



STAFF REPORT

DATE: 07/12/2022
DISCUSSION

TO: City Council
FROM: Molly Just, Planning Director
AGENDA ITEM: Consideration of increased building setbacks in certain locations in the South Planning Area

BACKGROUND:

The City Council directed the Planning Department to pursue amendments to the Medium Density Residential (MDR) and High Density Residential (HDR) zoning districts. As development has been proposed and occurred along the new 5th Street in the South Planning Area, some buildings have been located closer to the public way than others. With the varying land use densities and intensities planned for 5th Street this is an opportunity to guide building placement along this new local street which includes more than just the MDR and HDR zoning districts. It may also be an appropriate time to consider building placement on other roads in the South Planning Area.

At the May 23, 2022 meeting the Planning Commission suggested bringing forward for public hearing and consideration language to establish a 40 foot setback along 5th Street, Hudson Boulevard, Inwood Avenue, Keats Avenue, Lake Elmo Avenue and Manning Avenue. Staff suggested a 40 foot setback based on an analysis of existing and proposed development along the east side of 5th Street. *The Zoning Map and Comprehensive Plan Future Land Use Maps are attached to understand the variety of existing and planned land uses for the South Planning Area.*

A hearing notice was published in the Stillwater Gazette on June 3, 2022. No public comment was received and there was no public comment during the Planning Commission public hearing on June 13th. The Planning Commission discussed the intent of the amendments and the implication of the amendments. After consideration the Planning Commission voted 4-1 (Graen - Nay) to recommend adoption of the subject amendments basing the setback from specific streets and not types of streets.

At its June 21st meeting, the City Council considered the subject amendments and concluded that basing setbacks on specific streets would be the right approach in Lake Elmo. The Council directed staff to insert clarifying language that the increased setback would only apply to the specific streets where they exist south of 10th Street North. The change has been made and is included in Ordinance 2022-08. The Council tabled action on the item in order to discuss whether increased setbacks should be in place on other streets in the City. See the analysis section of this report for staff analysis of this idea. As revised the proposed language would not need another public hearing and Planning Commission recommendation.

ISSUE BEFORE THE COUNCIL:

Should the City Council adopt a requirement for increased building setbacks from specific major roadways in other areas of the City beyond the South Planning Area?

PROPOSAL DETAILS/ANALYSIS:

A review of building placement in medium and high density districts in other communities in Washington County yields the following information for consideration. *Note that the examples below are exceptions to the setback standards meaning that the greater setback would not apply to most parcels but is intended to address the possible impacts on livability of being close to a major road. The subject codes are attached for reference.*

The City of Stillwater has a greater minimum setback for all building types (principal and accessory) from all yards (front, side, rear) from portions of Trunk Hwy 96, County Roads 12 and 15, McKusick Road and railroads.

The City of Forest Lake has greater minimum front yard setbacks for principal buildings based on roadway type (arterial, collector, local street, existing private street, and internal street). Side and rear yard setbacks are not based on roadway type.

The City of Woodbury has a greater minimum setback for principal buildings from all yards (front, side, rear) from existing or future collectors.

Based on this research and considering the planned and built environment in the South Planning Area, staff suggests an approach similar to Stillwater and Woodbury in which the greater setback would apply to all yards and to both principal and accessory buildings. This would lead to a more pleasant built environment for residents and pedestrians and create a consistent and greater separation between vehicles and residents. As to whether to follow the Stillwater or Woodbury approach, staff is inclined to take the Stillwater approach as it is more surgical.

In consideration of whether to impose greater building setbacks from other major streets in Lake Elmo, staff considered this only for areas within the MUSA where more dense and intense development is enabled. Looking at the existing and planned zoning districts within the MUSA the only zoning districts not already covered by the proposed changes are the village districts in the Village Planning Area. While in the MUSA, the City's 180 acres along Ideal Avenue and 34th Street were not considered. In looking at the Village Planning Area, the possible major streets would be Stillwater Boulevard, Lake Elmo Avenue North, and Manning Avenue North. There is already a requirement for a minimum structure setback of 50 feet (all building types all yards) for properties zoned Village-Low Density Residential (V-LDR) abutting Stillwater Boulevard, Lake Elmo Avenue North north of Stillwater Boulevard, and Manning Avenue North. V-LDR is a single-family residential district. The increased setback may be appropriate in areas zoned V-MDR and V-HDR.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Ordinance 2022-08 (*revised to reference to 10th Street as northern boundary*)
2. City Code Section 105.12.790 Village Districts Lot Dimensions and Building Bulk Requirements
3. Map of 40-foot setback from Hudson Boulevard, 5th Street (planned and existing), Inwood Avenue, Keats Avenue, Lake Elmo Avenue and Manning Avenue.
4. Stillwater Setbacks
5. Forest Lake Setbacks
6. Woodbury Setbacks
7. Zoning Map
8. Future Land Use Map

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

ORDINANCE NO. 2022-08

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE BY AMENDING

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title 105 Zoning; Chapter 105.12: Zoning Code, Sections 105.12.720, 105.12.930, and 105.12.880 are hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strike through~~):

SECTION 105.12.720 URBAN RESIDENTIAL DISTRICTS LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS

	GC	LDR	MDR	HDR
Minimum Building Setbacks (feet)				
Front yard	25	25 ^c	25 ^c	20 ^c
Interior side yard ^e				
Principal Buildings ^{f, g}	10	10	10	10 ^d
Minimum Building Setbacks (feet)				
Interior side yard				
Attached garage or accessory structures ^{f, g}	5	5	5	10 ^d
Corner side yard ^{g, h}	15	15	15	15
Rear yard	20	20	20	20
Notes to Urban Residential Districts Table:				
a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.				
b. Two-family units may be side-by-side with a party wall between them (twin) or located on separate floors in a building on a single lot (duplex). The per-unit measurements in this table apply to twin units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a duplex containing two vertically-separated units on a single lot.				
c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e., one unit per 2,500 square feet. This standard is also used for multifamily dwellings.				
d. Single-family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.				
e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.				
f. In situations where a garage or accessory building is set back less than seven feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in LEC 105.12.200) will be two feet.				
g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.				
h. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.				

