



City of Lake Elmo

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, January 25, 2010, at 7:00 p.m.

*****PLEASE NOTE: A recording of Randall Arendt's presentation "Land Matters – Rethinking Main Street" from his June 2009 seminar in Minnesota will be presented before the meeting beginning at 6:00 p.m. in the City Council Chambers at City Hall. Any Commissioners or members of the public who wish to view this video are invited to attend at this time.*****

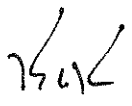
AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
4. Business Items
 - a. Exterior Storage Ordinance Discussion
 - b. Work Plan Review
5. City Council Updates
 - a. January 26, 2009 – Floodplain Management Ordinance Update
6. Adjourn

Planning Commission
Date: 1/25/10
REGULAR
Item: 4a

ITEM: Discussion concerning potential revisions to the ordinances regulating the storage of boats, trailers, and other equipment in residential zones.

REQUESTED BY: Planning Department

SUBMITTED BY: Kyle Klatt, Director of Planning 

REVIEWED BY: N/A

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to provide direction to Staff concerning potential zoning text amendments to the Lake Elmo City Code provisions that regulate the exterior storage of personal equipment (including boats, trailers, recreational vehicles, and similar items) in residential zoning districts. The City Council has previously directed the Commission to review this issue and to recommend any potential amendments to the existing ordinance that it deems appropriate to make.

In order to help facilitate the Commission's discussion on this matter, Staff has included two existing sections from the City Code pertaining to exterior storage. The first is the general code requirements for exterior storage and the second is language from the Zoning Ordinance that regulates the parking of recreation vehicles in residential areas. Since these sections deal with very similar issues, Staff is recommending that they both be considered as part of the Commission's discussion. Also attached for consideration is the ordinance from Lake City, MN that was recently adopted as part of a larger Zoning Ordinance update in this community.

REVIEW OF CURRENT ORDINANCES:

One of the major issues that needs to be addressed with a revision to the exterior storage provisions of the City Code is how the code defines "Rear Yard". This is especially pertinent for determining permissible locations for the storage of boats and trailers under 25 feet in length, which are allowed, according to the ordinance, "if stored in the rear yard more than 10 feet distant from any property line". The City Code defines the rear yard as follows:

YARD, REAR. A yard extending across the rear of the lot between the inner side yard lines and lying between the rear line of the lot and the nearest building line.

And further describes "building line" as:

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend

Taking these two definitions into account, the only place that exterior equipment could be stored is in a narrow band across the very back of a parcel, between the rear yard setback line and the back property line. In the case of an R-1 district, for example, this leaves a 40-foot band that is available for such storage. With a quick drive around the community, it becomes readily apparent that there are many, many property owners that are not in compliance with this requirement. It also does not appear to be practical, nor the intent of the code, to restrict the storage of personal equipment in this manner, especially in the Rural Residential and Residential Estates districts in which buildings are typically set back greater distances from rear property lines.

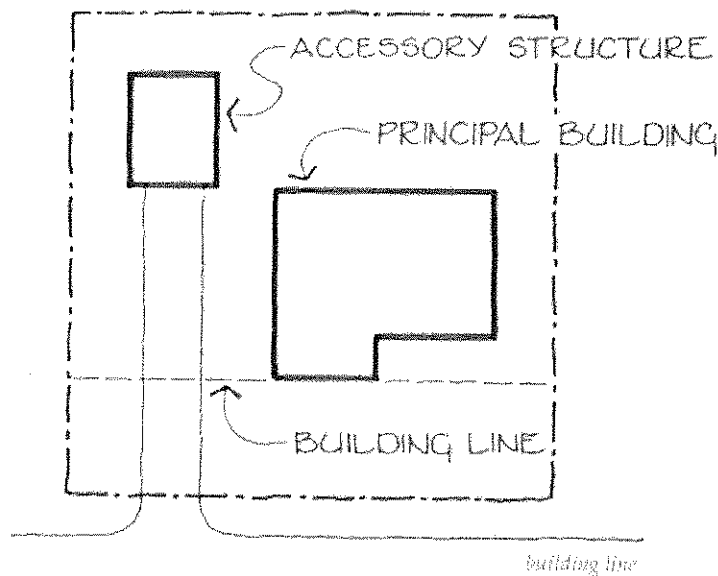
One solution to this problem would be to alter the definitions to allow a more practical interpretation of the exterior storage requirements. Based on a review of model language from other communities, most ordinances define the rear yard as the area between the rear property line and the *nearest* building line, not *the* building line as specified in Lake Elmo's code. A couple of examples are as follows:

