

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

#### AGENDA

#### LAKE ELMO PLANNING COMMISSION

AUGUST 13, 1990

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7:00 p.m.  
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#### MEETING CONVENES

1. AGENDA
2. MINUTES: July 23, 1990
3. Site & Plan Review: Guardian Angels Church
4. JOINT MEETING WITH CITY COUNCIL
  - A. Comprehensive Plan
  - B. Future Land Use Map
  - C. Comments from preliminary review by Metropolitan Council
  - D. Residential Estate Ordinance
  - E. Limited General Business Ordinance
5. Other
6. Adjourn

LAKE ELMO PLANNING COMMISSION MINUTES  
July 23, 1990

Chairman DeLapp called the Planning Commission meeting to order at 7:07 p.m. in the Council Chambers. Present: DeLapp, John, Bucheck, Stevens, Johnson, Conlin, Johnston, Arkell, Wilfong, City Planner Mike Black and Administrator Kueffner. Absent: Enes and Thomas. Council members present: Dunn, Armstrong, Hunt.

1. AGENDA

M/S/P Arkell/Conlin - to approve the July 23, 1990 Planning Commission agenda. (Motion carried 9-0).

2. MINUTES: July 9, 1990

M/S/P - Johnson/Arkell - to approve the July 9, 1990 Planning Commission minutes as ammended. (Motion carried 9-0).

3. PUBLIC HEARING: "The Meadow"

Chairman DeLapp called the public hearing to order at 7:38 p.m. The Public Hearing Notice was published in the St. Croix Valley Press, July 11, 1990 and all property owners within 350 feet were notified. Chairman DeLapp acknowledged receipt of the City Engineer's Preliminary Plat Review dated July 23, 1990, made part of the minutes by reference.

Bruce Folz, representing the Colisimo's, presented the preliminary plat, with proposed property lines, of "The Meadow", legally described, in part as: That part of Government Lot 5, Section 9, Township 29 N., Range 21 W. and is commonly known as 8896 Jane Road N. Folz stated that drainage and ponding were already provided for this property in the "Green Acres" subdivision ponding. The City owns the rights to this drainage pond.

Tony Maistrovich, 1599 Wexford Way, Woodbury (owner of the property west of the Colisimo/Collyard property), stated that he cannot afford road assessments at this point. He is not in favor of creating density in this area, but if subdividing is allowed would rather see two lots instead of three.

Gail Collyard, 8896 Jane Rd. N., was concerned that if there are only two lots, and Isle is not made a through street, she would not have road access. Bruce Folz stated that she would have to construct a driveway off of the improved portion of Isle Avenue in Springborn's "Green Acres".

Rick Weil, 8880 Jane Rd. N., stated that spring run-off flows west and he is concerned about erosion and street run-off. He is not in favor of density and is also concerned about more traffic.

Dan Collyard, 8896 Jane Rd. N., said he retained James Hill to survey the proposed property lines and found that only a corner of the swimming pool fence is over the proposed property line. Also, Galen Springborn asked that he (Collyard) bring up the item of the cul-de-sac being made into a through street.

Bill Stevenson, 8895 Jane Rd. N., expressed his concern of a 32 foot road merging into a 24 foot road if Isle Avenue is completed.

Eileen Vasko, 4960 Jamaca Ave. N., asked how can this 5 acres be divided down to 1.5 acres or 2.5 acres? (Due to R1 zoning).

Tony Maistrovich is concerned about drainage water collecting on his property. He also asked if he could defer his assessment if the road is put through.

There were no further comments from the public, either for or against this proposal. Chairman DeLapp closed the public hearing at 8:00 p.m. and opened discussion from the Planning Commission members.

Chairman DeLapp stated that it has not been demonstrated that these lots will meet the "one acre" rule for drainfields if applicable.

Commissioner John made note of the City ordinance on drainfields which implies that a private drainfield cannot cross a property line.

Commissioner Johnson asked what percentage of property owners were needed to petition the City to improve Isle Avenue and assess back to the benefitting property owners. (33%).

Chairman DeLapp raised a question of assessing Collyard's or Colosimo's for drainage since it will be an improvement to their property.

M/S/P Bucheck/Johnson - to table this application until the August 13, 1990 meeting, and direct the staff to have City Engineer respond to the drainage, ponding, drainfield and road issues raised by the Planning Commission.

4. Work Session with City Council on Residential Estates Ordinances, Freeway District Ordinances and Comprehensive Plan.

City Planner Mike Black and Commission reviewed the first page of the RE Ordinances. Attached are the changes suggested by the Planning Commission. The reasons for the changes were: enforcing some of the ordinances will be a problem, some of the wording was too vague, some of the ordinances were too stringent. Councilman Hunt would like the Planning Commission members to write up any further comments on the RE Ordinance and send them to the staff.

M/S/P Wilfong/John - to accept A(1) of the RE Ordinance as ammended. (Motion carried 9-0).

M/S/P Bucheck/Stevens - to accept C(1)(2) & (3) of the RE Ordinance as ammended. (Motion carried 9-0).

M/S/P Johnson/Stevens - to accept C(4) of the RE Ordinance as ammended. (Motion carried 9-0).

M/S/P Bucheck/Stevens - to accept C(6) of the RE Ordinance as ammended. (Motion carried 9-0).

M/S/P Bucheck/Stevens - to accept C(7) of the RE Ordinance as ammended. (Motion carried 9-0).

M/S/P Bucheck/Stevens - to accept C(8) of the RE Ordinance as is. (Motion carried 9-0).

M/S/P Johnson/Johnston - to adjourn the Planning Commission meeting at 10:30 p.m. (Motion carried 9-0).

301.070 D (2b) RE 2 1/2

A. Permitted Uses and Structures

- (1) One single family detached dwelling per lot within planned subdivisions of at least 20 acres, nominal.

C. Minimum district Requirements

- (1) Lot Size 2 1/2 to 10 acres nominal
- (2) Lots per Density 6 lots per each 20 acres of gross land area.
- (3) 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. (a definition of a Flag lot to be typed here).
- (4) Principal Building Setbacks from Property lines:
  - (a) Front 100 feet minimum
  - (b) Side (interior) 50 feet minimum
  - (c) Side (corner) 80 feet minimum
  - (d) Rear 100 feet minimum
  - (e) Collector Street 150 feet minimum
- (5) Tabled: Right of Way questioned - Mike Black and Mary to research.
- (6) Area of Principal structure 1500 sq. ft. minimum above grade, including walkout levels if at least 25% of building perimeter is above grade.
- (7) Parking 2 enclosed spaces minimum (200 s.f. minimum per space). 2 exterior spaces with minimum setback of 50 feet from any property line.



ENGINEERS ARCHITECTS PLANNERS

TOM Z. KING, DONALD ANDERSON  
AND ASSOCIATES, INCORPORATED3800 AMERICAN NATIONAL BANK BUILDING  
DARTY PAUL, MINNESOTA 55101  
612/838-3100  
FAX 612/832-0005

August 10, 1990

Planning and Zoning Commission  
City of Lake Elmo  
3800 Laverne Avenue  
Lake Elmo, Minnesota 55042

Re: Guardian Angels Church  
Lake Elmo, Minnesota  
Commission No. 9150-000

Dear Commission Members:

Guardian Angels Church is planning to construct a new sanctuary and add parking. We have reviewed the site and drainage plan for conformance to applicable City Codes. The following is our review:

1. **Zoning:** The 1983 Zoning Map shows this area zoned P-1. The actual use, which pre-dates this Code, is PF - Public Facilities and Quasi - Public Uses. The proposed future land use plan presently being prepared shows this area should continue to be Public - Quasi Public. It appears that the proposed plan is consistent with future land use planning of the City.
2. **Building Height:** The highest part of the roof is at 30 feet or less as viewed from the north or west sides, but the bell tower rises to approximately 50 feet when viewed from these directions. On the southeast side, the lower floor is exposed, increasing these heights by about 13 feet. Maximum allowed height is 35 feet.
3. **Parking:** The P zone does not have formula for determining number of parking spaces required. However, the amount of parking provided appears adequate.

