

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

**ORDINANCE NO. 08- 006**

**AN ORDINANCE TO AMEND AGRICULTURAL BUSINESS DEFINITIONS  
AND REGULATIONS**

**Section 1.** The City Council of the City of Lake Elmo hereby ordains that Section 11.01 (Definitions) is hereby amended to *add* the following definition:

“Agricultural Entertainment Business[BG1]” – An agricultural sales business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

“Agricultural Sales Business” – The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products produced on the premises. The operation may be indoors or outdoors, include pick-your-own opportunities, and may involve accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and home-made handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25 percent of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

**Section 2.** The City Council of the City of Lake Elmo hereby ordains that Section 11.01 (Definitions) is hereby changed to *amend or eliminate* the following definitions as shown:

“Agriculture” – The production ~~or sale~~ of livestock, dairy animals, dairy products, fur-bearing animals, horticultural and floricultural nursery stock, fruits of all kinds, vegetables, forage, grains, bees, and apiary products.

“Common Gardens” – Land used by residents of a development for the production of trees, vegetables, fruits, and flowers.

“Community Service Agriculture” – Horticulture and floriculture that serves the local area.

“Farm, Rural” – The portion of a 10 or more acre parcel of land ~~in the Rural Residential Zoning District~~ which is devoted to agriculture by the property owner or by a lessee of the property owner.

“Floriculture” – The cultivation and management of ornamental and flowering plants ~~for sale on-site from a wayside stand.~~

“Horticulture” – The cultivation and management of trees, plants, grasses, vegetables, and fruits ~~for sale on-site from a wayside stand.~~

“Wayside Stand” – A temporary structure or vehicle used for the seasonal retail sale of agricultural goods produced by the operator of the wayside stand on-site or on other property in Lake Elmo.

**Section 3. The City Council of the City of Lake Elmo hereby ordains that Section 154.033 (Agricultural Use Regulations) subsections (A) and (B) are hereby amended as follows:**

(A) *Permitted uses and structures.*

- (1) Farm, suburban or rural; ~~Commercial agriculture and horticulture~~;
- (2) Poultry facilities meeting state and federal regulations;
- (3) Farm buildings;
- (4) Farm drainage and irrigation systems;
- (5) Forestry meeting state and federal regulations;
- (6) One farm dwelling per farm (also see §§ 154.091 and 154.105);
- (7) One non-farm dwelling per each 40 acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling, provided:
  - (a) The dwelling unit is located on a separate parcel of record in the office of the County Recorder and/or County Auditor, which shall be at least 1-1/2 acres in size;
  - (b) The parcel on which the dwelling unit is located must have at least 125 feet of frontage along a public street, be rectangular in shape and no dimension to be greater than 3 times the other; and
  - (c) The dwelling is separated by at least 300 feet from the nearest farm building.

(8) ~~Wayside stands Seasonal open sales lots for agricultural and horticultural products produced on the premises;~~

(9) ~~Agricultural sales businesses subject to performance standards outlined in section 154.110; and Pick your own or cut your own type sales operations for products grown on the premises; and~~

(10) Joint ownership of property or ownership by association or rental for the purpose of providing private gardens or forest plots to its members or lessees.

(B) *Uses permitted by conditional use permit.*

(1) Greenhouses;

(2) Kennels;

(3) Stables;

(4) Commercial recreation of a rural nature, including outdoor target ranges;

(5) Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis, including sorting, grading, and packing fruits and vegetables for the owner, lessee, or sublessee; agricultural produce milling and processing for the owner, lessee, or sublessee; horticultural services; fruit picking; grain cleaning; veterinary services; boarding and training of horses;

(6) Open space development projects, as regulated by §§ 150.175 et seq.;

(7) Non-agricultural low impact uses pursuant to the standards described in division (F) of this section; and

(8) Agricultural Entertainment businesses subject to the following performance standards:

a. The property proposed to be used for agricultural entertainment must be located with direct access to a collector or arterial street as identified in the comprehensive plan;

b. All parking must occur on-site, be on a primary surface such as class five gravel or pavement; and must be set back at least 30 feet from all property lines;

c. No more than 25 percent of the site may be covered with impervious surface and the remainder shall be suitably landscaped;