i. The minimum front, rear, or side yard setback for accessory and principal buildings shall be 40 feet when the yard abuts any of the following roadways located south of 10th Street North:

- a. Hudson Boulevard
- b. 5th Street (planned and existing)
- c. Inwood Avenue
- d. Keats Avenue
- e. Lake Elmo Avenue
- f. Manning Avenue

SECTION 105.12.930 COMMERCIAL DISTRICTS LOT DIMENSION AND BULK BUILDING REQUIREMENTS

	LC	CC	C	BP
Building Setback Requirements (feet): ^d				
Front yard	100	30	30	50
Interior side yard	50	20	10	30
Corner side yard	100	25 ^c	25 ^c	30
Rear yard	50	30 ^b	30 ^b	30
Residential zones	150	50	50	150
Parking Setback Requirements (feet):				
Front yard	50	15	15	30
Interior side yard	50	10	10	15
Corner side yard	50	15	15	30
Rear yard	50	10	10	15
Residential zones	100	35	35	100
Minimum building floor size (square feet)	4,000	-	-	5,000
Notes to Table 12-2:				
a. Buildings higher than 50 feet may be allowed through a conditional use permit and would be subject to a separate technical and planning evaluation.				
b. Accessory buildings must be set back ten feet from property lines.				
c. Corner properties. The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.				
d. Ground-mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in LEC 105.12.570.				

e. For residential uses, the minimum front, rear, or side yard setback for accessory and principal buildings shall be 40 feet when the yard abuts any of the following roadways located south of 10th Street North:

- a. Hudson Boulevard
- b. 5th Street (planned and existing)
- c. Inwood Avenue
- d. Keats Avenue
- e. Lake Elmo Avenue
- f. Manning Avenue

SECTION 105.12.880 MIXED-USE COMMERCIAL AND MIXED USE BUSINESS PARK DISTRICTS LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS

	MU-C	MU-BP
Building Setback Requirements (feet):		
Residential uses:		
Front yard ^d	20	20
Interior Side Yard: ^f		
Principal buildings	7	7
Attached garage or accessory structures ^{e,f}	5	5
Corner side yard ^g	10	10
Rear yard	20	20
Nonresidential Uses:		
Front yard ^d	30	50
Interior side yard ⁱ	10	30
Corner side yard ^g	25	30
Rear yard	30	30
From residential zones	50	150
Parking Setback Requirements (feet):		
Front yard	15	30
Interior side yard	10	15
Corner side yard	15	30
Rear yard	10	15
From residential zones	35	50
Notes to Mixed-use Commercial and Mixed-use Business Park Districts Table:		
a. Common open space areas may be used in determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.		
b. Two-family units may be side-by-side with a party wall between them (twin) or located on separate floors in a building on a single lot (duplex). The per-unit measurements in this table apply to twin units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a duplex containing two vertically-separated units on a single lot.		
c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e., one unit per 2,500 square feet. This standard also is used for multifamily dwellings.		
d. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.		
e. In situations where a garage or accessory building is set back less than seven feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in LEC 105.12.200) will be two feet.		
f. Side yard setbacks shall apply to the ends of attached or two-family dwellings.		
g. Corner properties. The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.		
h. Attached garages and accessory structures on parcels on which single-family homes are located may have a side yard setback of five feet.		
i. Buildings higher than 50 feet may be allowed through a conditional use permit and would be subject to a separate technical and planning evaluation.		
j. All accessory buildings for nonresidential uses must be set back at least ten feet from property lines.		
k. Ground-mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section LEC 105.12.560(b).		

L. For residential uses, the minimum front, rear, or side yard setback for accessory and principal buildings shall be 40 feet when the yard abuts any of the following roadways located south of 10th Street North:

- a. Hudson Boulevard
- b. 5th Street (planned and existing)
- c. Inwood Avenue
- d. Keats Avenue
- e. Lake Elmo Avenue
- f. Manning Avenue

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 2022-08 was adopted on this 21st day of June, 2022, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 2022-08 was published on the _____ day of _____, 2022.