The new spaces are proposed to be 9' x 18'. The Code requires 10' x 20' unless the parking lot provides for separate vehicles based on size. The reduced stall depth combined with narrower 20' wide aisles may make parking difficult for full size cars or pick-ups.

Landscaping islands have been provided which exceeds 10% of the area of the new parking.

August 10, 1990

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4. Storm Water Control: Ponding and other drainage features have been provided north of the new parking lot which meets the requirements of the Storm Water Control Ordinance for rate and volume control of the additional hard surfacing.

One area of concentrated runoff may be the roof scupper on the northwest side of the new sanctuary. The new landscaped area beneath the scupper should be adequately protected from erosion.

5. Water Systems: The existing well will continue to be used.

6. Septic System: The existing septic system will continue to be used. This system was constructed in about 1963 when the education building was built. It was originally sized for the parochial school which was operated at that time. The existing system seems to be sized adequately for the new facility since the school is no longer operating. The existing separate system which serves the rectory will be removed and connected to the existing larger school system.

There does not seem to be any operational problems with the system. Portions of the drainfield seem to have been paved over but it is difficult to evaluate what effect, if any, that has had on the system. The church has sufficient vacant land to the north that if the existing system should fail, an alternate system could be constructed.

The church is within the Metropolitan Urban Service Area and could be served at some time with sanitary sewer and municipal water.

Conclusions: The issues of parking space size and building height remain.

Attached are copies of previous correspondence from the project architects for your information.

Sincerely,



Larry D. Bohrer, P.E.

LDB/mha

Attachments



18 May 1990

Mr. Jim McNamara  
 Building Official  
 City of Lake Elmo  
 3800 Laverne Avenue North  
 Lake Elmo, MN 55042

Re: Church of the Guardian Angels  
 Site Plan Review

416.1

Dear Jim:

Enclosed are 20 copies of the survey, proposed site plan, and building elevations. Please note the following:

1. The proposed new construction, on two floors, is approximately 35,000 gross square feet. It will consist of a worship space, gathering space, a chapel, administration, toilets, mechanical, and storage space. It will also serve as a link between the existing education building and the historic church.
2. The proposed parking as indicated on the site plan consists of existing areas to remain, existing areas to be restriped, existing areas to be regraded and resurfaced, and new construction.
3. The net increase in hard surfaces (including buildings and parking) will be c.32,000 s.f.
4. Proposed parking capacity is 317 cars, with 10 designated as handicapped. The typical stall size is 9'x18' with 70' drive aisles and 20' perimeter aisles. This conforms to current standards based on contemporary car sizes and is the norm adopted by many communities.
5. Parking lot lighting will be provided by the relocation of two existing light standards. In addition, building illumination will highlight specific features (i.e., entries, bell towers, etc.).
6. New landscaping will be as indicated on the site plan. In addition, trees which are displaced by new construction and are salvageable will be relocated.



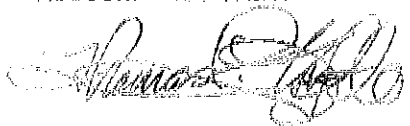
Mr. Jim McNamara  
18 May 1990  
Page Two

The Parish will receive bids for this project in June with construction scheduled to begin promptly thereafter. We ask for your cooperation in this matter to insure a timely approval process. If you have any questions or need additional information, please contact me.

Thank you.

Sincerely,

McGUIRE COURTEAU LUCKE ARCHITECTS, INC.



Thomas R. Kylio

Encl.

cc: Rev. Michael Arms  
Mr. John Riehle  
Mr. Ken Konrad



Sanitary Engineering Division, Department of Health, State of California

Sanitary Engineering

221 Raymond Ave. - Suite 900  
 San Francisco, Calif. 94104  
 (415) 774-2771

GERSONIAN ANGEL CHURCH

SEWAGE FLOWS

FUNCTION	ESTIMATED LOAD	ESTIMATED G.P.D.	ESTIMATED TANK G.P.D.
New Church	1,200	1,320 (1.14) <sup>a</sup>	2,232 (1.86) <sup>a</sup>
Social Hall	400	600 (2.0) <sup>a</sup>	1,000 (2.5) <sup>a</sup>
Class room 12015	192	1,050 (10.0) <sup>a</sup>	2,214 (17.0) <sup>a</sup>
Residence	4-BK	600	1,000

<sup>a</sup>( ) G.P.D./Occupant

SEPTIC TANK (Existing 8,000 Gallon Capacity)

Assuming the worst condition being the classroom plus residence = 4,315 G.P.D.

Required septic tank  $1.125 \times (750 \times 4,315) = 4,462$  G.P.D.  
 Existing septic tank would be adequate.

DRAIN FIELD (Existing 1,215 SF of pipe in 15' x 15' drain construction)

Assuming the worst condition, similar to above, 2,550 G.P.D. required.

Assuming 6 to 15 min/inch percolation (1.27 G.P./G) and bed construction

$2,550 \text{ G.P.D.} \times 1.27 \text{ SF/G} \times 1.15 = 4858 \text{ SF of bed required.}$