Yard, Rear: Open space extending across the full width of the lot between the rear line of the lot and the nearest line of the building, porch, or projection thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than 10 feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line, as defined under "lot line, rear". (Montgomery, County, Md.)

Yard, Rear: The area extending the full lot width and situated between the rear lot line and the face of the principal building which is parallel to, or most nearly parallel to, the rear lot line. (Milwaukee, Wisc.)

Another option would be to also revise the definition for building line, with language similar to the following examples:

Building Line: A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line. (Nicollet County, Minn.)



Building Line: The building line is the inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. Except as specifically provided by these regulations, no portion of any building or structure may be extended to occupy any portion of a lot outside its building lines. (Miami, Fla.)

Using a combination of these definitions, the Lake Elmo code could be revised to provide a more practical application of the City's exterior storage requirements.

The Commission may also want to consider a more significant revision to the ordinance to provide a much more detailed and thorough set of requirements for exterior storage. Another concern may be the current provisions for Recreation Vehicles, which presently do not seem to be regulated in the same manner as other exterior equipment. The current ordinance does not appear to limit where a recreation vehicle may be stored on a lot, and it also does not provide a clear set of guidelines for the use of these vehicles for temporary use in residential districts (for example, whether the 30 day guest-use limit should be a consecutive period of time or limited to

each calendar year). The attached Lake City ordinance covers some of these concerns in a little greater detail, and has been provided to help give the Commission some other examples to consider before revising the current ordinance.

ADDITIONAL INFORMATION

Staff will bring some diagrams to the meeting to help better illustrate some of the terminology that is used in interpreting the current and any proposed ordinances.

RECOMMENDATION:

The Commission is being asked to review the Staff report and attached information and provide direction on any potential ordinance amendments that should be considered by the City.

ATTACHMENTS:

1. Current Ordinance for:
 - a. Exterior Storage
 - b. Recreation Vehicles
2. Lake City, MN Exterior Storage Ordinance

Current Lake Elmo Code Provisions:

EXTERIOR STORAGE

§ 150.001 PROHIBITED WITHOUT SCREENING.

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

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

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

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

§ 150.002 ALL DISTRICTS.

(A) In all districts, all refuse, rubbish, or garbage (as defined in § 11.01) shall be kept in an enclosed building or properly contained in a closed container designed for the purposes.

(B) The owner of vacant land shall be responsible for keeping the land free of refuse, rubbish, or garbage.

(1997 Code, § 1340.04) Penalty, see § 10.99

§ 150.003 UNLICENSED PASSENGER VEHICLES AND TRUCKS.

Unlicensed passenger vehicles and trucks shall not be parked in residential districts for a period exceeding 7 days.

(1997 Code, § 1340.05) Penalty, see § 10.99

§ 154.107 RECREATION VEHICLES.

(A) RECREATIONAL CAMPING VEHICLE includes the following:

(1) Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;

(2) Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;

(3) Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and

(4) Any folding structure, mounted on wheels and designed for travel, recreation and vacation use.

(B) A recreational vehicle may not be parked on any land outside of an approved camping area or an approved sales lot, except that the parking of 1 unoccupied vehicle in an accessory private garage, building, or in the rear yard of a residential district is permitted, provided that no living quarters shall be maintained or any business practiced in the trailer while it is so parked or stored.

(C) A recreational vehicle of the type described in division (A) of this section and owned by a non-resident, guest or visitor may be parked or occupied by the guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed 30 days while visiting the resident of the property. The recreation vehicle shall have self-contained sanitary facilities or standard on-site facilities as required by the community Building Official/Sanitarian.

