



## City of Lake Elmo

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### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a Workshop on  
**Monday, September 12, 2011,**  
at  
**6:30 p.m.**

### AGENDA

1. Discussion of Accessory Building and Exterior Storage Ordinance with Exterior Storage Sub-Committee.
2. Adjourn.

Planning Commission  
Date: 9/12/11  
**Exterior Storage/Accessory  
Building Subcommittee**  
Item: WORKSHOP

ITEM: Review and Discussion of Exterior Storage and Accessory Building Ordinance Revisions with Planning Commission Subcommittee

SUBMITTED BY: Kyle Klatt, Director of Planning 

REVIEWED BY: Kelli Matzek, City Planner

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#### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission subcommittee that was formed to work on proposed revisions to the City's Accessory Building and Exterior Storage Ordinances is being asked to meet during a workshop session on September 12, 2011 (starting at 6:30 p.m.) to review and discuss the most recent draft of these ordinances. The Planning Commission as a whole last considered these ordinances in 2010, and directed Staff to meet with a subcommittee to further refine the ordinances before a final review by the entire Commission. Due to a large volume of other time commitments, Staff is just now asking the Committee to begin meeting with the objective of producing a final draft document.

Given the lack of other agenda items that are ready for review at the next regular Planning Commission meeting, Staff has requested that the September 12, 2011 meeting be set aside as a workshop, with attendance optional for those members that did not volunteer to serve on the Accessory Building/ Exterior Storage committee. The Committee is comprised of Chairman Van Zandt and Commissioners Fliflet, Hall, and Ziertman.

#### **BACKGROUND:**

Attached are the most recent versions of the Accessory Building and Exterior Storage Ordinance that have previously been in front of the Planning Commission, in addition to the existing ordinance pertaining to exterior storage. Staff would like to spend the workshop session reviewing some of the questions that have been raised regarding these ordinances, which includes the following:

- Which portion of a residential yard is appropriate for the storage of recreation equipment, vehicles, or other materials?
- How can the City best define the areas in which accessory storage is allowed?
- To what extent should a residential property owner need to provide screening or minimize views to materials being stored outside?
- Is it better to have allowed materials stored close to an existing structure or further away from any structures?
- How should storage on lake frontage lots be handled, and is it appropriate to require storage in the rear yard of these lots when the rear yard faces a lake?

- Is a driveway in front of a garage an acceptable location for trailers, recreation vehicles, or other equipment to be stored?
- Should screening fences be allowed in certain instances to keep equipment out of sight?

The Committee has been charged with building consensus regarding the draft regulations, and Staff will be working with the group at the workshop to bring the committee members up to speed on the status of each ordinance and to begin working towards a final revision that can be considered by Planning Commission.

**RECOMMENDATION:**

Staff recommends that the subcommittee review the draft ordinances during a workshop session and discussion revisions to the ordinance with Staff at this meeting. As this is a subcommittee meeting during a workshop, no formal action may be taken at this time.

**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:**

- Existing Exterior Storage Ordinances
- Draft Exterior Storage Ordinance (from 2010)
- Draft Accessory Building Ordinance (from 2010)

***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)

## *Proposed Ordinance Amendments*

### *Preliminary Draft for Planning Commission Review*

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Issues to be addressed by ordinance amendment (as per previous Planning Commission discussion):

- Provide an exception for lake frontage lots
  - Prohibit storage of boats and trailers between the front of a building and the street right-of-way
  - Allow for parking and storage in side and rear yards with reasonable setbacks
  - Allow agricultural equipment to be stored outside in RR zones if currently being used on the premises and in good, working condition.
  - Require storage to be close to the existing buildings on a site.
  - Better define the screening requirements.
  - All equipment must be drivable on public roadways.
  - Allow for exceptions by permit if there are no other alternatives available on a lot.
  - Add other equipment not covered by current ordinance (i.e. ice houses).
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#### § 11.01 DEFINITIONS.