Article XII Village Districts

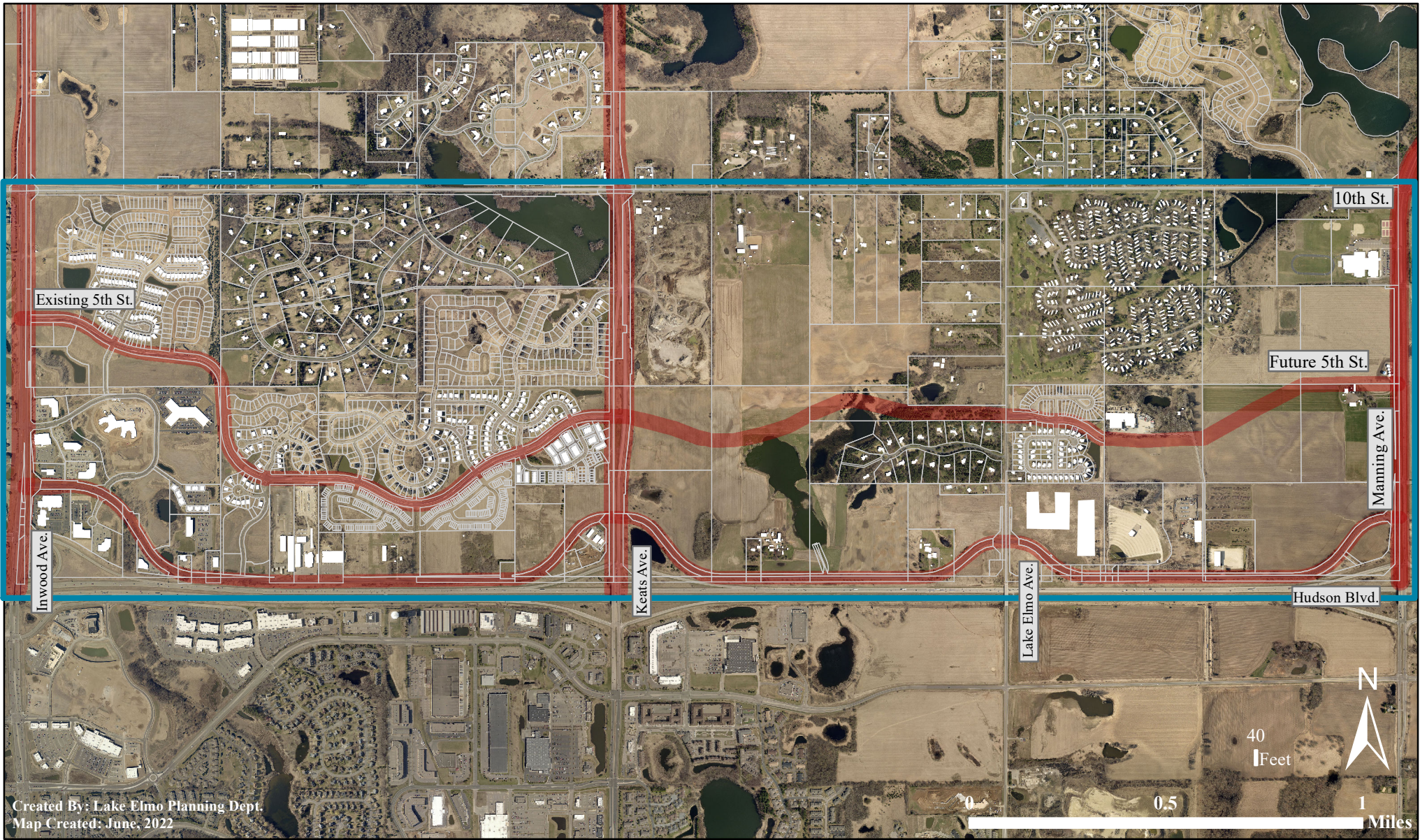
105.12.790 Lot Dimensions And Building Bulk Requirements

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

Table 11-2: Lot Dimension and Setback Requirements, Villages Districts

	<i>V-LDR</i>	<i>V-MDR</i>	<i>V-HDR</i>	<i>VMX</i>
Minimum Lot Area (square feet): ^a				
Nonresidential use	-	-	-	None
Single-family detached dwelling	9,000	7,000	-	9,000
Two-family dwelling (per unit) ^b	-	4,000	-	4,000
Single-family attached (per unit) ^c	-	2,500	-	3,000
Multifamily dwelling (per unit)	-	3,000	1,800	2,800
Secondary dwelling	See LEC 105.12.740 (c)	-	-	See LEC 105.12.740 (c)
Congregate housing	-	-	-	LEC 105.12.500(c)
Minimum Lot Width (feet):				
Single-family detached dwelling	70	50	-	70 50
Two-family dwelling (per unit) ^b	-	30	-	30
Single-family attached per unit (per unit) ^c	-	25	-	25
Multifamily dwelling (per building)	-	75	60	75
Live-work unit	-	25	-	25
Maximum height (feet/stories)	35	35/3 ^d	50	35/3 ^d
Maximum Impervious Coverage:				
Residential lots	35 percent	50 percent	75 percent	75 percent
Other	-	-	-	No Limit
Minimum Building Setbacks (feet):				

Front yard	25	25	25	Single-Family Detached and attached - 25 Multifamily Dwellings: LEC 105.12.830(a)(6)a Non-Residential Uses: LEC 105.12.830(b)
Interior Side Yard:				
Principal building	10	10	10	10 ^e
Attached garage or accessory structure	5	5	5	5
Corner side yard	15	15	15	0 ^f
Rear yard	20	20	20	10 ^g
Notes to Village Districts Table:				
a. No development may exceed the residential density range as specified in the comprehensive plan for the corresponding land use category.				
b. Two-family units may be side-by-side with a party wall between them (twin) or located on separate floors in a building on a single lot (duplex). The per-unit measurements in this table apply to twin units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a duplex containing two vertically-separated units on a single lot.				
c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e., one unit per 2,500 square feet. This standard is also used for multifamily dwellings.				
d. Buildings up to 45 feet in height may be permitted as part of a PUD in the VMX and V-MDR districts.				
e. Side yard setbacks in the VMX district apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.				
f. Corner properties. The side yard facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, and provided required setbacks are not otherwise stated herein, the setback shall be shown in the table.				
g. Properties zoned V-LDR abutting Stillwater Boulevard North (CSAH 14), Lake Elmo Avenue North (CSAH 17) north of Stillwater Blvd (CSAH 14), and Manning Avenue North (CSAH 15) shall have a minimum structure setback of 50 feet.				



40ft. Setback and Structure Proximity Analysis

- Buffer
- Area of Interest
- Structures
- Parcels

Sec. 31-310. - TH townhouse residential district.

(a) *Allowable uses.* See Table in Section 31-315 for the allowable uses within the TH district.

(b) *Massing regulations.*

(1) Minimum standards. ¹

Lot area per unit	5,000 square feet
Front yard setback	
Residence	20 feet
Garage front facing	25 feet
Garage side facing	20 feet
Side yard setback	25 feet
Rear yard setback	25 feet
Building separation	15 feet
Height	2½ stories, not to exceed 35 feet

(2) Additional setback standards. ²

Trunk Highway 96 (Stonebridge Trail to Co Rd. 15)	100 feet
McKusick Road (Neal Ave. to Co Rd. 15)	100 feet
County Rd. 12 (Northland Ave. to Co Rd. 15)	100 feet
County Rd. 15 (Trunk Highway 36 to Trunk Highway 96)	100 feet
Railroad	75 feet

(c) *Design review.* Design review is required for all permitted and specially permitted buildings or uses.

¹ All standards are minimum requirements unless otherwise noted.

² Measured from the right-of-way line.

Sec. 31-312. - RCL low density multiple-family residential district.

(a) *Allowable uses.*

(1) See Table in Section 31-315 for the allowable uses within this district.

