



STAFF REPORT

DATE: 2/4/2025

Consent

TO: City Council
FROM: Sophia Jensen, Senior City Planner
AGENDA ITEM: **Zoning Text Amendment – Housekeeping Items**
REVIEWED BY: Jason Stopa, Community Development Director
Ashley Monterusso, City Planner
Sarah Sonsalla, City Attorney

BACKGROUND:

Over the last year City Staff have identified a handful of minor ordinance corrections that are required to create consistency and clarity with the City Code and other guiding documents. The scope of these changes is relatively minor. Processing these amendments is on the 2025 Planning Commission Work Plan.

ISSUE BEFORE THE CITY COUNCIL:

The City Council is being asked to make a determination on the proposed amendments.

PROPOSAL DETAILS:

Sections under review:

- ~~105.12.110(b)(13)~~ – Item removed from amendment batch based on Planning Commission and Public Hearing feedback. To be brought back at a later date with short term rental review.
- 1.08.010
- 105.12.410(h)
- 105.12.440(e)
- 105.12.200
- 103.00.060(b)(1)
- 105.12.190 (g)

ANALYSIS OF PROPOSALS: Proposed language is underlined. Deleted language is shown with a ~~strikethrough~~.

Code Section: 1.08.010 Terms Defined The intent of this amendment is to clarify types of undeveloped land that qualify as open space.

Proposed Language: *Open space area* means the measurement of all undeveloped land including wetlands, stormwater ponds, steep slopes, parks and conservation areas ~~and natural features~~ within a subdivision or planned unit development. Trails or sidewalks outside of the road right-of-way and agricultural buildings are included in the open space area. Road right-of-way and buildable lots and outlots are not considered open space areas.

Code Section: 105.12.410(h) Off Street Parking Regulations The intent of this amendment is to correct the language and clarify that the code applied to commercial trucks and trailers.

Proposed Language: *Truck parking in residential areas.* No commercially licensed trailer or truck which has a vehicle weight of 14,000lbs (Class 4) or more shall be parked or stored in a residential district except when loading, unloading, or rendering a service. Recreation vehicles ~~and pickups~~ are not restricted by the terms of this provision.

Code Section: 105.12.440(e) Accessory Buildings and Structures, Generally The intent of this amendment is to prohibit accessory buildings within the front yards of homes.

Proposed Language: *Proximity to principal structure.* Accessory buildings or structures shall maintain a six-foot setback from the principal structure. An accessory building or structure will be considered as an integral part of the principal building if it is located six feet or less from the principal structure and located to the side or rear of the principal structure. Accessory buildings or structures shall not be located in the front yard of the principal structure unless they are listed as a permitted encroachment defined in LEC 105.12.200(a)(1).

Code Section: 105.12.200(a)(1) &(b) Permitted Encroachments The intent of this amendment is to clarify that retaining walls and pool equipment pads may encroach into setbacks. This is consistent with current City practice. This code does not apply to easements.

Proposed Language:

a) *In any yards.*

- 1) Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to three feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, egress window/wells, sidewalks, fences, retaining walls less than four feet in height, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five feet from any lot line nor less than one foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.
- 2) Porches as defined in LEC 1.08 may encroach up to six feet into a required front yard setback or side corner yard, but in no case shall be set back less than ten feet from the front property line. A porch is not allowed in a side or rear yard setback.

b) *Side and rear yards.* Fences; walls and hedges six feet in height or less; pool equipment pads; bays not to exceed a depth of three feet or containing an area of more than 30 square feet; egress/window wells not to exceed the minimum area needed to meet building/ fire code or fire escapes not to exceed a width of three feet.

Code Section: 103.00.060(b)(1) Lot Consolidation/Lot Line Adjustment The intent of this amendment is to clarify nonconformity language. The language is consistent with current City practice.

Proposed Language:

- b) *Criteria for lot line adjustment/lot consolidation.* Lot line adjustments exempted from platting by M.S.A. § 462.352, subd. 12 shall not require a plat or replat and may be administratively approved, provided all of the following criteria are met:
1. Each resultant parcel equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment. When more than one lot is non-conforming, the least conforming lot may be made more conforming while the other non-conforming lot(s) are made less conforming. A conforming lot shall not become non-conforming by the lot line adjustment/consolidation.
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Code Section: 105.12.190 Additions And Exceptions To Minimum Area, Height, And Other Requirements The intent of this amendment is to clarify nonconformity language. The language is consistent with current City practice and the amendments to 103.00.060 listed above.