Existing as designed shows 6160 SF of bed

Survey indicates 7,700 SF of bed<sup>a</sup>

<sup>a</sup>Parking lot & sidewalks laid over top of system over the drain

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: August 13, 1990

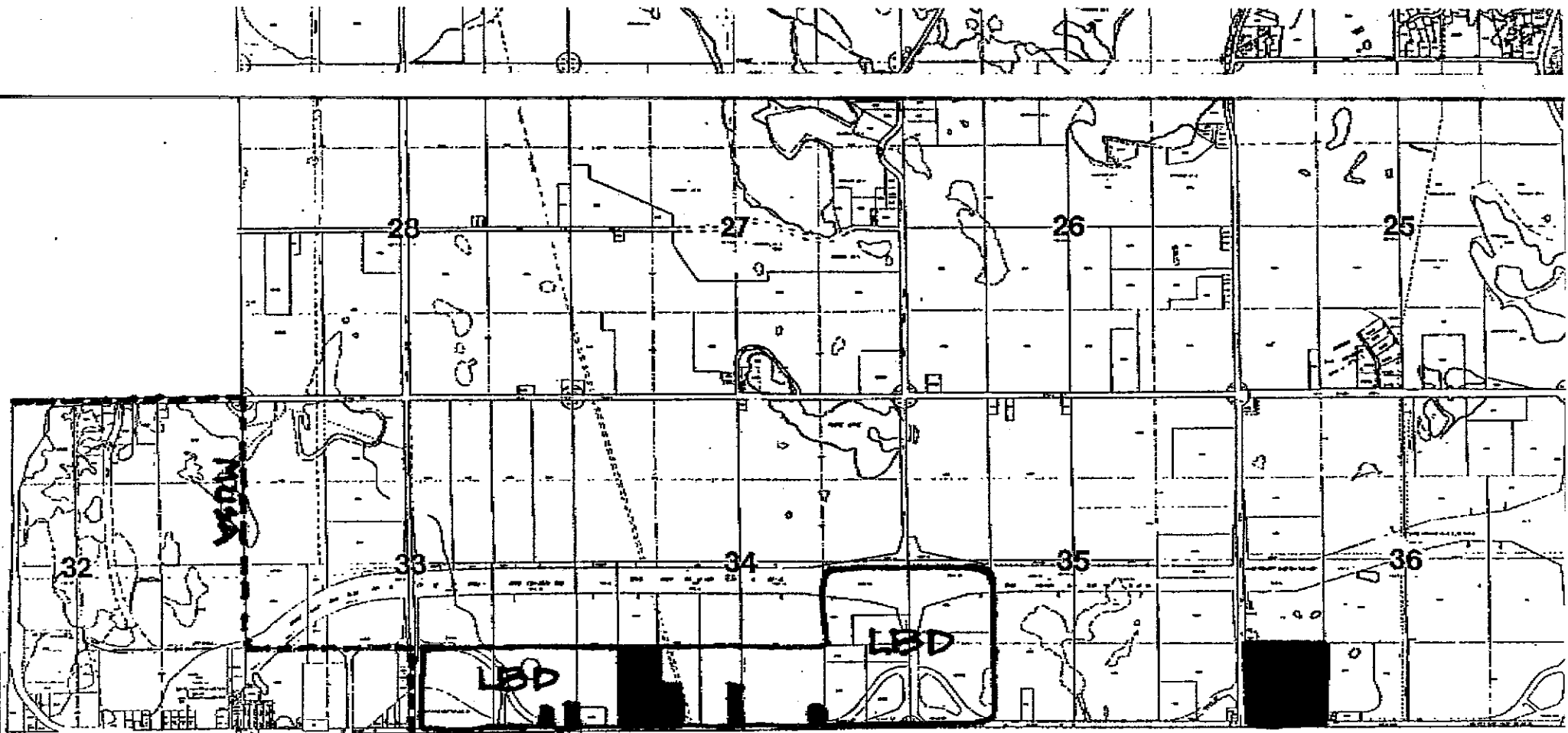
AGENDA TOPIC: 4A. Comprehensive Plan B. Future Land Use Map C. Comments from Met Council	ITEM NO. 4A, B, C
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The Planning Commission has had the opportunity to review and comment on the text of the Comp. Plan. Those comments will be sent to the Council for consideration, hopefully, at its August 21st meeting.

Two things remain to be discussed before we can pass this on to the Council.

The first is the Future Land Use Map as it relates to the I-94 Corridor. Staff has prepared a concept "Limited Business District", and is shown on the enclosed map. We have stopped Limited Business at County Road 19, but have included the bulges at this interchange. Also attached is a Land Use Concept Plan for I-94 Corridor which shows the proposed Limited Business District and surrounding future land uses.

The Second item for discussion is the comments from the Met. Council from their preliminary review of the Plan. Mike Black's memo regarding these comments is attached. I do not believe that any of these items will have any impact on what the Commission has already reviewed and would, therefore like to recommend that the plan be sent onto the Council with your recommendation. Mike Black will be at the meeting to answer any questions you may have. Please feel free to call prior to the meeting if you need any further information for the meeting.



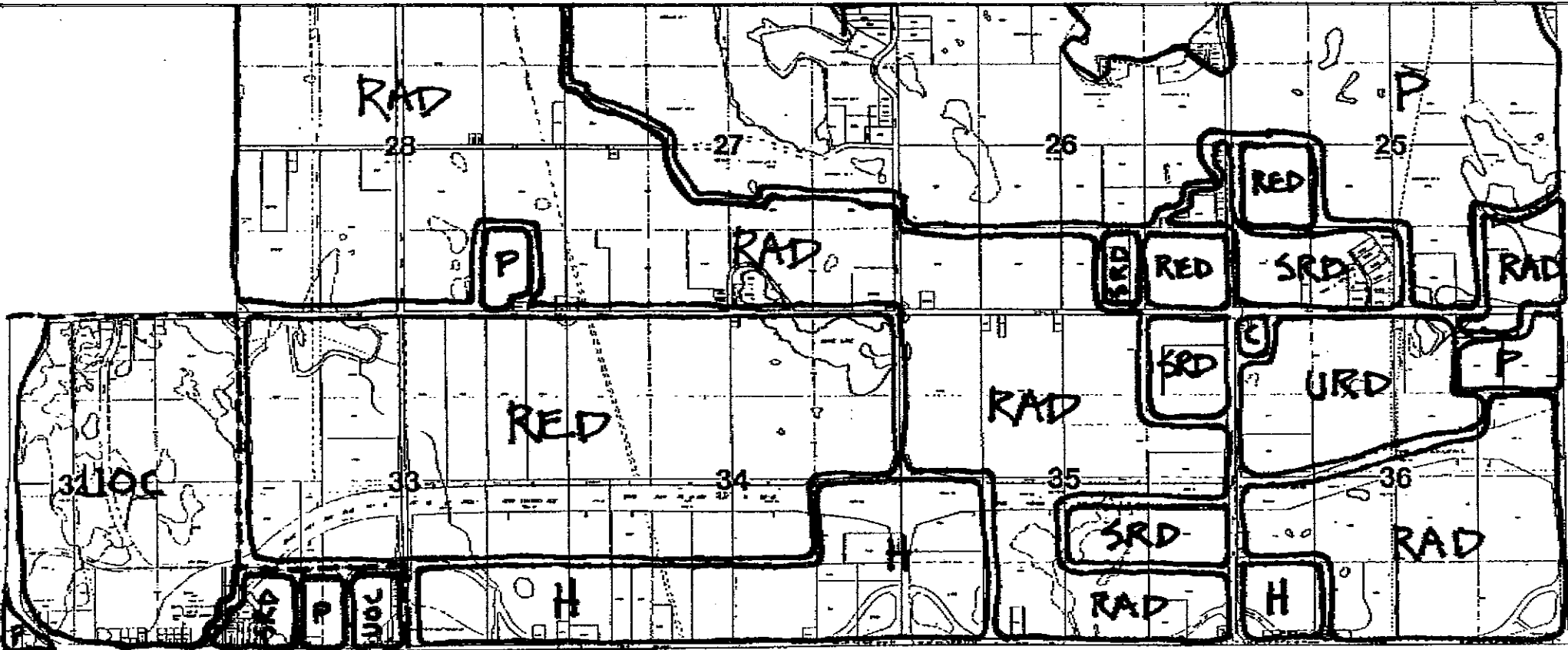
**lake  
elmo**

**LIMITED BUSINESS DISTRICT  
CONCEPT**

■ **EXISTING GENERAL BUSINESS ZONE**



**8.7.90**

AUG-09-'90 THU 16:30 ID: JAMES R HILL INC TEL NO: 612 884-9518 #320 P06

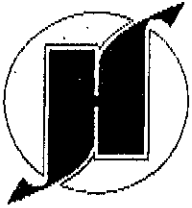


# lake elmo

## LAND USE CONCEPT PLAN FOR I-94 CORRIDOR


  
 This map depicts the general layout of the comments. It is not intended for use as a plan map.
   
 Prepared by: JAMES R. HILL, INC.
   


8.7.90



**JAMES R. HILL, INC.**  
PLANNERS ENGINEERS SURVEYORS

9401 JAMES AVE. SO., SUITE 140, BLOOMINGTON, MN 55431 612/884-3029 FAX 884-

18

MEMORANDUM

TO: Ms. Mary Kueffner, City Administrator  
FROM: Michael J. Black  
DATE: August 9, 1990  
RE: Metropolitan Council Comments on the 1990 Comprehensive Plan

The following are the major issues raised by the Metropolitan Council staff and how they should be addressed in the 1900 Comprehensive Plan

2000 and 2010 FORECAST

More data has been requested on population, household and employment forecasts for the years 2000 and 2010. The 1988 System Statement from the Metropolitan Council included forecast figures. We must show why the City's forecast numbers are larger than those of Metro Council.