(b) *Massing regulations.*

(1) Minimum standards. ¹

Lot area	20,000 square feet
Lot area per unit	7,000 square feet
Open space per unit	1,500 square feet
Front setback ²	35 feet
Side setback ²	50 feet
Rear setback ²	50 feet
Principal building separation	50 feet
Building Height	35 feet maximum

(2) Additional setback standards. ³

Trunk Highway 96 (Stonebridge Trail to Co Rd. 15)	100 feet
McKusick Road (Neal Ave. to Co Rd. 15)	100 feet

County Rd. 12 (Northland Ave. to Co Rd. 15)	100 feet
County Rd. 15 (Trunk Highway 36 to Trunk Highway 96)	100 feet
Railroad	75 feet

- (c) *Recreation facilities.* Ten percent of the gross project area shall be specifically designed, developed and maintained for recreational purposes such as: Children's play apparatus, swimming and wading pools, game areas such as tennis and horseshoe courts, picnicking and outdoor cooking facilities, etc. In addition, the city council at its discretion may require that the developer provide public park space according to the city park dedication requirements.
- (d) *Landscaping and screening.* Landscaping and screening shall be as follows:
- (1) All sites when fully developed shall be completely graded so as to adequately drain and dispose of all surface water, stormwater and groundwater in such a manner as to preclude large scale erosion and unwanted ponding.
 - (2) All sites when fully developed shall be landscaped according to a plan approved by the city council. The landscaping plan shall specify the size, type and location of all trees and shrubbery and the location of all sodded areas.
 - (3) Parking areas containing four or more spaces which are adjacent to or across the street from a residential district shall be screened to a height of at least four feet by shrubbery, wood or masonry materials.

¹ All standards are minimum requirements unless otherwise noted.

² Principal and accessory structures must meet this setback standard.

³ Measured from the right-of-way line.

Sec. 31-313. - RCM medium density multiple-family residential district.

(a) *Allowable uses.*

(1) See Table in Section 31-315 for the allowable uses within this district.

(b) *Massing regulations.*

(1) Minimum standards. ¹

Lot area	12,000 square feet
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Lot area per unit	2,800 square feet
Maximum lot coverage	30 percent
Maximum floor area ratio	0.75
Front setback	
Principal building	35 feet
Accessory building	45 feet
Side setback	
Principal building	20 feet
Accessory building	10 feet
Rear setback	
Principal building	45 feet
Accessory building	10 feet
Principal building separation	35 feet
Building Height	3 stories maximum

i. *Exceptions:*

- a. One- and two-family dwellings may be allowed to conform to the RB district setback requirements.
- b. When the adjacent buildings are located with a setback less than is required above, a multiple dwelling may be permitted to be located up to the point of the lesser setback requirement.

(2) Additional setback standards. ²

Trunk Highway 96 (Stonebridge Trail to Co Rd. 15)	100 feet
McKusick Road (Neal Ave. to Co Rd. 15)	100 feet
County Rd. 12 (Northland Ave. to Co Rd. 15)	100 feet
County Rd. 15 (Trunk Highway 36 to Trunk Highway 96)	100 feet
Railroad	75 feet

(c) *Recreation facilities.* There shall be 200 square feet per dwelling unit or ten percent of the gross project area, whichever is greater, specifically designed, developed and maintained by the owner for recreation purposes in the RCM district such as follows: Children's play apparatus, swimming and wading pools, game areas, such as tennis and horseshoe courts, picnicking and outdoor cooking facilities, etc. In addition, the city council at its discretion may require that the developer provide public park space according to the city park dedication requirements.

(d) *Landscaping and screening.* Landscaping and screening shall be as follows:

- (1) All sites when fully developed shall be completely graded so as to adequately drain and dispose of all surface water, stormwater and groundwater in such a manner as to preclude large scale erosion and unwanted ponding.
- (2) All sites when fully developed shall be landscaped according to a plan approved by the city council. The landscaping plan shall specify the size, type and location of all trees and shrubbery and the location of all sodded areas.
- (3) Parking areas containing four or more spaces which are adjacent to or across the street from a residential district shall be screened to a height of at least four feet by shrubbery, wood or masonry materials.

¹ All standards are minimum requirements unless otherwise noted.

² Measured from the right-of-way line.

§ 153.322 MIXED RESIDENTIAL (MXR-3) DISTRICT.

(A) *Purpose.* The Mixed Residential (MXR-3) District is intended to provide areas offering a variety of housing types, including single-family attached and detached dwellings and multi-family structures to retain the environment and character of less intensive styles of multiple-family residence areas by establishing building and lot area requirements; to broaden the choice of residential living styles in the city; and to promote quality development by following a thorough application, review, and approval process.

(B) *Permitted uses.* Subject to applicable provisions of this chapter, the following are permitted uses in the MXR-3 District:

- (1) Dwelling, single-family detached;
- (2) Dwelling, single-family attached - 8 units per building maximum with each unit having a separate entrance;
- (3) Recreation, public.

(C) *Accessory uses.* Subject to applicable provisions of this chapter, the following accessory uses in the MXR-3 District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110*et seq.*

- (1) Detached accessory structures (detached single-family and dwelling apartment only);
- (2) Day care facility, licensed - serving 6 or fewer persons;
- (3) Kennel, private - 3 or fewer pets (single-family detached lots only);
- (4) Residential facility, licensed - serving 6 or fewer persons;
- (5) Other uses customarily associated with but subordinate to a permitted use, as determined by the city;
- (6) Amateur radio antenna (subject to the amateur radio antenna standards in §153.096(II)(9)).

(D) *Certificate of compliance.* Subject to applicable provision of this chapter, the following are uses in the MXR-3 District that require approval with a certificate of compliance as set forth in and regulated by § 153.029.

(1) *Accessory uses.*

- (a) Accessory apartment (single-family detached dwellings only);
- (b) Day care facility, licensed - serving 7 to 14 persons;
- (c) Home occupations (single-family detached dwellings only);
- (d) Residential facility, licensed - serving 7 to 10 persons;
- (e) Solar energy systems, either roof or ground-mounted (meeting accessory structure requirements) according to § 153.307.