Proposed Language:

(g) *Reduction of required yard or lot size prohibited.* No yard or lot shall be reduced in area or dimension so as to make it less than the minimum required by this chapter, ~~and if the existing yard or lot is less than the minimum required, it shall not be further reduced.~~ If the existing lot is less than the minimum required, it may be further reduced if it meets the lot line adjustment standards in LEC 103.00.060. No required yard or lot currently used for a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.

PUBLIC HEARING:

A public hearing was published in the City's official newspaper on January 17th 2025. No public comment has been received. Below is a summary of the public comment received:

- Joyce Kelch- Provided comments that the bed and breakfast amendment should have a homestead requirement and that agriculture buildings should have a 40' spacing rather than the existing 6'.
- Mel Eder – Provided comments concerning the method of public hearing advertisement and provided comments against the bed and breakfast amendment. Eder was not in support of the bed and breakfast amendments as presented by Staff.
- Joan Ziertman – Provided written comments concerning the bed and breakfast amendment noting the differences of short term rental and how other Cities and the State review bed and breakfast versus short term rental. Ziertman was not in support of the bed and breakfast amendments as presented by Staff.

PLANNING COMMISSION:

The Planning Commission reviewed this request at their January 27th, 2025 meeting. The Commission voted to recommend approval of the request with amendments to keep the Bed and Breakfast definition as is. City Staff is in agreement that this definition and short term rental requires a deeper look and will be brought back later to the Commission and Council. Staff is currently only proposing the 6 amendments that did not have concerns or amendments by the commission. (Vote 4-0).

FISCAL IMPACT:

None.

OPTIONS:

- Approve the proposed amendments.
- Amend the proposed amendments.
- Deny the proposed amendments.

RECCOMENDATION:

Staff recommends the City Council the proposed text amendment *as part of the consent agenda*. If removed from the consent agenda, staff recommends the following motions:

“Move to adopt Ordinance 2025-02 amending City Code as presented by City Staff”

AND

“Move to adopt summary of publication of Ordinance 2025-02 with approval of Resolution 2025-12”

ATTACHMENTS:

- Ordinance 2025-02
- Resolution 2025-12

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 2025-02

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE FOR
ZONING AND LAND USE SECTIONS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title 1 General Provisions; Chapter 1.08: Definitions, Section 010 Terms Defined is hereby amended by changing the following section (Proposed language is underlined; deleted language is shown with ~~strikethrough~~):

Open space area means the measurement of all undeveloped land including wetlands, stormwater ponds, steep slopes, parks and conservation areas ~~and natural features~~ within a subdivision or planned unit development. Trails or sidewalks outside of the road right-of-way and agricultural buildings are included in the open space area. Road right-of-way and buildable lots and outlots are not considered open space areas.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title 105 Zoning; Chapter 105.12: Zoning Code, Section 410 Off Street Parking Regulations is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

(h) Truck parking in residential areas. No commercially licensed trailer or truck which has a vehicle weight of 14,000lbs (Class 4) or more shall be parked or stored in a residential district except when loading, unloading, or rendering a service. Recreation vehicles ~~and pickups~~ are not restricted by the terms of this provision.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title 105 Zoning; Chapter 105.12: Zoning Code, Section 440 Accessory Buildings and Structures, Generally is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

(e) Proximity to principal structure. Accessory buildings or structures shall maintain a six-foot setback from the principal structure. An accessory building or structure will be considered as an integral part of the principal building if it is located six feet or less from the principal structure and located to the side or rear of the principal structure. Accessory buildings or structures shall not be located in the front yard of the principal structure unless they are listed as a permitted encroachment defined in LEC 105.12.200(a)(1).