**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. (CURRENT)

~~—**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.~~

**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”.

**§ 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 consistent with Section 154.095 of the City Code;

(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; Recreation vehicles and equipment if parked and stored in accordance with Section 154.107;

(6) Merchandise being displayed for sale in accordance with the provisions of the zoning code;

(7) Farm implements Agricultural equipment currently being used on the premises and in good working order in the RR and AG Zoning Districts; 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.

**~~§ 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~~

### **154.107 OUTDOOR PARKING AND VEHICLE STORAGE**

(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.

\_\_\_\_\_ Recreational vehicles and accessory equipment, as regulated in Subsections D, E and F.

\_\_\_\_\_ (4) Recreational vehicles and accessory equipment, as regulated in Subsections C, 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 side or rear yards subject to the following:

(1) *Maximum size.* The parking and storage of any recreational vehicle or equipment greater than 40 feet in length shall be prohibited on any Residential lot.

(2) Recreational vehicles shall be parked or stored on residential properties in such a manner as to minimize visual impact on adjacent residential uses and on public streets. Any temporary protective coverings shall be of earth tone colors to minimize visual intrusion on adjacent properties and the public.

(3) Any recreation vehicle parked or stored more than 30 feet from a principal or accessory building shall be screened from view from adjacent properties.

(2) *Storage location surfaces.* All recreational vehicles shall be parked or stored on hard surfaced driveways meeting the requirements of Section 154.095 of this Code, or on any surface free from weeds or other vegetative growth.

(a) Where the area where such vehicle is parked or stored is separate from a driveway, the approach between the driveway and the parking area need not be paved.

(b) When a surface other than that described in Section 154.095 of this Code is used for parking or storage of a recreational vehicle, the property owner shall take appropriate measures to assure that all loose material remains within the parking area, and is not deposited on adjacent lots, sidewalks or public rights-of-way.

(3) No recreational vehicle or equipment shall be stored between the front face of a residential structure and the street. The front face of a structure shall be that portion of a structure that is parallel to or substantially parallel to a public right-of-way, including those portions of a structure facing a side street on a corner lot.

(4) *Setbacks.* All recreation vehicles and equipment shall observe the following minimum setback requirements as follows:

(a) Five (5) feet from all property lines if under 20 feet in length and under six (6) feet in height.

(b) 30 feet from all property lines if over 20 feet in length or over six (6) feet in height.

(5) 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.

(a) If a waiver is granted for parking or storage in a front yard area, such storage or parking may only be permitted in an approved driveway location.

(E) Conditions for outside storage and use. All recreational vehicles and equipment parked or stored outside must comply with the following requirements.

(1) Principal building. Recreation vehicles and equipment may only be stored on a lot with an existing principal residential structure.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-\_\_\_\_\_

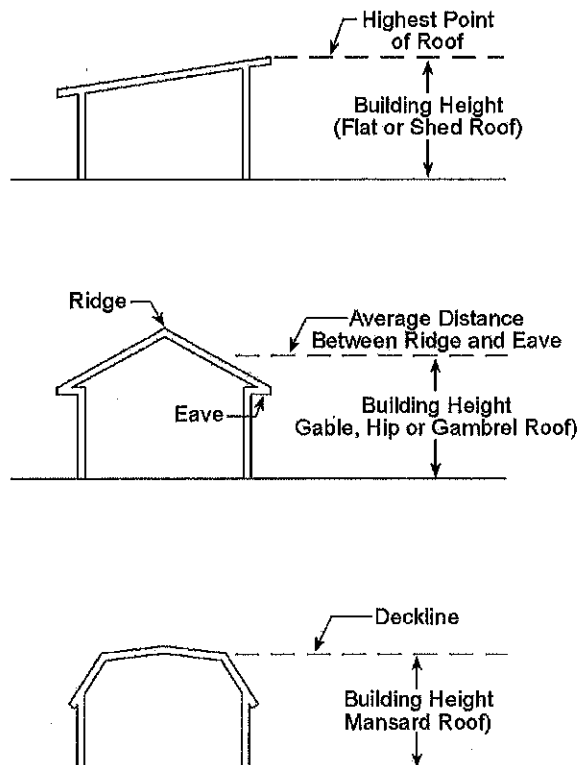
AN ORDINANCE TO AMEND ACCESSORY BUILDING REGULATIONS