(E) *Conditional uses.* Subject to applicable provisions of this chapter, the following are conditional uses in the MXR-3 District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) *Principal uses.*

- (a) Dwelling, apartment/condominium;
- (b) Essential services, governmental buildings and storage;
- (c) Essential services, utility substation;
- (d) Place of worship;
- (e) School.

(2) *Accessory uses.*

- (a) Columbarium - accessory to place of worship;
- (b) Day care facility, licensed - serving more than 14 persons;
- (c) Residential facility, licensed - serving more than 10 persons;
- (3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.
- (4) New wireless support structures and small wireless facilities located within the public right-of-way and meeting the requirements of Chapter 98, and subject to the conditions found in §153.096(PP).

(F) *Interim uses.* Subject to applicable provisions of this chapter, the following are interim uses in the MXR-3 District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Agricultural uses;

(2) Uses as determined by the Planning Commission and City Council.

(G) *Lot size, setback, and height requirements.* The following minimum requirements shall be observed in an MXR-3 District subject to additional requirements, exceptions, and modifications as set forth in this chapter.

(1) *Minimum lot requirements.*

(a) *Lot area.*

1. Detached single-family: 9,000 square feet;
2. Attached townhouse: 7,500 square feet per unit, or no minimum lot size if common site area owned and maintained by a homeowner's association.
3. Apartment/condominium dwelling: 43,560 square feet or 1 acre;

(b) *Lot width.*

1. Detached single-family: 60 feet;
2. Multiple-family dwelling: 100 feet.
3. Attached townhouse: no established minimum.

(2) *Setbacks.*

(a) *Principal structure.*

1. *Front yard:*

- a. Arterials, as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;
- b. Collector street: 30 feet from the public right-of-way;
- c. Local street: 30 feet from the public right-of-way;
- d. Existing private street: 30 feet from the back of the curb or edge of pavement;
- e. Internal: 20 feet between attached or multi-family principal structures separated by common area.

2. *Side yard:*

- a. Single-family dwelling: 10 feet (unless abutting a side street 25 feet);
- b. Attached townhome: 10 feet;
- c. Multiple-family dwelling: 30 feet.

3. *Side street:*

- a. Single-family dwelling: 25 feet;
- b. Attached townhome: 25 feet;
- c. Multiple-family dwelling: 20 feet.

4. *Rear yard:* 30 feet.

5. *Internal:* 20 feet between principal structures.

(b) *Detached accessory structure.*

1. Front yard: 30 feet and cannot be located between the principal structure and the street.
2. Side street: 25 feet and cannot be located between the principal structure and the street.
3. Side yard: 10 feet.
4. Rear yard: 10 feet.

(3) *Building height.*

(a) Principal structures: shall be limited to a maximum height of:

1. Single-family detached: 35 feet;
2. Attached townhome: 35 feet or 3 stories, whichever is less;
3. Apartment and condominiums (stacked units): 45 feet or 3 stories, whichever is less.

(b) Detached accessory structures: shall be limited to 1 story with a maximum sidewall height of 10 feet measured from the floor surface to the underside of the ceiling member.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016; Am. Ord. 676, passed 7-9-2018; Am. Ord. 694, passed 2-10-2020)

§ 153.323 MULTIPLE-FAMILY RESIDENTIAL (MF) DISTRICT.

(A) *Purpose.* The Multiple-Family Residential (MF) District is intended to establish areas for the development of multiple dwelling structures with a maximum density of 15 units per net acre; to maintain a residential character in areas with a high density, multiple-family development; to broaden the choice of residential living styles in the city; to set limitations on housing development density; and to promote quality development by following a thorough application, review, and approval process.

(B) *Permitted uses.* Subject to applicable provisions of this chapter, the following are permitted uses in the MF District:

- (1) Dwelling, multiple-family (apartment, condominium, cooperative);
- (2) Dwelling, single-family, existing prior to the date of adoption of this chapter. All setback requirements for principal structures and detached accessory structures shall comply with the standards in the MXR-1 District;
- (3) Recreation, public.

(C) *Accessory uses.* Subject to applicable provisions of this chapter, the following accessory uses in the MF District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110*et seq.*

- (1) Detached accessory structure;
- (2) Detached accessory structure, existing single-family shall comply with the standards in the MXR-1 District.
- (3) Day care facility, licensed - serving 6 or fewer persons in an existing single-family dwelling only;
- (4) Residential facility, licensed - serving 6 or fewer persons in an existing single-family dwelling only;
- (5) Other uses customarily associated with but subordinate to a permitted use as determined by the city;
- (6) Amateur radio antenna (subject to the amateur radio antenna standards in §153.096(II)(9)).

(D) *Certificate of compliance.*

(1) Subject to applicable provision of this chapter, the following are uses in the MF District that require approval with a certificate of compliance as set forth in and regulated by § 153.029.

(2) *Accessory uses.*

- (a) Day care facility, licensed - serving 7 to 14 persons in an existing single-family dwelling only;
- (b) Home occupations in an existing single-family dwelling only unless otherwise approved by the city and property owner;
- (c) Residential facility, licensed - serving 7 to 10 persons in an existing single-family dwelling only;
- (d) Solar energy systems, either roof or ground mounted (meeting accessory structure requirements) according to § 153.307.

(E) *Conditional uses.* Subject to applicable provisions of this chapter, the following are conditional uses in the MF District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) *Principal uses.*

- (a) Essential services, governmental buildings and storage;
- (b) Essential services, utility substations;
- (c) Manufactured home park;
- (d) Nursing home.

(2) *Accessory uses.*

- (a) Day care facility, licensed - serving more than 14 persons in an existing single-family home only;
- (b) Residential facility, licensed - serving more than 10 persons in an existing single-family home only;
- (3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(F) *Interim uses.* Subject to applicable provisions of this chapter, the following are interim uses in the MF District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Uses as determined by the Planning Commission and City Council.