This information will be added to pages 8 through 11.

TRAFFIC ASSIGNMENT ZONES (TAZ)

The City of Lake Elmo has five traffic assignment zones. A map of the zones must be provided with a breakdown of population, household and employment forecasts for each TAZ.

SEWER POLICY PLAN

The Comprehensive Plan must include or clearly make reference to the Comprehensive Sanitary Sewer Plan prepared by TKDA in 1986. Some modification to the plan will be necessary because the future land use map was changed for the MUSA area. Mr. Bohrer and I are meeting next week to re-write this section.

The City must also reference and summarize local ordinances which regular the design, installation, inspection, maintenance, record keeping and remedial action for on-site sewer systems.

CAPITAL IMPROVEMENT PROGRAM

In the implementation section a reference needs to be made to the City's Capital Improvement Program. If possible, a summarized version of the current CIP could be included in the Plan.

I suggest that these changes or additions be made along with all other changes recommended by the Planning Commission and prior to presenting a final draft to the City Council.

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: August 13, 1990

AGENDA TOPIC: Residential Estates Ordinance
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ITEM NO. 4D.
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Attached is a draft Residential Estates Ordinances that staff put together from the outline that was provided by the Planning Commission. Please note that some of the standards that were addressed in the PZ's draft were removed because these standards are addressed in different portions of the code.

I did include in the RE Ordinance the Assessory Building standards, but this should also be addressed in Section 301.130 of the code. The same applies to driveways, which is addressed in Section 1603; Developer Requirements which is addressed in Section 401.240B.4h, Signs are addressed in Section 505; Park land dedication versus park dedication fee is addressed in Section 401.400; Roads are addressed in Section 401.380.

I am in no way suggesting that these standards are not important, but I do believe they have to be put in the appropriate part on the code.





- (6) Area of Principle Structure 1500 sq. ft. minimum above grade, including walkout levels if at least 25% of building perimeter is above grade.
- (7) Parking 2 enclosed spaces minimum (200 s.f. minimum per space). 2 exterior spaces with minimum setback of 50 feet from any property line.
- (8) Hardsurface coverage 15% maximum.
- (9) Septic Drainfield Regulation
  - (a) All newly subdivided lots shall have at least one acre of land dedicated for septic system use. This acre may consist of a maximum of two separate parcels neither of which may consist of less than 0.4 acres.
  - (b) Placement of the second required drainfield between the trenches of the first drainfield is prohibited.

(301.130 E. 4.)

j. Determination of Areas. The parking space per vehicle shall not be less than three hundred (300) square feet, or an area equal to the width of the parking space multiplied by the length of the parking space plus eleven (11) feet.

k. No parking space shall be closer than five (5) feet to any building.

l. Fire access lanes shall be provided as required by the building or fire code.

5. Truck Parking in Residential Areas. No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading, or rendering a service.

6. Parking in Residential Areas. Off-street and on-street parking shall be limited to the use of the residents and their guests, except for short-term parking (six hours or less).

7. Off-street Parking Spaces. Off-street parking spaces shall not be reduced in number unless said number exceeds the requirements set forth herein.

F. Off-Street Loading and Unloading Areas.

1. Location. All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least twenty-five (25) feet from a residential district, unless within a building. Loading berths shall not occupy the required front yard space.

2. Size. Unless otherwise specified in this Ordinance, a required loading berth shall not be less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

3. Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

4. Surfacing. All loading berths and accessways shall be improved with a hard surface to control the dust and drainage before occupancy of the structure.

5. Accessory Use. Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles, or be included as a part of the space requirements necessary to meet the off-street parking area.

6. Remodeled Structures or Uses. Any structure erected or substantially altered for a use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall provide off-street loading space as required for a new structure.

7. Screening - See Section 1504 of this Code.

(301.130 E.)

4. Design and Maintenance of Off-Street Parking Area.

a. Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access widths shall be in accordance with the State of Minnesota Highway Department Standards, but in no case shall they exceed thirty-two (32) feet in width. Driveway access shall be so located as to cause least interference with traffic movement. See also Section 1602 of this Code.

b. Calculating Space. When the calculation of the number of all off-street parking spaces required results in a fraction, such fraction shall be required a full space.

c. Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.

d. Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged so it is not directly visible from the adjoining property and in a downward vertical direction.

e. Curbing and Landscaping. All open off-street parking area designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line.

f. Planting islands. For parking lots designed for more than 25 cars, there shall be internal landscaping in an area equal to ten percent (10%) of the required parking area, including the 10 foot setback from the property line.

g. Screening - See Section 1504 of this Code.

h. Maintenance of Off-Street Parking Space. It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping, and required fences.

i. Access. All off-street parking spaces shall have access from driveways and not directly from the public street.

3. General Provisions.

a. Existing off-street parking spaces and loading spaces upon the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.

b. Benches in Places of Public Assembly. In stadiums, sport arenas, churches, and other places of public assembly, in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty two (22) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.

c. Parking Spaces. Each parking space shall not be less than ten (10) feet wide and twenty (20) feet in length exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than ten (10) feet wide and twenty (20) feet in length depending upon the size of the vehicle as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in or additions to the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated to the Zoning Administrator for review and approval. Signs specifying the vehicle size to use the parking space may be required by the Zoning Administrator. Parking spaces for the handicapped shall not be less than twelve (12) feet wide and twenty (20) feet in length.

d. Use of Parking Facilities. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or one (1) truck not to exceed nine thousand (9,000) pounds gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, or customers of nearby business or manufacturing establishments.

e. Joint Parking Facilities. Off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in any "district" (except residential districts) in which separate parking facilities for each separate building, structure, or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.

f. Control of Off-Street Parking Facilities. When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with Washington County requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

g. Use of Parking Area. Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale, or for rent.

h. In residential district, no more than twenty-five (25) percent (25%) of the required yard area shall be surfaced or utilized for driveway or vehicle storage space.

E. Parking.

1. Surfacing and Drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surface may include crushed rock and similar treatment for parking access to one (1), two (2), three (3), and four (4) unit residential structures; all other uses shall utilize asphalt or concrete. All surfacing must be completed prior to occupancy of the structure.

2. Location. All accessory off-street parking facilities required herein shall be located as follows:

- a. Spaces accessory to one and two family dwellings on the same lot as the principal use served.
- b. Spaces accessory to multiple family dwellings on the same lot as the principal use served and within two hundred (200) feet of the main entrance of the principal building served.
- c. Spaces accessory to uses located in a business or industrial district shall be within eight hundred (800) feet of a main entrance to the principal building served.
- d. There shall be no off-street parking spaces within twenty (20) feet of any street right-of-way.
- e. No off-street parking area shall be located closer than ten (10) feet from an adjacent lot zoned or used for residential purposes, except when adjoining an existing parking area on the adjacent lot.

- (3). Any existing well, or residential structure on an adjacent or nearby parcel 200 Feet
- (4). Any body of seasonal or year-round surface water 200 Feet

b. Slopes. Said building, feedlot, or manure storage shall not be placed on slopes which exceed thirteen percent (13%).

c. Evidence of the seasonally high ground water lever or mottled soil (as established by eight and one-half (8-1/2) foot borings) shall not be closer than six and one-half (6-1/2) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed building and or feedlot.

d. 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.