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

**HEIGHT OF BUILDING.** The vertical distance between the lowest grade level at the building line and the uppermost point on the roof.

and to *add* the following diagram to the definition of **BUILDING HEIGHT** so that it reads as follows:

**BUILDING HEIGHT.** The vertical distance from the average of the highest and lowest point of grade for that portion of the lot covered by building to the highest point of the roof for flat roofs; to the roof deck line of mansard roofs; and to the mean height between eaves and highest ridge for gable, hip, and gambrel roofs.



**Section 2. The City Council of the City of Lake Elmo hereby ordains that the *Minimum District Requirements* tables found in Sections 154.036, Subd. (D); 154.041, Subd. (C); 154.044, Subd. (C); 154.047, Subd. (C); 150.180, Subd. (B, 2, h) are hereby amended in the following manner:**

Section 154.033

(D) *Minimum district requirements.*

<b>Agricultural Zoning District</b>	Farm Dwellings and Related Structures and Activities and Non-Farm Dwellings if not Clustered	Non-Farm Dwellings and Activities if Clustered
Lot Size	Nominal 40 acres	1-1/2 acres (if clustered)
	A 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations	
Lot Width	300 feet	125 feet
Primary Building setback from property lines: (Also see § <a href="#">154.082</a> )		
Front:	200 feet	30 feet
Side (Interior):	200 feet	10 feet
Rear:	200 feet	40 feet
Side Corner:	200 feet	25 feet
Arterial Street:	200 feet	50 feet
Primary Building Height (Also see § <a href="#">154.083</a> )	35 feet	35 feet
Off-Street Parking (Also see § <a href="#">154.095</a> )	N/A	3 spaces per dwelling unit
Accessory Building or Structure setback from property lines: (Also see §§ <a href="#">154.092</a> and <a href="#">154.093</a> )		
Front:	200 feet	30 feet
Side (Interior):	200 feet	10 feet
Rear:	200 feet	40 feet
<a href="#">Rear (detached residential garages, and storage, boat, and tool sheds)</a>	<a href="#">200 feet</a>	<a href="#">10 feet</a>
Side Corner:	200 feet	25 feet
Arterial Street:	200 feet	50 feet

Section 154.036

(D) *Minimum district requirements.*

<b>Rural Residential Zoning District</b>		
Lot Size	Nominal 10 acres  A 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations	5 to 7 acres if clustered

Lot Width (See § <a href="#">153.04</a> )	300 feet	125 feet
Primary Building or Structure Setbacks from property lines (Also see § <a href="#">154.082</a> )		
Front:	30 feet	30 feet
Side (Interior):	10 feet	10 feet
Side (Corner):	25 feet	25 feet
Rear:	40 feet	40 feet
Arterial Street:	50 feet	50 feet
Primary Building Height (Also see § <a href="#">154.083</a> )	35 feet	-
Off-Street Parking (Also see § <a href="#">154.095</a> )	3 spaces per unit	same
Accessory Building or Structure setbacks from property lines: (Also see §§ <a href="#">154.092</a> and <a href="#">154.093</a> )		
Front:	30 feet	30 feet
Side (Interior):	10 feet	10 feet
Side Corner:	25 feet	25 feet
Rear:	40 feet	40 feet
<a href="#">Rear (detached residential garages, and storage, boat, and tool sheds)</a>	<a href="#">10 feet</a>	<a href="#">10 feet</a>
Arterial Street:	50 feet	50 feet
<a href="#">Accessory Building Height (Also see § 154.083)</a>	<a href="#">14 feet</a>	<a href="#">14 feet</a>