(G) *Lot size, setback, and height requirements.* The following minimum requirements shall be observed in an MF District

subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) *Minimum lot requirements.*

- (a) Lot area: 43,560 square feet (or 1 acre);
- (b) Lot width: 100 feet.

(2) *Setbacks.*

(a) *Principal structure.*

1. *Front yard:*

a. Arterials as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;

b. Collector street: 30 feet from the public right-of-way;

c. Local street: 30 feet from the public right-of-way;

d. Existing private street: 30 feet from the back of curb or edge of pavement.

2. *Side yard: 30 feet.*

3. *Rear yard: 30 feet.*

4. *Internal: 20 feet between principal structures.*

(b) *Accessory structure.*

1. Front yard: 30 feet and cannot be located between the principal structure and the street.
2. Side yard: 10 feet.
3. Rear yard: 10 feet.

(3) *Maximum height.*

(a) Principal structure: shall be limited to a maximum height of 4 stories and 45 feet, whichever is less.

(b) Accessory structures: shall be limited to 1 story with a maximum sidewall height of 10 feet, measured from the floor surface to the underside of the ceiling member.

(H) *Design standards for Townhome and Multiple-Family Structures.*

(1) Design requirements: row style, multi-story (not stacked) or 1 level attached.

(2) *Design character.* A high quality of building design is an important way to bring larger buildings into a traditional neighborhood scale. In addition, site design, landscaping, and pedestrian amenities will help to create a comfortable, livable district and a shared sense of ownership among residents.

(a) *Subdivision requests.* Building elevations and floor plans shall be furnished with subdivision requests illustrating exterior building material and colors to demonstrate compliance with this section. Building floor plans shall identify the interior storage space within each unit.

(b) *Decks or porches.* Provision shall be made for possible decks, porches, or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.

(c) *Minimum overhang.* In case of a gable roof, a minimum 12 inch soffit shall be required.

(d) *Exterior building finish.* The exterior of attached/townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, attached/townhome dwelling structures shall comply with the following requirements:

1. A minimum of 25% of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.

2. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than 75% of 1 type of exterior finish.

3. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than 60% of all building facades of 1 type of exterior finish.

4. For the purpose of this section and material calculations:

a. The area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

b. Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different

materials meeting the requirements of this section.

c. Integral colored split face (rock face) concrete block shall not qualify for meeting the brick, stucco, and/or natural or artificial stone material requirements.

d. Multiple unit buildings in proximity to each other shall not look alike in terms of color of siding, accent and roofing materials. The building under consideration will be compared to 2 homes on 2 lots on either side of it and to the 3 homes directly facing it.

e. Outside storage shall be allowed only in designated areas which are screened in accordance with §153.146 of this chapter and under the ownership of the property owners' association subject to other applicable provisions of this chapter.

(3) Building design and materials, multi-family (stacked).

(a) Design character: The scale of multi-family dwellings makes the buildings highly visible and it is critical to incorporate high quality architecture. All buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan. Building materials shall be attractive in appearance, durable, and of a quality which is both compatible with adjacent structures and consistent with the city's standards for the district in which it is located. All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of elements such as accent materials, entrance and window treatments, contrasting colors, irregular building shapes and rooflines, or other architectural features in the overall architectural concept.

(b) A minimum of 50% of the combined area of all building facades of a structure shall contain the following permitted major exterior materials: face brick (glazed or unglazed), clay faced tile, and/or stone masonry (granite, limestone, marble, slate, sandstone, or quartzite).

(c) Accent materials may include: finished texture stucco (cement or synthetic), exterior finished wood siding (painted, stained, or weather sealed), exterior finished metal siding (not including sheet metal of any kind), exterior finished vinyl siding or fiber cement siding in lap or panel design (color impregnated or painted). Panel seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can either be filled, covered with accent material or some other method to make seam lines invisible. Accenting materials and design shall be included on all facades.

(d) All building and roofing materials shall meet current accepted industry standards and tolerances, and shall be subject to review and approval by the city for quality, durability, and aesthetic appeal. The applicant shall submit to the city product samples, color building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials.

(e) If complementary building styles, materials, and color schemes are proposed for a development, the developer shall submit to the city a plan showing the distribution of the styles, materials, and colors throughout the development.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016)

Sec. 24-134. - R-4 urban residential district.

- (a) *Purpose and scope.* This section applies to the R-4 urban residential district. This district is created to provide an adequate amount of land to meet the demand for urban residential development. These areas will require public sewer and water systems which will be extended to encourage staged and orderly growth in the city in conformance to the comprehensive plan or amendments thereto. These lands are shown as "Places to Live, High Density Residential", "Places to Live, Medium Density Residential" or "Places to Live, Low Density Residential" on the comprehensive plan or amendments thereto. Maximum density shall be consistent with the base density in the comprehensive plan unless increased using a density bonus through an approved planned unit development.
- (b) *Permitted uses.* Permitted uses are as follows:
- Agricultural building existing on April 14, 1971.
 - Agricultural use existing on April 14, 1971.
 - Essential services including power lines under 35 KV.
 - Historic site.
 - Open space, public or private.
 - Residential care facility serving six or fewer persons.
 - Single-family detached dwelling on a platted lot.
 - Single-family detached dwelling on an unplatted lot not less than 20 acres with a width of not less than 500 feet.
 - Single-family detached dwelling on an unplatted lot of record less than 20 acres in existence as of September 12, 2012.
- (c) *Permitted accessory uses.* Permitted accessory uses are as follows:
- Accessory structures in accordance with section 24-281.
 - Common property to a multiple family complex or planned unit development.
 - Daycare, home-based and licensed, serving 12 or fewer persons.
 - Ground source heat pump systems in accordance with section 24-404.
 - Home business in accordance with section 24-263.
 - Retail sales accessory to golf course/driving range, ice arena or park facility.

Satellite dish for residential use.

Solar energy system in accordance with section 24-406.

Temporary seasonal roadside stand not to exceed one per farm selling only products grown on that farm.

Wind energy system on lots at least 20 acres in size up to 45 feet in height in accordance with section 24-405.

