (40) feet of any exterior, existing public road right-of-way.

(9) Each area shall contain at least thirty (30) fully developed vehicle lots. Access to parks shall be provided as required by the Zoning Administrator. The access streets shall be paved in accordance with minimum specifications required for the construction of any City street.

(10) Advertising shall be limited to one (1) sign not to exceed twenty-four (24) square feet, with lighting, height and location as approved by the Council.

(11) Each area must have one (1) or more central community buildings with central heating which must be maintained in a safe, clean, and sanitary condition. The buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, in addition to public toilets and lavatory. Each area shall have a building for the use of the operator distinctly marked "office" and the marking shall be illuminated during all hours of darkness. An illuminated map of the park shall be displayed at the office.

(12) An adult caretaker must be on duty at all times in the area. The operator of every area shall maintain a register in the office of the area indicating the name and address of the owner and occupants of each vehicle, license number of each

recreational vehicle and automobile of each occupant, and the date of arrival and departure of each vehicle. The corners of each lot shall be clearly marked and each lot shall be numbered. The grounds of the park shall be adequately lighted from sunset to sunrise.

(13) No dogs or animals shall be permitted to run at large within the area. No public address or loud speaker system will be permitted.

(14) No RV camping area shall be located so that drainage from the park or camp area will endanger any water supply. All areas shall be well drained. No portion of the area shall be located in an area subject to flooding. No waste water from the trailers or other recreational vehicles shall be deposited on the surface of the ground.

(15) Each lot shall abut or face a driveway or clear unoccupied space of not less than sixteen (16) feet in width, which shall have unobstructed access to the internal area road system.

(16) Lots shall be designed to allow an open space of at least fifty (50) feet between each vehicle or tent and at least thirty (30) feet between the vehicle or tent and the front lot line butting the interior camping area road system.

(17) Each lot shall have two hundred (200) square feet of off-street parking space, or as approved by the Zoning Administrator, for two (2) automobiles. No parking spaces shall be closer than ten (10) feet to any side yard lot line.

(18) Each lot, or pair of lots, shall contain adequate containers to store, collect, and dispose of refuse and garbage so as to create no health hazards, rodent damage, insect breeding, accident or hazardous fire areas, or air pollution. Each lot, or pair of lots, shall have insect proof, water tight, rodent proof refuse container on the lot(s).

(19) Each lot shall be no further than four hundred (400) feet from the nearest, readily available drinking water supply.

(20) Each lot with an individual water system connection shall have a water supply capable of supplying one hundred (100) gallons of water per site per day.

(21) All recreational vehicle areas shall be equipped with at least one (1) central toilet, bathing and laundry building, which meets or exceeds the requirements of the Minnesota Department of Health except that in primitive tent camping areas, only toilet facilities shall be required as per the Minnesota Department of Health.

(22) Barbecue Pits, Fireplaces, and Stoves. Outdoor cooking or burning shall be confined to fireplaces, pits, grills, or stoves, which shall be permanently affixed to a designated location on each lot as per the site plan. Each permanent cooking or

burning facility shall be placed on the lot so as to minimize the fire hazards and smoke nuisance.

(23) Incineration of refuse, garbage, or other wastes shall not be permitted within any recreational vehicle camping area.

(24) All centralized refuse collection and equipment, and area maintenance equipment shall be stored in a screened and fenced service yard within the camping area.

SERVICE STATIONS.

154.300 SERVICE STATIONS. (Taken from Subd. 20 Service Stations.)

(A) Before a permit for a service station is granted, the minimum requirements of the Zoning District in which the service station is to be located shall be met.

(B) A drainage system, subject to approval by the City Engineer shall be installed. The entire site other than that taken up by a structure or planting, shall be surfaced with concrete or other material approved by the Council. Pump islands shall not be placed in the required yards. The area around the pump island be a distance of eight (8) feet on each side, shall be concrete. A box curb not less than six (6) inches above grade shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveways at a property line shall be less than fifty (50) feet from the intersection of two (2) street right-of-way lines. Each service station shall have at least two (2) driveways with a minimum distance of one hundred seventy (170) feet between center lines when located on the same street.

(C) No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be awaiting service longer than fifteen (15) days. Existing service stations shall comply with this requirement within forty-five (45) days of the effective date of this section.

(D) Exterior storage beside vehicles shall be limited to service equipment and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise.

(E) All areas utilized for the storage, disposal, or burning of trash, debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

(F) Business activities not listed in the definition of service stations in this section are not permitted on the premises of a service station unless a permit is obtained specifically for the business. The activities include, but are not limited to the following:

(a) automatic car and truck wash; (b) rental of vehicles, equipment, or trailers; and (c) general retail sales.