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title 105 Zoning; Chapter 105.12: Zoning Code, Section 200 Permitted Encroachments is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

a) *In any yards.*

- 1) Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to three feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, egress window/wells, sidewalks, fences, retaining walls less than four feet in height, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five feet from any lot line nor less than one foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

- 2) Porches as defined in LEC 1.08 may encroach up to six feet into a required front yard setback or side corner yard, but in no case shall be set back less than ten feet from the front property line. A porch is not allowed in a side or rear yard setback.
- b) *Side and rear yards.* Fences; walls and hedges six feet in height or less; pool equipment pads; bays not to exceed a depth of three feet or containing an area of more than 30 square feet; egress/window wells not to exceed the minimum area needed to meet building/ fire code or fire escapes not to exceed a width of three feet.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title 103 Subdivision Regulations; Chapter 103.00, Section 060 Lot Consolidation/Lot Line Adjustment is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

1. *Criteria for lot line adjustment/lot consolidation.* Lot line adjustments exempted from platting by M.S.A. § 462.352, subd. 12 shall not require a plat or replat and may be administratively approved, provided all of the following are met:
 1. Each resultant parcel equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment. When more than one lot is non-conforming, the least conforming lot may be made more conforming while the other non-conforming lot(s) are made less conforming. A conforming lot shall not become non-conforming by the lot line adjustment/consolidation;
 2. The lot line adjustment does not create additional lots.
 3. The lot line adjustment shall not cause any structure on the property to be made non-conforming or in violation of the zoning ordinance codified in LEC title 105 or any other provisions of this Code.
 4. All resultant parcels shall have frontage and access on an existing improved street or access to an existing improved street protected by a restrictive covenant approved by the city attorney which includes the city as a beneficiary.
 5. The resulting parcels shall generally conform to the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.
 6. Any such lot line adjustment shall not require any public improvements.
 7. Any easements that become unnecessary as a result of the combination of parcels must be vacated. A request to vacate easements shall be made concurrently with the application for lot consolidation/lot line adjustment. Review of the easement vacation request, including any public hearings and city council action, shall be completed before action may be taken on the application for lot consolidation/lot line adjustment.
 8. New easements shall be established as the city deems necessary.

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title 105 Zoning; Chapter 105.12 Zoning Code, Section 190 Additions and Exceptions to Minimum Area, Height, and Other Requirements is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

(g) Reduction of required yard or lot size prohibited. No yard or lot shall be reduced in area or dimension so as to make it less than the minimum required by this chapter, ~~and if the existing yard or lot is less than the minimum required, it shall not be further reduced.~~ If the existing lot is less than the minimum required, it may be further reduced if it meets the lot line adjustment standards in LEC 103.00.060. ~~No required yard or lot currently used for a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.~~

SECTION 7. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 8. Adoption Date. This Ordinance 2025-02 was adopted on this 4th day of February 2025, by a vote of __ Ayes and __Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 2025-02 was published on the _____ day of February 2025.

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

RESOLUTION NO. 2025-12

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE
2025-12**

WHEREAS, the Lake Elmo City Council has adopted Ordinance No. 2025-12 an ordinance that amends Lake Elmo City Code Sections: 1.08.010, 105.12.410, 105.12.440, 105.12.200, and 103.00.060.

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo that the City Clerk shall cause the following summary of Ordinance No. 2025-12 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 2025-12, an ordinance that amends the City Code language in the Zoning Ordinance. The following is a summary of the adopted ordinance language:

This resolution addresses Ordinance No. 2025-12 which was aimed at refining and updating language in city code. The ordinance revises six sections as follows: Title 1 General Provisions; Chapter 1.08: Definitions, Section 010 Terms Defined; Title 105 Zoning; Chapter 105.12: Zoning Code, Section 410 Off Street Parking Regulations; Title 105 Zoning; Chapter 105.12: Zoning Code, Section 440 Accessory Buildings and Structures, Generally; Title 105 Zoning; Chapter 105.12: Zoning Code, Section 200 Permitted Encroachments; and Title 103 Subdivision Regulations; Chapter 103.00, Section 060 Lot Consolidation/Lot Line Adjustment; and Title 105 Zoning; Chapter 105.12 Zoning Code, Section 190 Additions and Exceptions to Minimum Area, Height, and Other Requirements in city code and has been updated for clarity and consistency purposes.

The full text of Ordinance 2025-12 is available for inspection at Lake Elmo City Offices during regular business hours.

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

Dated: February 4th, 2025

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)