(d) *Conditional uses*. Conditional uses are as follows:

Accessory uses for a place of worship or school in addition to those listed as permitted may be allowed as a conditional use.

Assisted living facility serving 16 or more persons.

Cemetery in existence as of September 26, 2012.

Daycare, accessory to a place of worship or school.

Daycare, home-based and licensed, serving from 13 to 16 persons.

Daycare, licensed, serving more than 16 persons along a collector or arterial street.

Golf course, driving range.

Government use.

Historic reuse ancillary to the primary residential use limited to: tearoom with scheduled events; indoor or outdoor wedding receptions and socials as scheduled events; bed and breakfast; and catering kitchen.

Multiple-family dwelling in accordance with section 24-309.

Place of worship in accordance with section 24-303.

Planned unit development in accordance with article IV.

Residential care facility serving from seven to 16 persons.

Single-family attached dwelling.

School in accordance with section 24-303.

(e) *Interim conditional uses*. Interim conditional uses are as follows:

Farmers' market in accordance with section 24-265.

Telecommunications tower in accordance with article VI, division 4.

Wind energy system on lots at least 20 acres in size up to 75 feet in height in accordance with section 24-405.

(f) *Zoning district standards.*

(1) Minimum lot area:

- a. Single-family detached dwellings, unplatted: 20 acres.
- b. Single-family detached dwellings, platted: 10,000 square feet with a minimum buildable area of 4,000 square feet.
- c. Single-family attached dwellings:
 1. Duplex: An average of 6,000 square feet per unit.
 2. Townhouse: An average of 4,500 square feet per unit.
 3. Quadplex: An average of 4,500 square feet per unit.
 4. Multiple-family dwellings:
 - (i) Efficiency: 2,300 square feet (maximum five percent efficiency units).
 - (ii) One-bedroom: 2,925 square feet.
 - (iii) Two-bedroom: 3,600 square feet.
 - (iv) Three-bedroom: 4,275 square feet.

(2) Minimum lot width: 80 feet.

(3) Minimum lot depth: 125 feet unless the rear lot line abuts a collector or arterial street then the minimum lot depth shall be 160 feet.

(4) Maximum lot depth: The depth of any lot in a subdivision shall not exceed three times the lot's width.

(5) Access: Maximum of two accesses per residential lot on a public street.

(6) Maximum height: Three stories or 40 feet.

(7) Minimum front yard setback: 35 feet, unless the front yard abuts an existing or future collector or arterial street, then the minimum front yard shall be 50 feet from the anticipated future right-of-way.

(8) Minimum side yard setback:

- a. From residential street: 20 feet.
- b. From major road (collector or arterial street): 50 feet.
- c. From interior lot line: Ten feet.
- d. From interior lot line: If a garage, five feet.
- e. When the garage and the living unit align, or a portion of the living unit is above the

garage, the side yard setback to the structure on the garage side shall be five feet.

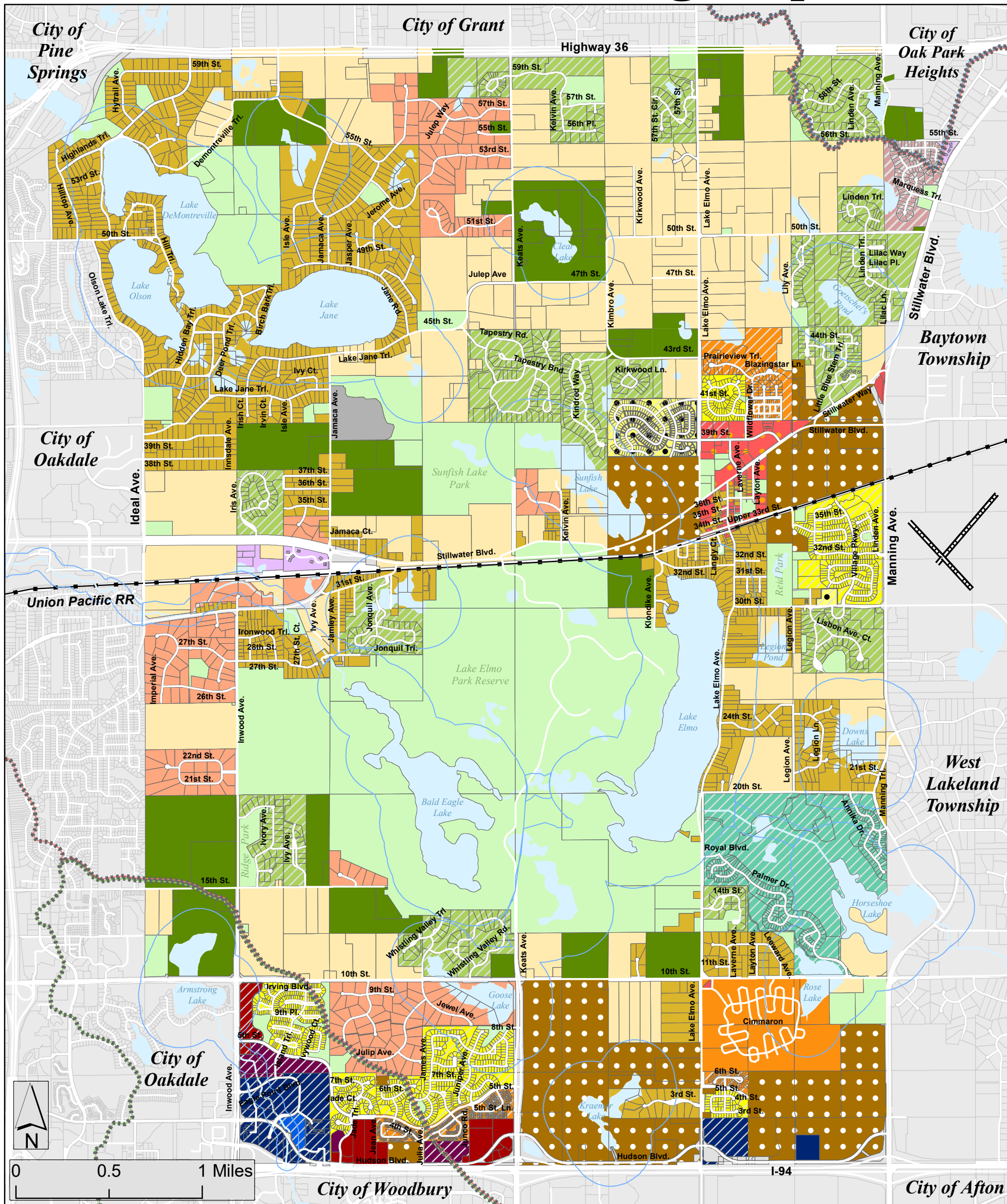
- (9) Minimum rear yard setback: 35 feet unless the rear yard abuts an existing or future collector or arterial street, then the minimum rear yard shall be 50 feet from the anticipated future right-of-way.




