14. The Number of Accessory Buildings:

The number of accessory buildings permitted in each zoning district shall be as follows:

a. Agricultural-Ag: For parcels under ten (10) acres, two buildings with a total area not to exceed one thousand (1,000) square feet; or parcels of ten (10) acres to twenty (20) acres, two buildings with a total area not to exceed two thousand (2000) square feet; for parcels over twenty (20) acres, there shall be no limit on the size or number of accessory buildings so long as said buildings are agricultural buildings as defined in Section 301.130 C 1 e.

b. Rural Residential - RR: For parcels under ten (10) acres, two buildings with a total area not to exceed one thousand (1000) square feet; for parcels over ten (10) acres two buildings with a total area not to exceed two thousand (2000) square feet.

REF → c. For all other Residential Districts: For parcels with twenty thousand (20,000) square feet or less in land area one building not to exceed the size of the principal building; or 1,000 square feet, whichever is less, for parcels over twenty thousand (20,000) square feet in land area, one building with a total area not to exceed one thousand (1,000) square feet.

D. Public Convenience Structures.

1. No public use or convenience structure shall be located within the public right-of-way. Such structure shall include, but is not limited to trash containers, institutional direction signs, bicycle racks, benches, planting boxes, awnings, flag poles, bus shelters, light standards, stairs, stoop, light wells, newspaper storage containers, mail boxes for private mail delivery firms, loading wells, signs, and others. Such structures do not include utility facilities

5. An accessory building shall be considered as an integral part of the principal building if it is located six (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 Ordinance prevail.

6. No accessory building in a commercial or industrial district shall exceed the height of the principal building.

7. No accessory buildings in apartment developments shall exceed the height of the principal building.

8. 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.

9. 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 and written approval by adjacent property owners to be submitted to the Zoning Administrator, and except in planned unit developments or cluster developments.

10. 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, however, shall the structure be located closer than twenty (20) feet to the public right-of-way.

11. All accessory buildings over thirty-five (35) square feet in area shall have a foundation, concrete slab or wind anchor. Buildings larger than one hundred (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.

12. 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.

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

a. Setbacks. All animal buildings, feedlots, and manure storage sites shall be setback as follows:

<u>Natural or Man-Made Feature</u>	<u>Minimum Horizontal Setbacks</u>
(1). Any property line	100 Feet
(2) Any existing well, or residential structure on the same parcel	50 Feet

C. Accessory Buildings and Structures.

1. Types of Accessory Buildings: Storage or tool sheds; detached residential garage; detached rural storage building; detached domesticated farm animal buildings; agricultural farm building. Said accessory buildings are defined as follows;

a. Storage or Tool Shed: A one-story accessory building of less than one hundred sixty (160) square feet gross area with a maximum roof height of twelve (12) feet and exterior colors or materials matching the principal structure or utilizing earthen tones. No door or other access opening in the storage or tool shed shall exceed twenty-eight (28) square feet in area.

b. Detached Residential Garage: A one-story accessory building used or intended for the storage of motor driven passenger vehicles with a maximum gross area of one thousand (1000) square feet and a maximum roof height of fourteen (14) feet. No door or other access opening shall exceed ten (10) feet in height. The exterior color, design, and materials shall be similar to the principal structure.

c. Detached Rural Storage Building: A one-story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment, etc. Exterior materials shall match the principal structure in exterior color or be of an earthen tone. The gross area of said building shall not exceed one thousand (1,000) square feet in gross area on a parcel of between two (2) and ten (10) acres and not more than two thousand (2,000) square feet in gross area on a parcel of greater than ten (10) acres.

d. Detached Domesticated Farm Animal Building: A one-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. Said building shall require a Minnesota Pollution Control Agency Feedlot Permit and site and building plan approval and shall not exceed 2000 square feet in gross area on a parcel of between ten (10) and twenty (20) acres and not more than one thousand (1,000) square feet in gross area on a parcel of less than ten (10) acres.

e. Agricultural Farm Building: An accessory building used or intended for use on an active commercial food producing farm operation of more than twenty (20) acres. A Minnesota Pollution Control Agency permit may be required.

2. A tool shed as defined in this Section may be placed on any lot in addition to the permitted number of accessory buildings.

3. 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.

4. No accessory building used or intended for the storage of passenger automobiles shall exceed one thousand (1000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet, nor shall any structure exceed one story in height except when said garages are located in business, industrial or planned unit developments. On parcels of twenty thousand (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.



(401.240 B. 4.)

c. A statement prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing.

d. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

e. If any zoning changes are contemplated, the proposed zoning plat for the areas, including dimensions, shall be shown.

f. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.

g. Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the subdivider shall provide in the preliminary plat, a sketch plan which indicates minimum building setback lines and future roadway alignments which would not interfere with structural placement at the time of future subdivision.

h. A vegetation preservation and protection <sup>plan</sup> ~~plat~~ that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

i. Such other information as may be reasonably requested by the City staff, Planning Commission, or City Council.

C. Review by Staff and Other Commissions or Jurisdictions.  
The City shall refer copies of the preliminary plat to the City Engineer, Planner and Attorney, the Park Advisory Committee, and appropriate County, State or other public agencies for their review and comment. Such comment must be received within thirty (30) days or it will be assumed there are no objections.

D. Hearing. The Planning Commission, upon receipt of the application shall instruct the administrator to set a public hearing on the proposed preliminary plat no later than forty-five (45)

(401.380 E)

shall be avoided.

F. Subdivisions Abutting Major Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State Highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, provided that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

G. Alleys. Except in the case of a planned unit development, either a public or private alley may be required in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas other than those zoned for multiple family use shall not be permitted.

H. Half Streets. Dedication of half streets shall not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

I. Street Grades. Except when, upon the recommendation of the Engineer that the topography warrants a greater maximum, street grades shall not exceed the following:

Minor Arterials . . . . .	5%
Collector Streets . . . . .	6%
Local, Marginal Access & Cul-de-sac streets . . . . .	8%
Minimum grade of not less than . . . . .	0.5%

J. Curb Radius. The minimum curb radii for arterials, collector streets, local streets and alleys shall be as follows:

Arterial Streets . . . . .	25'
Collector Streets . . . . .	20'
Local Streets . . . . .	15'
Alleys . . . . .	6'

K. Reverse Curves. Tangents of at least fifty (50) feet in length shall be introduced between reverse curves on collector streets.

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(401.380)

L. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.

M. Minimum Right-of-Way Widths.

<u>Street</u>	<u>Width</u>
Principal Arterial	150' - 300'
Intermediate Arterial	100' - 300'
Minor Arterial	80' - 120'
Collector Street	80'
Commercial or Industrial Service Street	80'
Local Street	60'
Marginal Access Street	50'
Cul-de-sac	60'
Turn-around	radius of 60'

N. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.

O. Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

P. Street Improvements for Plats.

1. The City Engineer shall determine when the full width of the right-of-way shall be graded, including the subgrade in accordance with the provisions for construction as outlined in the Design Standards.

2. All streets shall be improved in accordance with the standards and specifications for street construction established by the City Council.

Q. Curb and Gutter. Use bituminous curb where sanitary sewer will be installed at some later date. Use concrete curb and gutter where sanitary sewer has been installed to City standards.

401.390 General Improvements.

A. Trees and boulevard sodding shall be planted in accordance with City standards.

B. Street signs shall be installed at each intersection in accordance with City standards.

C. Driveway approaches, sidewalks or pedestrian pathways shall be installed in accordance with City standards.

D. Street lighting fixtures shall be installed in accordance with City standards.

E. Sidewalks. The City Council may require sidewalks along both sides of all streets in areas where the residential density equals or exceeds three dwelling units per net acre of land or in any commercial, industrial or other business areas if the Council determines that sidewalks are required for public safety.

\* 401.400 Parks, Open Space, and Public Use for Plats.