## Section 154.041

(C) *Minimum district requirements.*

<b>R-1 Zoning District</b>	
Lot Size	1-1/2 acre per unit without sanitary sewer; 24,000 square feet per unit with sanitary sewer
Lot Width	125 Feet
<a href="#">Primary Building or Structure Setbacks</a> from Property Lines (Also see § 154.082)	
Front:	30 Feet
Side (Interior):	10 Feet
Side (Corner):	25 Feet
Rear:	40 Feet
Arterial Street:	50 Feet
Primary Building Height (Also see § <a href="#">154.083</a> )	35 Feet
<a href="#">Accessory Buildings or Structure Setbacks from Property Lines</a>	<a href="#">(Also See §§ 154.092 and 154.093)</a>
<a href="#">Front:</a>	<a href="#">30 feet</a>
<a href="#">Side (Interior):</a>	<a href="#">10 feet</a>

<a href="#">Side (Street):</a>	<a href="#">25 feet</a>
<a href="#">Rear:</a>	<a href="#">10 feet</a>
<a href="#">Arterial Street:</a>	<a href="#">50 feet</a>
<a href="#">Accessory Building Height (Also see § <a href="#">154.083</a>)</a>	<a href="#">20 feet</a>

Section 154.044

(C) *Minimum district requirements.*

<b>R-2 Zoning District</b>	
Lot Size	One-Family: 1-1/2 acre per unit without sanitary sewer; 7,500 feet per unit with sanitary sewer
	Two-Family: 1-1/2 acre per unit without sanitary sewer; 6,000 square feet per unit with sanitary sewer
Lot Width	One-Family: 75 feet at front yard setback line with sanitary sewer; 125 feet without sanitary sewer
	Two-Family: 100 feet at front yard setback line with sanitary sewer; 200 feet without sanitary sewer
<a href="#">Principal</a> Building setbacks <a href="#">from property lines</a> (Also see § <a href="#">154.082</a> )	
Front:	30 Feet
Side (Interior):	10 Feet
Side (Corner):	25 Feet
Rear:	40 Feet
Arterial Street:	50 Feet
Primary Building Height (Also see § <a href="#">154.083</a> )	35 Feet
<a href="#">Accessory Buildings and Structures setbacks from property lines.</a>	<a href="#">(Also See §§ <a href="#">154.092</a> and <a href="#">154.093</a>)</a>
<a href="#">Front:</a>	<a href="#">30 feet</a>
<a href="#">Side:</a>	<a href="#">10 feet</a>
<a href="#">Side (Street):</a>	<a href="#">25 feet</a>
<a href="#">Rear:</a>	<a href="#">10 feet</a>
<a href="#">Arterial Street:</a>	<a href="#">50 feet</a>
<a href="#">Accessory Building and Structures Height (Also see § <a href="#">154.083</a>)</a>	<a href="#">14 feet</a>

Section 157.047

(C) *Minimum district requirements.*

<b>R-4 Zoning District</b>	
Lot Size	3,500 Square Feet per Unit

Lot Width	100 Feet at Front Yard Setback Line
<u>Principal Building and Structure Setbacks</u> from property lines (Also see § <a href="#">154.082</a> )	
Front:	50 Feet
Side (Interior):	20 Feet
Side (Corner):	50 Feet
Rear:	50 Feet
Arterial Street:	50 Feet
Building Height (Also see § <a href="#">154.083</a> )	35 Feet
<u>Accessory Buildings and Structures Setbacks from property lines.</u> (Also See §§ <a href="#">154.092</a> and <a href="#">154.093</a> )	
<u>Front:</u>	<a href="#">50 feet</a>
<u>Side:</u>	<a href="#">20 feet</a>
<u>Side (Street):</u>	<a href="#">50 feet</a>
<u>Rear:</u>	<a href="#">20 feet</a>
<u>Arterial Street:</u>	<a href="#">50 feet</a>
<u>Accessory Buildings and Structures Height (See § <a href="#">154.083</a>)</u>	<a href="#">14 feet</a>