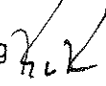
(1997 Code, § 300.13 Subd. 18)

From: Lake City, MN

§ 155.61 Outdoor Parking and Vehicle Storage, Residential Districts.

- A. *Parking restrictions on types of vehicles.* Off-street parking on land within residential districts shall be utilized only for the following:
1. Currently licensed and operable passenger vehicles having a lawful capacity of (15) fifteen passengers or less.
 2. One (1) commercial usage vehicle per dwelling unit, not including commercially licensed trailers, provided that it is used by the occupant of the residence.
 3. One (1) public utility vehicle registered to a company that provides emergency repair services if used by the occupant of the residence.
 4. Recreational vehicles and accessory equipment, as regulated in Subsections D, E and F.
- B. *Commercial trailers prohibited.* No commercially licensed trailer shall be parked or stored in a residential district except when parking, loading or rendering a service.
- C. *Recreational vehicles defined.* For the purpose of these regulations, *RECREATIONAL VEHICLES AND ACCESSORY EQUIPMENT* are defined as including boats and boat trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), travel trailers, campers, motor homes, tent trailers, cars licensed as pioneer or classic vehicles, snowmobiles, all-terrain vehicles and the like and any cases or boxes used for transporting recreational equipment or for other storage.
- D. *Permitted storage locations.* Recreational vehicles and accessory equipment may be stored in front, side or rear yards subject to the following:
1. Vehicles and equipment must be stored on a surface that is durable, weather-resistant, and suitable for control of dust and drainage. Landscaped yards or lawn areas are not suitable for storage.
 2. All storage within front yards and corner side yards shall be set back at least five (5) feet from a front property line or street-side property line on a corner lot. Setback shall be measured to the trailer hitch or furthest projection of the unit.
 3. Storage areas in side and rear yards shall be set back at least three (3) feet from any property line.
 4. If the physical configuration of a lot makes it impossible to meet any of the requirements D.1 through D.3 above, these requirements may be waived with the granting of a Certificate of Zoning Compliance. Under no condition may vehicles or equipment encroach on a sidewalk or public right-of-way.
- E. *Conditions for outside storage and use.* All recreational vehicles and equipment parked or stored outside must comply with the following requirements.
1. Ownership. Recreational vehicles and equipment parked or stored outside for a period in excess of fourteen (14) days must be owned by a person residing on the lot, or their tenants.
 2. Condition and licensing. All recreation vehicles and equipment must be in a safe, operable condition and exhibit current license or registration plates or tags if these are required for operation of the vehicle. Recreational vehicles must be maintained in a clean, well-kept, operable condition.

3. Limit of occupancy. Recreational vehicles or equipment shall not be occupied or used for living, sleeping or housekeeping purposes for more than fourteen (14) consecutive days per calendar year.
 4. Recreational vehicles may be stored on any part of a lot for the sole purpose of loading or unloading for a period of up to twenty-four (24) hours.
 5. Except for routine maintenance, loading or unloading, or during emergency conditions when power supply is disrupted, a recreational vehicle generator shall not be operated in residential districts.
- F. *Fish house storage.* Storage of fish houses must meet all district setbacks for accessory buildings.

ITEM: Planning Commission 2010 Work Plan
SUBMITTED BY: Kyle Klatt, Director of Planning 
REVIEWED BY: Staff

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to provide input on a draft work plan for 2010. The Commission has previously reviewed a status update concerning last year's work plan, and at this time, Staff has removed any items that have been completed and added some new items for consideration as part of the 2010 plan.

The intent of the work plan is to help prioritize the projects the Planning Commission will be reviewing in the next several months, and to also help keep the Commission informed about the projects that will be undertaken by Staff during the coming year. It is expected that this will be a working document and that it will help the Commission gauge its progress at achieving some of its goals for the year.

RECOMMENDATION:

Staff recommends that the Planning Commission review the draft work plan for 2010 and discuss any items that should be included in this plan before it is presented to the City Council.