ENFORCEMENT

154.310 ENFORCEMENT (Taken from 300.14 Enforcement.)

(A) Violations. The violation of any provision of this section or the violation of the conditions or provisions of any permit issued pursuant to this section shall be a misdemeanor and, upon conviction, shall be subject to the penalties set forth in Section 100.06, Subd. 2 and 3.

(B) Application to City Personnel. The failure of any officer or employee of the City to perform any official duty imposed by this section shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

(C) Equitable Relief. In the event of a violation or the threatened violation of any provision of this section, or any provision or condition of a permit issued pursuant to this section, the City in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate the violation or threatened violation.

SETBACKS (Taken from 300.11 Setbacks)

154.320 Setbacks

(A) Front Setbacks.

Where a vacant buildable lot is adjacent to structures existing at the time of adoption of this section that have a substandard setback from that required by this section, the Zoning Administrator shall determine a reasonable, average, calculated front yard setback to implement the requirements of this section and to fulfill its purpose and intent. In no case shall a building be required to be set back more than one hundred eighty (180) feet from the street center line, except where an industrial district is adjacent to a residential district. In a residential district, the front yard setback shall conform to the established setback line, unless the Zoning Administrator determines that another setback is more appropriate as provided in this section.

(B) Side and Rear Setbacks.

Subject to regulations contained in the Building Code and other applicable regulations, side and rear setback requirements may be waived provided party walls are used and the adjacent buildings are constructed as an integral unit and are part of an approved

shopping center, townhouse development, or other similar development. The waiver shall only be by issuance of a variance.

(C) Setbacks from Private Roads

All setback requirements of this section shall also be applicable to private roads and easement access right-of-ways.

DRAFT

E. VR – Village Residential District.

*Distributed at
PZ mtg. of 11/6/16.
KAA*

1. Purpose

The Village Residential zoning district is exclusively intended to regulate land development and redevelopment within the area of the City defined by the Comprehensive Plan as the “Village Area” or “Old Village”; and to allow development and redevelopment responsive to the 2030 Lake Elmo Comprehensive Plan. Most development within the VR zoning district will be responsive to Planned Unit Development conditional use permits for parcels of 20 acres or more for which municipal sewer and water service is available. Use of the term “residential” is intended to include mixed residential and non-residential uses within a context prescribed by the 2030 Lake Elmo Comprehensive Plan or other plans/design standards adopted by the City for the Village Area/Old Village.

2. Permitted Uses.

a. Single family detached residential

b. Commercial agriculture within the limits defined in the performance standards for livestock;

3. Uses Permitted by Conditional Use Permit

a. Townhouse, condominium and apartment residences when included within a PUD Plan that complies with the 2030 Lake Elmo Comprehensive Plan or other plans/design standards adopted by the City for the Village Area/Old Village.

b. Non-residential uses residences when included within a PUD Plan that complies with the 2030 Lake Elmo Comprehensive Plan or other plans/design standards adopted by the City for the Village Area/Old Village.

c. Public/semi-public uses when included within a PUD Plan that complies with the 2030 Lake Elmo Comprehensive Plan or other plans/design standards adopted by the City for the Village Area/Old Village.

4. Accessory Uses

a. Uses which are customarily accessory and clearly incidental and subordinate to allowed Permitted and Conditional uses.

5. Minimum District Requirements.

<u>Village Residential Zoning District</u>	<u>Dwellings and Related Structures</u>
<u>Lot Size</u>	<u>Unsewered – 20 acres</u> <u>Sewered – Per a PUD Plan</u> <u>and Compliant with the</u> <u>Development Density</u> <u>Standards of the</u> <u>Comprehensive Plan</u>
<u>Lot Width</u>	<u>300 feet or Per Approved</u> <u>PUD Plan</u>
<u>Primary Building setback from property lines:</u>	
<u>Front:</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Side: (Interior)</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Rear:</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Side Corner:</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Arterial Street:</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Primary Building Height</u>	<u>35 feet or Per Approved PUD</u> <u>Plan</u>
<u>Accessory Structure setback from property lines- 4.)</u>	
<u>Front:</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Side: (Interior)</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Rear:</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Side Corner</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Arterial Street</u>	<u>100 feet or Per Approved</u> <u>PUD Plan</u>
<u>Setback for all animal buildings, feedlots, and manure storage sites shall be as follows: -</u>	
<u>Any property line</u>	<u>100 feet</u>
<u>Any existing well, or residential structure on the same parcel</u>	<u>50 feet</u>

<u>Any existing well, or residential structure on an adjacent or nearby parcel.</u>	<u>200 feet</u>
<u>Any body of seasonal or year-round surface water</u>	<u>200 feet</u>