A. Lands for Public Use or Other Provisions. Pursuant to Section 462.358, Subdivision 2, of the Minnesota Statutes, the City shall require all owners, as a prerequisite to approval of a plat or other subdivision, to convey to the City or dedicate to the public for parks or playgrounds or other public purpose, a reasonable portion of the land being platted or subdivided as hereinafter specified. The portion of any such land to be conveyed to the City or dedicated to such public use shall be approved by and acceptable to the City. In lieu of land conveyance or dedication the City, at its option, may require the owner to pay to the City for use in the acquisition of parks, playgrounds, public open space, or storm water holding areas or ponds, development of existing parks, playgrounds or other public open space sites or for the retirement of debts incurred in the acquisition of parks, playgrounds, or other public open space an equivalent amount of cash based on undeveloped land value of that portion of such lands which would otherwise have been conveyed to the City or dedicated to the public as provided herein. The form of contribution (cash or land, or any combination thereof) shall be decided by the City Council based on the needs of the City and in accordance with the City's plans.

B. Consideration of the Public Property. The subdivider shall consult with the Planning Commission and the Park Advisory Committee at the time his preliminary plat is under consideration,

(401.400 B.)

to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property. The plan shall show the location and dimensions of all areas to be dedicated in this manner.

C. Dedicated Land, Requirements. Any land to be dedicated as a requirement of this section shall be reasonably adaptable for use for active park and recreation or other public purposes and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, tree cover, access and location.

D. Standards for Determination. The Park Advisory Committee shall develop and recommend to the City Council for adoption, standards and guide lines for determining the portion of such development which should reasonably be required to be so conveyed or dedicated or whether a cash statement in lieu of dedication would be more appropriate. Such standards and guide lines may take into consideration the zoning classification to be assigned to the land to be developed, the particular use proposed for such land, amenities to be provided and factors of density and site development as proposed by the owners or developers. The Park Advisory Committee shall further recommend changes and amendments from time-to-time to such standards and guide lines to reflect changes in the usage of land which may occur, changes in zoning classifications and concepts and changes in planning and development concepts that relate to the development and usages to which land may be put. The City Council, after considering the recommendations of the Park Advisory Committee, shall adopt such standards and guide lines as it deems necessary and appropriate for said purpose.

E. Cash Contribution in Lieu of Lands. In those instances where a cash contribution is to be made in lieu of a conveyance or dedication of land for park or playground or other public purposes, the City Council shall set the amount of cash to be so contributed, which shall be based upon the fair market value of the undeveloped land and equivalent in value to that portion of such land which would otherwise have been conveyed or dedicated for such purposes.

F. Fair Market Value of Lands. "Fair Market Value" for the purpose of this Section, shall be determined as of the time of filing the final plat as defined above in accordance with the following:

1. The City and the owner may agree as to the fair market value.

2. The fair market value as determined by the City Council based upon current appraisals submitted to the City by the subdivider at his expense. The appraisals shall be made by

(401.400 F. 2.)

appraisers who are approved members of SREA or MAI, or equivalent real estate appraisal societies.

3. If the City disputes such appraisal amounts it may at its expense obtain an appraisal of the property by a similarly qualified real estate appraiser, which appraisal shall be accepted by the City as being an accurate appraisal of fair market value.

G. Lands Designated for Public Use on Official Map or Comprehensive Plan. Where a proposed park, playground or other recreational areas, proposed school site or other public ground that has been indicated in the official map and/or Comprehensive Plan is located in whole or in part within a proposed plat, such proposed public site shall be designated as such and should be dedicated to the City, School District or other proper governmental unit. If the subdivider chooses not to dedicate an area in excess of the land required under this section hereof for such proposed public site, the Council shall not be required to act to approve or disapprove the plat of the subdivision for a period of ninety (90) days after the subdivider meets all the provisions of the subdivision ordinance in order to permit the Council, School Board or other appropriate governmental unit to consider the proposed plat and to take the necessary steps to acquire, through purchase or condemnation of all or part of the public site proposed under the official map or Comprehensive Plan.

H. Density and Open Space Requirements. Land area so conveyed or dedicated for public park and playground purposes may not be used by an owner or developer as an allowance for purposes of calculating the density requirements of the development as set out in the City Ordinance and shall be in addition to and not in lieu of open space requirements for Planned Unit Developments pursuant to the City Zoning Ordinance.

I. Credit for Private Open Space. Where private open space for park and recreation or other public purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas may be used for credit at the discretion of the City Council against the requirement of dedication for park and recreation purposes, provided the City Council finds it is in the public interest to do so and that the following standards are met:

1. That yards, court areas, setbacks and other open space required to be maintained by the Zoning and Building Regulations shall not be included in the computation of such private open space; and

2. That the private ownership and maintenance of the open space is adequately provided for by written agreement; and

3. That the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be eliminated without the consent of the City Council; and

4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and

5. That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the Comprehensive Plan, and are approved by the City Council; and

6. That where such credit is granted, the amount of credit shall not exceed twenty-five (25) percent of the amount calculated below.

J. Dedicated Land, Minimum Area. The applicant shall be required to convey to the City or dedicate for parks and playground or other public purposes (not including streets, drainage easements or other rights-of-way) a minimum percentage of the gross land area proposed for subdivision for residential building sites or commercial, industrial or other business use, as set forth below:

1. Residential.

Dwelling Units Per Acre  
(Gross Density)  
Less than 1 unit per acre

Dedication Requirement  
Decrease by 1% from 7.5% for each acre or fractional part thereof in excess of 1 acre per unit but in no case, less than 2.5%

Less than 5 units per acre

7.5%

5 or more units per acre;  
but less than 9 units per acre

10.0%

9 or more units per acre

Add 1% for each additional dwelling unit per acre over 8

2. Commercial - Industrial.

Dedication requirement - 2.5%

505 SIGNS.

505.010 The purpose of this Section is to protect and regain the natural and scenic beauty of the roadsides throughout the City. By the construction of public roads, the public has created views to which the public has a right-of-way view, and it is the intent of these standards to prevent the taking of that right.

505.020 Permit Required. Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit or conditional use permit for the sign has been issued according to the chart in Section 505.40. However, no permit will be required under this Ordinance for the following signs:

A. All signs under <sup>\*</sup>ten (10) square feet in area, except those that require a conditional use permit.

B. Real estate sale signs under nine (9) square feet in area.

C. Political signs.

D. Warning signs which do not exceed nine (9) square feet in area.

505.030. All signs will require Building Permits except:

A. The changing of advertising copy of message on a painted or printed sign and papered billboards.

B. The changing of the message of theater marquees.

C. Maintenance, painting, repainting, or cleaning of a sign unless a structural change is made.

D. Temporary (temporary election signs).

505.040 Definitions. As used in this Section, the following words and phrases shall have the meaning indicated:

A. Sign. A display, illustration, structure, or device which directs attention to an object, product, place, activity, person, institution, organization, or business.

B. Sign, Advertising. A sign that directs attention to a business or profession or to a commodity, service, or entertainment not sold or offered upon the premises, where such sign is located or to which it is attached.

C. Sign Area. The entire area within a continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign. The maximum square footage of multi-faced signs shall not exceed two (2) times the allowed square footage of a single-faced sign.



D. Sign, Business. A sign that directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

E. Sign, Electric. Any sign containing electrical wiring but not including signs illuminated by an exterior, unattached light source.

F. Sign, Flashing. An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use.

G. Sign, Ground. A sign which is supported by one (1) or more uprights, poles, or braces in or upon the ground.

H. Sign, Illuminated. A sign which is lighted with an artificial light source.

I. Sign, Identification. A sign which identifies the inhabitant of the dwelling, not to exceed two (2) square feet in size.

J. Sign, Motion. A sign that has revolving parts or signs which produce moving effects through the use of illumination.

K. Sign, Nameplate. A sign which states the name and/or address of the business, industry, or occupant of the site and is attached to said building or site.