- d. Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s);
- e. Trash containers must be located inside or screened in an acceptable manner;
- f. Discharge of firearms, including blanks, shall not be allowed on the property;
- g. The property owner shall give the City permission to conduct inspections of the property in order to investigate complaints;
- h. The property owner must take reasonable steps to prevent trespassing on adjacent properties by employees, contractors or patrons;
- i. Usable primary and alternate well and septic sites sized for the maximum anticipated usage of the property shall be identified on the property. Alternate sites shall be protected in the site plan design, and will only need to be used upon failure of a primary site.;
- j. Adherence to the general review criteria applicable to all CUP applications.

**Section 4. The City Council of the City of Lake Elmo hereby ordains that Section 154.036 (Rural Residential Use Regulations) subsections (A), (B) and (C) are hereby amended as follows:**

- (A) *Permitted uses and structures.*
  - (a1) One-family residential dwellings (also see §§ 154.091 and 154.105); and
  - (b2) Farm, suburban or rural within the limits defined in the performance standards for livestock.
  - (3) Wayside stands; and
  - (4) Agricultural sales businesses subject to performance standards outlined in section 154.110
- (B) *Accessory uses and structures* (also see §§ 154.092 and 154.093). Uses and structures which are customarily accessory and clearly incidental and subordinate to allowed uses and structures; accessory structures cannot exceed the size of the principal building.
- (C) *Conditionally permitted uses.*
  - (1) Kennels;
  - (2) Open space development as regulated by §§ 150.175 et seq.; and

(3) Home occupations.

(4) Agricultural Entertainment businesses subject to the requirements outlined in section 154.033 (B)(8).

**Section 5. The City Council of the City of Lake Elmo hereby ordains that Section 150.178 (OP Use Regulations) subsections (A), (B) and (C) are hereby amended as follows:**

(A) *Permitted uses.*

(1) Single-family, detached;

(2) Preserved open space;

(3) Conservation easements;

(4) Agriculture~~Agricultural~~;

(5) Suburban Farms~~Cooperative gardening~~;

~~(6) Horticultural and floriculture services;~~

~~(7) Private stables;~~

~~(8) Single-family, attached;~~

~~(9) Townhouses (no more than 25% in any development); and~~

~~(10) Wayside stands~~

(B) *Accessory uses.* Uses that are typically found accessory to a permitted use.

(C) *Prohibited uses.* All other uses are hereby prohibited.

**Section 6. The City Council of the City of Lake Elmo hereby ordains that the City's Design and Performance Standards are hereby amended to incorporate the following additions and changes:**

Current Sections 154.090 through 154.109 and their subdivisions are restated and incorporated herein without change.

Current Section 154.110 and its subdivisions are restated and incorporated herein as section 154.111

154.110 Agricultural Sales Businesses

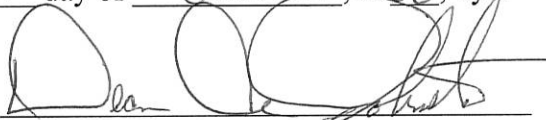
Agricultural Sales Businesses shall be subject to the following performance standards:

1. Activities shall be limited to those listed within the definition for an Agricultural Sales Business.
2. The Agricultural Sales Business shall be located on land owned or leased by the producer or the operator of the business, and not within or on any public right-of-ways or easements.
3. The operator must be able to demonstrate at all times to the City that there is sufficient access, parking and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the Agricultural Sales Business.
4. All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
5. All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.


**Section 7. Adoption Date**

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

This Ordinance No. <sup>08-</sup>006 was adopted on this 17<sup>th</sup> day of June, 2008, by a vote of 4 Ayes and 0 Nays.

  
\_\_\_\_\_  
Mayor Dean Johnston

ATTEST:

  
\_\_\_\_\_  
Susan Hoyt  
City Administrator

This Ordinance No. 08-006 was published on the \_\_\_ day of \_\_\_, 2008.