## Section 150.048

(C) *Minimum district requirements.*

<b>RE Zoning District</b>	
Lot Size	2-1/2 minimum (108,750 square feet) to 10 acres (435,600 square feet)
Subdivision Density	3.33 acre average - No outlots to remain within subdivision
Lot Configuration	Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1 – Flag lots are prohibited
Area of Building Site	A minimum of 1.25 acres of land above the flood plain and free of any drainage easements
<u>Principal Building and Structure Setbacks</u> from property lines: (Also see § <a href="#">154.082</a> )	
Front:	100 Feet <a href="#">Minimum</a>
Side (Interior):	50 Feet <a href="#">Minimum</a>
Side (Corner):	80 Feet <a href="#">Minimum</a>
Rear:	100 Feet <a href="#">Minimum</a>
Collector/Arterial Street:	150 Feet <a href="#">Minimum</a>
Frontage on Public Roadway	150 feet <a href="#">minimum</a> , except 70 feet at the end of culs-de-sac <a href="#">streets</a>
Primary Building Height (Also see § <a href="#">154.083</a> )	35 Feet
<u>Accessory Buildings and Structures Setbacks (Also see §§ <a href="#">154.092</a> and <a href="#">154.093</a>)</u>	
<u>Front:</u>	<a href="#">100 feet</a>
<u>Side:</u>	<a href="#">15 feet</a>

<a href="#">Side (Street):</a>	<a href="#">30 feet</a>
<a href="#">Rear:</a>	<a href="#">15 feet</a>
<a href="#">Arterial Street:</a>	<a href="#">50 feet</a>
<a href="#">Accessory Buildings and Structures Height (Also see § 154.083)</a>	<a href="#">14 Feet</a>

Section 150.080

(h) *Minimum district requirements.*

<b>Open Space Preservation District (OP)</b>		
	<b>Single-Family</b>	Townhouse
Maximum Building Height:		
Primary Structure	2 and ½ stories or 35 feet	2 and ½ stories or 35 feet
<a href="#">Accessory Structure</a>	<a href="#">25 feet</a>	<a href="#">1 story or 20 feet, whichever is less</a>
Minimum Lot Width:	NA	NA
½ acre lot; 1 acre lot		
Maximum Impervious Surface Coverage:	No more than 15% for the primary structure and driveway; but up to 17% total when including all other impervious surfaces	
Gross Lot Area		NA
<a href="#">Minimum Principal Building and Structure Setbacks Requirements from property lines (Also see § 154.082):</a>		
Front Yard	30 feet	20 feet
Side Yard	15 feet or 10% of lot width, whichever is greater	15 feet or 10% of lot width, whichever is greater
Corner Lot Front	30 feet	30 feet
Corner Lot Side Yard	30 feet	30 feet
<a href="#">Rear Yard:</a>	<a href="#">40 feet</a>	<a href="#">40 feet</a>
<a href="#">Arterial Street:</a>	<a href="#">50 feet</a>	<a href="#">50 feet</a>
Well From Septic Tank	50 feet	50 feet
<a href="#">Accessory Buildings and Structures Setbacks (Also see §§ 154.092 and 154.093)</a>		
<a href="#">Front:</a>	<a href="#">30 feet</a>	<a href="#">30 feet</a>
<a href="#">Side:</a>	<a href="#">15 feet or 10% of lot width, whichever is greater</a>	<a href="#">15 feet or 10% of lot width, whichever is greater</a>
<a href="#">Side (Street):</a>	<a href="#">30 feet</a>	<a href="#">30 feet</a>
<a href="#">Rear:</a>	<a href="#">15 feet or 10% of lot width, whichever is greater</a>	<a href="#">15 feet or 10% of lot width, whichever is greater</a>
<a href="#">Arterial Street:</a>	<a href="#">50 feet</a>	<a href="#">50 feet</a>



**Section 3. The City Council of the City of Lake Elmo hereby ordains that Section 154.092 is hereby amended to read as follows:**

§ 154.092 ACCESSORY BUILDINGS AND STRUCTURES.

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

(1) STORAGE OR TOOL SHED. A 1-story accessory building of less than 160 square feet gross area with a maximum ~~roof~~ height of ~~12~~10 feet and exterior colors or material matching the principal structure or utilizing earthen tones. No door or other access opening in the storage or tool shed shall exceed 28 square feet in area.