L. Sign, Pedestal. A ground sign usually erected on one (1) central shaft or post which is solidly affixed to the ground.

M. Sign, Real Estate. A sign offering property (land and/or buildings) for sale, lease or rent.

N. Sign, Real Estate Development. A sign offering for sale, lease, or rent a single-family or multiple-family residential project of ten (10) or more dwelling units or lots.

O. Sign, Revolving. A sign which has moving parts (structural); does not include flashing signs which blink on and off but may include signs which produce moving effect through use of illumination. Signs which revolve or turn on an axis point such as a pedestal, string, or post shall not be considered revolving if less than two complete resolutions per minute.

(505.040)

P. Sign, Roof. A sign erected upon or above a roof or parapet of a building.

Q. Sign, Shopping Center or Industrial Park. A business sign designating a group of shops or offices (more than three (3) ).

R. Sign, Structure. The supports, uprights, braces, and framework of the sign.

S. Sign, Temporary or Seasonal. A sign placed on a lot or parcel of land for a period not to exceed thirty (30) days out of any twelve (12) month period. No sign permit fee is required. ✓

T. Sign, Wall. A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of said wall.

U. Sign, Warning. A sign which warns the public of a danger or hazard in the immediate vicinity and is obviously not intended for advertising purposes.

505.050. No sign shall be allowed that prevents ingress or egress from any door, window, or fire escape; that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape or in any other way constitutes a hazard to the health, safety, or general welfare of the public.

505.060 No sign may be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.

505.070 Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property, provided that such signs do not exceed three (3) square feet and are used exclusively for traffic control purposes.

505.080 Private signs, other than public utility warning signs, are prohibited within the public right-of-way of any street or way or other public property.

505.090 Illuminated Signs.

A. Illuminated signs may be permitted, but flashing signs, except ones giving time, date, temperature, weather, or similar public service information, shall be prohibited. Signs giving off intermittent, rotating, or directional light which may be confused with traffic, aviation, or emergency signalling are prohibited.

B. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public street or way. No illuminated signs or their support structure shall be located closer than twenty-five (25) feet to a roadway surface or closer than ten (10) feet to a road right-of-way line or property line, notwithstanding more restrictive portions of this Section, except service stations.

C. All illuminated signs must be three (3) feet above perceived highway grade.

D. All illuminated signs must have a State Electrical Permit. Signs shall be illuminated only during normal business hours, except security lighting.

505.100 Political Signs. Political signs are allowed in any district, on private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.

505.110 Displays. In any district, animal displays, lights directly skyward, pieces of sculpture, fountains, or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, place, activity, person, institution, organization or business, shall require a conditional use permit. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this Ordinance just as permanently affixed signs.

505.120 Real estate sales signs may be placed in any yard providing such signs are not closer than ten (10) feet to any property line.

505.130 Real estate development project sales signs may be erected for the purpose of selling or promoting a single family or multiple family residential project of ten (10) or more dwelling units provided:

- A. Such signs shall not exceed one hundred (100) square feet in area.
- B. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.
- C. Such signs shall be removed when the project is eighty percent (80%) completed, sold or leased. In all cases, such signs shall be removed no later than two (2) years after the project has been commenced.
- D. Such signs shall not be located closer than one hundred (100) feet to any existing residence.
- E. Such signs over thirty-two (32) square feet shall only be permitted by a conditional use permit.

505.140 Multiple family dwelling project identification signs may be erected for the purpose of identifying a multiple family dwelling project of three (3) or more dwellings. Such signs shall not exceed twenty (20) square feet and only one (1) such sign shall be erected at each entrance to the project, but in no case shall there be more than four (4) such signs for any one (1) project.

505.150 Construction signs not exceeding thirty-two (32) square feet in area shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is substantially completed.

505.160 Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone, or other similar objects in any district.

505.170 Roof signs are prohibited except on gambrel roofs, in all districts.

505.180 Signs on benches, newsstands, car stands, bus stop shelters, and similar places shall require a sign permit as provided in this Section.

505.190 Electrical Signs. All signs and displays using electric power shall have a cut-off switch on the outside of the sign and on the outside of the building or structure to which the sign is attached. No electrically illuminated signs shall be permitted in a residential or agricultural district.

505.200 Inside Signs. The regulations contained herein do not apply to signs painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portions of doors.

505.210 Offensive Signs. No signs shall contain any indecent or offensive picture or written matter.

505.220 Required Signs. In all zoning districts one (1) identification sign shall be required per building, except accessory structures and residential buildings which shall be required only to display the street address or property number.

505.230 Service stations may erect one pylon or pedestal sign not to exceed twenty-five (25) feet in height anywhere in setback area but no part of any such sign shall be closer to side lot lines than the required side yard setback nor within five feet of the rear lot line or street right-of-way line.

505.240 No sign will be permitted that provides refuge from police surveillance, tends to accumulate debris as a fire hazard, or in any other way is a hazard to the public health, safety, convenience, or general welfare.

505.250 Marquees of any type, with or without signs, shall require a conditional use permit.

505.260 Advertising signs shall be permitted by conditional use permit and shall not be located closer than three thousand

(3,000) feet to any other sign on the same side of a street or highway.

505.270 Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.

505.280 Except for more restrictive sub-sections of this Sign Section, no sign that exceeds one hundred (100) square feet in area shall be erected or maintained:

- A. Which would prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street for a distance of five hundred (500) feet.
- B. Which would be closer than one thousand three hundred fifty (1,350) feet to a national, state, or local park, historic site, picnic or rest area, church, or school.
- C. Which would be closer than one hundred (100) feet to residential structures.
- D. Which would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and scenic beauty or which depreciates nearby property.
- E. Block the view of another sign.

505.290 Signs by Conditional Use Permit. Where a use is permitted in a zoning district by conditional use permit, the sign for that use shall require a conditional use permit unless the sign is otherwise provided for in this Ordinance.

505.300 Signs in Agricultural Districts. No signs shall be permitted in an agricultural district except the following enumerated signs if authorized by a sign permit or other permit as provided in this Ordinance:

- A. Type of Signs Allowed. Nameplate, real estate sales, ground, political, temporary, wall, identification, and business.
- B. No sign shall be constructed so as to have more than two (2) surfaces.
- C. Number of Each Type of Sign Allowed per Lot Frontage. One (1) of the permitted types of signs except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted.

- D. Size. Not more than a total of thirty-two (32) square feet with an eight (8) foot maximum for any dimension except as otherwise restricted in this Section. Total square feet of permitted signs per lot or parcel shall not exceed one hundred (100) square feet.
- E. Height. The top of the display shall not exceed ten (10) feet above grade.
- F. Setback. Any sign over two (2) square feet shall be setback at least ten (10) feet from any lot line.

505.310 Permitted Signs in Residential Districts.

- A. Type of Signs Allowed. Nameplate, real estate sales, political, ground, temporary, wall, and identification.
- B. No sign shall be constructed so as to have more than two (2) surfaces.
- C. Number of Total Type of Sign Allowed per lot Frontage. One (1) of the permitted types of signs, except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted. No more than thirty-two (32) square feet of total display area will be permitted at any one time in developed areas.
- D. Size. Not more than a total of six (6) square feet with a four (4) foot maximum for any dimension except as otherwise restricted in this Section. Total square feet of all signs shall not exceed thirty-two (32) square feet per lot except in multi-family districts.
- E. Height. The top of the display shall not exceed ten (10) feet above grade.
- F. Setback. Any sign over one and one-half (1½) square feet shall be setback at least ten (10) feet from any lot line.