ORDER OF BUSINESS:

- Introduction Kyle Klatt, Director of Planning
- Report by staff..... Kyle Klatt, Director of Planning
- Questions/Comments from the Planning Commission Planning Commission

ATTACHMENTS:

- 2010 Work Plan (draft)

2010 Planning Commission Work Plan

Prepared by the Lake Elmo Planning Department – DRAFT 1/25/10

- Status: C – Complete
 IP – In Progress
 Date: Completion Goals (with Monthly Range)
 Admin: Staff Projects/Initiatives
 PL: Priority Level (from 1 to 5 with 1 being the highest priority)

Project and Description	Date (Months)	PL	Status
<u>ZONING INITIATIVES</u>			
Zoning Map Updates			
• Review of past zoning approvals, incorporate all approved map amendments	3-6	2	IP
• Prepare new version of official Zoning Map using most recent County GIS data	3-6	2	IP
• Update Zoning Map to improve consistency with the Comprehensive Plan and Future Land Use Map	6-9	3	
• Establish proper zoning designation for recently annexed Buberl property	9-12	4	
Conditional Use Permit Ordinance			
• Update current regulations to establish specific criteria for different conditionally permitted uses	6-9	3	
• Establish tracking system for all existing conditional uses	0-3	2	IP
Zoning Text Amendments			
• Outdoor Lighting Ordinance update	6-9	4	
• Agricultural Sales review	0-3	1	IP
• Special Event Permit ordinance	0-3	3	IP
• Trailer and Boat Parking regulations	0-3	2	IP
• Rear yard setbacks in OP districts	6-9	3	
• Sediment and Erosion Control regulations (reference and general code updates)	9-12	4	
Engineering Standards Manual			
• Finalize development manual describing the City's engineering standards for private and public projects	3-6	2	IP
Home Occupation Ordinance			
• Research status and effectiveness of current ordinance	0-3	3	
• Draft updated ordinance to address appropriate home occupation standards for different areas in the community.	6-9	3	

Permit Tracking			
• Establish system for tracking interim uses	9-12	5	IP
• Establish system for tracking non-conforming uses	9-12	5	

Zoning Ordinance Review			
• Prepare outline of previous work and major areas of agreement	3-6	3	
• Develop design standards for Village area and I-94 corridor sewer development area	6-12	4	
• Research and review form-based codes and transfer of development rights programs	6-12	4	

PLANNING INITIATIVES

Village Area Planning			
• Prepare amendment to Comprehensive Plan based on selected development scenario from AUAR	6-12	1	
• Adopt amendments to the Zoning Ordinance responsive to the AUAR mitigation plan and Comprehensive Plan	6-12	1	

I-94/10 th Street Corridor			
• Review Comprehensive Plan and holding zones for South 10 th Street Area for consistency with Village Area updates	6-12+	2	
• Review land use plan for corridor and consider updates necessary facilitate implementation	6-12+	3	
• Develop master land use plan for the corridor	9-12+	3	

Comprehensive Plan Updates			
• Monitor individual projects for compliance with the Comprehensive Plan	0-12	3	
• Review Malmquist future land use plan amendment	0-6	2	

Park Planning			
• Create a master plan for all City parks, provide assistance to Parks Commission as needed	9-12	2	

Capital Improvement Plan			
• Planning Commission review of Capital Improvement Plan for consistency with the Comprehensive Plan	6-9	2	

ADMINISTRATIVE INITIATIVES

Building Division (Admin)

<ul style="list-style-type: none"> • Monitor status of staffing within building inspection department; consider staffing needs in 2011 and beyond 	6-9	3	
Permit Tracking Software			
<ul style="list-style-type: none"> • Select and implement tracking and reporting software for planning application, building permits, and code enforcement activity. 	3-6	1	IP
Code Enforcement (Admin)			
<ul style="list-style-type: none"> • Follow program and Council direction for the enforcement of the sign ordinance 	3-6	2	
<ul style="list-style-type: none"> • 	0-3	1	C
Agency Support (Admin)			
<ul style="list-style-type: none"> • Review Census Bureau mapping updates, respond to other requests in advance of 2010 census 	0-3	1	IP
MnDOT Highway Landscaping Grant			
<ul style="list-style-type: none"> • Consider new grant application for 2010 and beyond 	3-6	3	