(2) DETACHED RESIDENTIAL GARAGE. A 1-story accessory building used or intended for the storage of motor driven passenger vehicles regulated in § 154.093 ~~with a maximum roof height of 20 feet~~. No door or other access opening shall exceed 14 feet in height. The exterior color, design, and materials shall be similar to the principal structure.

(3) DETACHED RURAL STORAGE BUILDING. A 1-story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment and the like. Exterior materials shall match the principal structure in exterior color or be of an earthen tone.

(4) DETACHED DOMESTICATED FARM ANIMAL BUILDING. A 1-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building shall require a Minnesota Pollution Control Agency feedlot permit and site and building plan approval. (Am. Ord. 97-38, passed 11-17-1998)

(5) AGRICULTURAL FARM BUILDING. An accessory building used or intended for use on an active commercial food-producing farm operation of more than 20 acres, a Minnesota Pollution Control Agency permit may be required.

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

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

(D) ~~No accessory building used or intended for the storage of passenger automobiles shall exceed 1,000 square feet of gross area, nor shall any access door or other opening exceed the height of 10 feet, nor shall any structure exceed 1 story in height except when the garages are located in business, industrial or planned unit~~

~~developments. On parcels of 20,000 square feet in area or less, no detached accessory building or garage shall exceed the size of the principal building in gross floor area. The footprint of any detached accessory building shall not be larger than the footprint of the principal building.~~

(E) The footprint of an attached garage shall not be larger than the footprint of the living area within the principal building. All garage space located under a living area or other garage space will not count towards the total attached garage area allowed

(F) An accessory building shall be considered as an integral part of the principal building if it is located 6 feet or less from the principal building. The exterior design and color shall be the same as that of the principal building or be of an earthen tone; the height shall not exceed the height of the principal structure unless more restrictive portions of this chapter prevail.

(G) Accessory Building Height.

(1) No accessory building ~~in a commercial or industrial district~~ shall exceed the height of the principal building except for agricultural farm buildings and the exceptions to building height listed in Section 154.083.

(2) No detached building accessory to a residential structure or located in a residential district shall exceed 18 feet in height, except as otherwise permitted as an exemption from the district height requirements under Section 154.083.

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

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

(I) No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R-1 Districts where detached garages may be permitted nearer the front lot line than the principal building by resolution of the City Council, except in planned unit developments or duster developments.  
(Ord. 97-107, passed 4-16-2002)

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

(K) All accessory buildings over 35 square feet in area shall have a foundation, concrete slab or wind anchor. Buildings larger than 100 square feet shall

require a building permit regardless of improvement value. Roof loads and wind loads shall conform to requirements as contained in the Building Code.

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

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

(1) Setbacks. All animal buildings, feedlots, and manure storage sites shall be set back in accordance with the underlying zoning district regulations.

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

(3) Water level. Evidence of the seasonally high groundwater level or mottled soil (as established by 8-1/2 foot borings) shall not be closer than 6-1/2 feet to the natural surface ground grade in any area within 100 feet of the proposed building and/or feedlot.

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

**Section 4. The City Council of the City of Lake Elmo hereby ordains that Section 154.093 is hereby amended to read as follows:**

§ 154.093 NUMBER/SIZE OF ACCESSORY BUILDINGS.

The maximum number and size of accessory buildings permitted in each zoning district shall be as follows. No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

<b>Maximum Number and Size of Accessory Buildings</b>	
<b>Residential - R-1, RED, and OP</b>	
<del>Over 5,000 square feet but less than 1 acre</del>	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; <del>the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure</del>

From 1 acre to 2 acres	One 1,200-square foot detached residential, garage or building, in addition to an attached garage
Over 2 acres	One 1,300-square foot detached residential garage or building in addition to an attached garage

**Section 5. 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. 08-010 was adopted on this \_\_\_\_ day of \_\_\_\_\_, 2010, by a vote of \_\_ Ayes and \_\_ Nays.

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

ATTEST:

\_\_\_\_\_  
Bruce Messelt  
City Administrator

This Ordinance No. 08-010 was published on the \_\_\_\_ day of \_\_\_\_\_, 2010.