- (10) Maximum building coverage: 35 percent.

(Ord. No. 1858, § 1858.01, 9-26-2012; Ord. No. 1957, § 4, 12-12-2018)

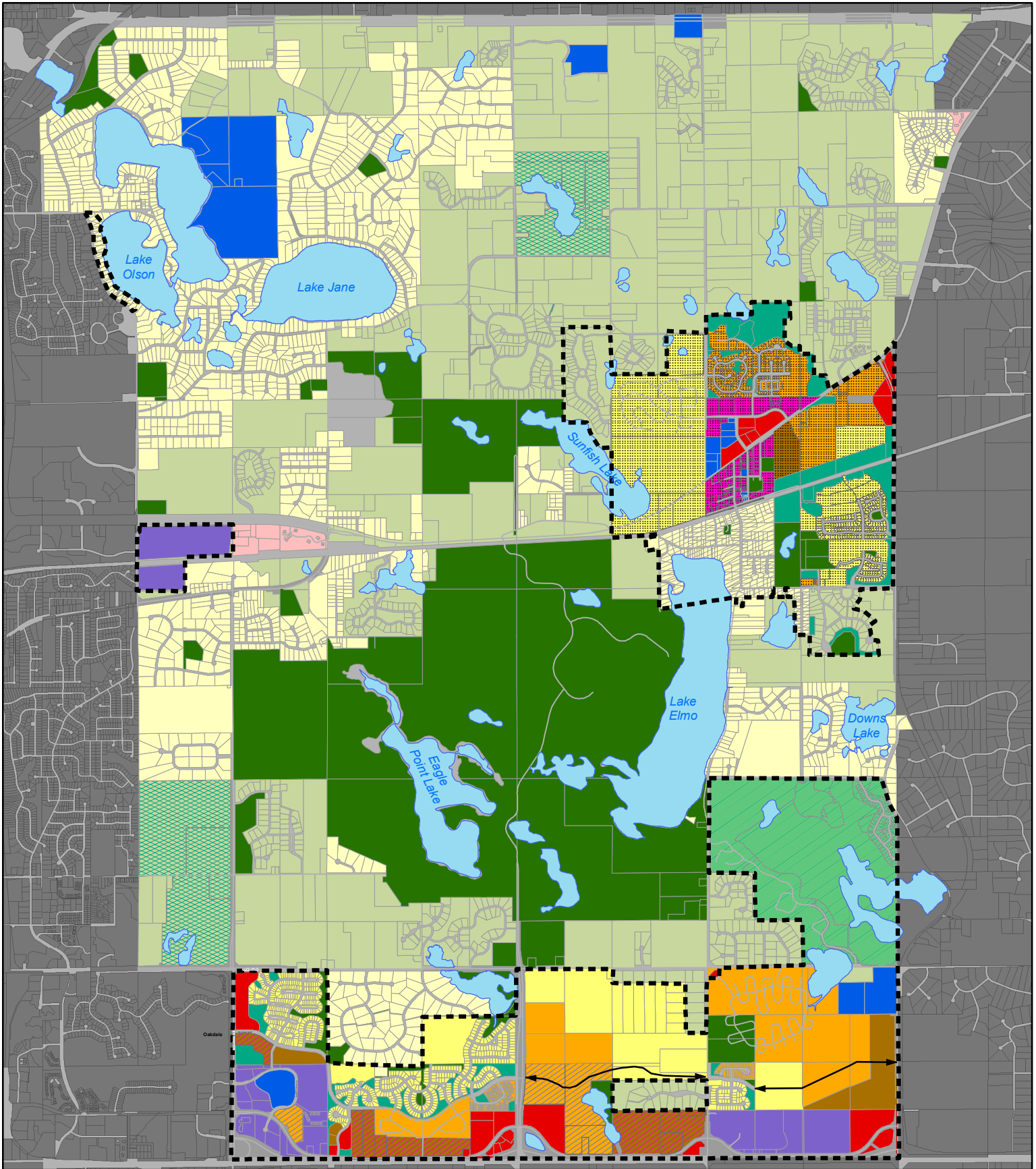
Lake Elmo Zoning Map

Data Source: Washington County
Map Created By: Planning Dept.
Map Updated: April 2022



- ### Zoning Districts
- | | | |
|--|---|---|
|  LDR - Low Density Residential |  GCC - Golf Course Community |  A - Agricultural |
|  MDR - Medium Density Residential |  OP - Open Space PUD |  PF - Public Facilities |
|  HDR - High Density Residential |  LC - Limited Commercial |  Water Body |
|  R2 - One & Two-Family Residential |  C - Commercial |  Closed Landfill |
|  V-LDR - Village Low Density Residential |  CC - Convenience Commercial |  Browns Creek |
|  RS - Rural Single Family |  BP - Business Park |  South Washington |
|  RE - Residential Estate |  MU-BP - Mixed-Use Business Park |  Valley Branch |
|  RR - Rural Residential |  MU-C - Mixed-Use Commercial |  Shoreland Overlay District |
|  RT - Rural Transitional |  V-MX - Village Mixed Use |  Hatching Represents Planned Unit Developments (PUD) |

Future Land Use Map



2040 Future Land Use

0 1800 3600 5400 7200 Ft

Map Date: January 2021