505.320 Permitted Signs in Commercial and Industrial Districts.

- A. Type of Signs Allowed. Business, nameplate, identification, illuminated, ground, pedestal, motion, political, real estate sales, shopping center where there are three (3) or more businesses, temporary, and wall. Advertising by conditional use permit only.

B. Number of Each Type of Sign Allowed Per lot Frontage.  
Two (2) business signs on any lot having a frontage of one hundred fifty (150) feet or less and one (1) additional business sign for each additional One Hundred Fifty (150) feet of frontage. Also, one (1) of the permitted types of temporary signs will be permitted.

C. Size.

1. Except as provided herein, the total square footage of sign area for each lot shall not exceed two (2) square feet of sign area for each lineal foot of lot frontage, except where a location is a corner lot, the amount may be increased by one (1) square foot of sign area per front foot of public right-of-way along a side lot line.
2. No sign shall exceed two hundred (200) square feet in area.
3. Each real estate sales sign, temporary sign, and political sign shall not exceed thirty-five (35) square feet in area.
4. Each nameplate sign shall not exceed one hundred (100) square feet in area.

D. Height. The top of the display shall not exceed thirty-five (35) feet above the average grade.

E. Setback. Any sign over six (6) square feet shall be setback at least ten (10) feet from any lot line. In no case shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line. All signs over one hundred (100) square feet shall be setback at least fifty (50) feet from any residential district.

505.330 Permitted Signs in Planned Unit Development Districts or Uses Requiring a Conditional Use Permit.

- A. Type, number, size, heights, and setback as specifically authorized by terms of the issued permit.
- B. To the extent feasible and practicable, signs shall be regulated in a manner similar to that in the use district most appropriate to the principal use involved.

505.34 Sign, Design, Construction and Maintenance.

- A. Required marking on signs.



1. After the effective date of this Ordinance, every sign for which a permit is required shall have painted in a conspicuous place thereon in letters not less than one (1) inch in height, the date of erection, the permit number, and voltage of any electrical apparatus used in connection therewith.
2. Every outdoor advertising sign erected under the provisions of this Ordinance shall be plainly marked with the name of the person or firm erecting such sign.

B. Projecting Signs. Except for marquee signs, signs shall in no case project from a building or structure to any point within two (2) feet of a line drawn perpendicularly upward from the curb line. No projecting sign shall be less than nine (9) feet above the sidewalk or the ground level. All projecting signs for which a permit is required shall be constructed entirely of fire resistant material.

C. Ground Signs.

1. No ground sign shall be erected, constructed, altered, rebuilt, or relocated to a height at the top of the display exceeding thirty-five (35) feet above the ground, unless otherwise restricted in this Section.
2. No ground sign display for which a permit is required shall be erected to a height of more than twelve (12) feet above the ground, unless the face is constructed of sheet metal or other noncombustible facing materials.
3. The bottom of the facing of every ground sign shall be at least three (3) feet above the ground, which space may be filled with landscaping, platform, or decorative trim of light wood or metal construction.
4. The soil used for the dug-in type of anchor or post support shall be carefully placed and thoroughly compacted. The anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

D. Wall Signs. Wall signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts,

or expansion screws of not less than three-eighths (3/8) inch in diameter which shall be embedded at least five (5) inches. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be entirely supported by an unbraced parapet wall.

E. Sign Maintenance.

1. Painting. The owner of any sign shall be required to have such sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.
2. Area Around Sign. The owner or lessee of any sign, or the owner of the land on which the sign is located shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of said sign.

F. All signs must meet the requirements of the State Building Code.

505.350 Non-Conforming Signs. All signs not in conformity with the provisions of this Ordinance shall be removed within five (5) years of adoption date of this Ordinance. No improvements to non-conforming signs shall be made except for safety purposes.

505.360 Obsolete Signs. Any sign for which no permit has been issued shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, or land upon which the sign may be found within thirty (30) days after written notice from the Zoning Administrator. Any sign now or hereafter existing which no longer advertises or identifies a bona-fide business conducted, or a service rendered, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which the sign may be found within ten days after written notice from the Building Official.

505.370 Unsafe or Dangerous Signs. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed or structurally improved by the owner, agent, or

(505.370)

person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the Zoning Administrator.

505.380 Permit Fees. The application for a sign permit shall be set from time to time by Ordinance of the City Council.

505.390 Expiration of Permit. All sign permits for an advertising sign (business sign, motion sign, pedestal sign, or any sign over one hundred fifty (150) square feet in area) shall expire two (2) years from the date of issuance. If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.

505.400 Permit Applications. All permit applications shall contain the proposed type of sign, size, location, setbacks, illumination, height, width, design, etc. and other relevant specifications as requested on the permit application form. All sign permits shall be granted by the City Building Inspector unless a conditional use permit is required.

505.410 Sign Permit Chart.

SP = Sign Permit

C = Conditional Use Permit

P = Permitted Use

N = Not Allowed

	Agricultural District	Residential District	Commercial Dist.	Industrial Dist.	Planned Unit Dev.
Advertising Sign	N	N	C	C	
Buiness Sign	C	C	SP	SP	SP
Flashing Sign	N	N	N	N	N

SP = Sign Permit

C = Conditional Use Permit Agricultural Residential Commercial Industrial Planned

P = Permitted Use District District District District Unit

N = Not Allowed District District District District Dev.

	Agricultural District	Residential District	Commercial District	Industrial District	Planned Unit Dev.
Ground Sign	P	P	SP	SP	SP
Illuminated Sign	N	N	SP	SP	SP
Identification Sign	P *	P	P	P	P
Motion Sign	N	N	SP	SP	SP
Nameplate Sign -	SP	SP	SP	SP	SP
Pedestal Sign	P	P	SP	SP	SP
Real Estate Sign	P	P	P	P	P
Real Estate Development *	P	P	P	P	P
Roof Sign, except Gambrel	N	N	N	N	N
Shopping Center Sign	N	N	SP	SP	SP
Temporary or Seasonal Sign	P	P	P	P	P
Wall Sign	SP	SP	SP	SP	SP
Warning Sign on Private Property	P	P	P	P	P
Political Sign	P	P	P	P	P
Displays	C	N	C	C	C
See these Sub-Sections for Further Detail	505.30	505.31	505.32	505.32	505.3

\* Only signs in this category greater than 32 square feet require C.

## 1602 DRIVEWAYS

1602.010. Purpose. The purpose of this chapter is to control the location of driveways and curb cuts in order that traffic hazards be reduced, adequate street drainage be maintained, and that ingress and egress from properties shall not constitute a hazard or impair the health, safety, or general welfare of the residents of the City of Lake Elmo.

1602.020. Permit Requirements. No driveway shall be constructed in any location where motor vehicles will be provided with access to any public right-of-way without first obtaining a permit for said construction from the properly designated City employee, who shall require a grade to establish the driveway. Prior to the issuance of the permit, the provisions of this chapter shall be complied with.

1602.030. Application. Any person desiring said permit shall present a written application to the City describing the improvements to be made with plans which indicate that the requirements of this chapter will be met.

1602.040. Permit Fees. The permit fee shall be set by Ordinance of the City Council.

1602.050. Permit Revocation. The permit issued may be revoked by the City at any time after its issuance for failure to comply with the conditions of the permit or the directions of the City relative to the work covered by the permit.

1602.060. General Requirements.

A. Licensed Contractor. All work done within the right-of-way of the street shall be done by a regularly licensed contractor under the supervision of the proper City employee, who will see that all regulations are rigidly followed.

B. Driveway Surface. Whenever a driveway is constructed, all that portion of the boulevard designated as driveway shall be surfaced with a plant-mixed machine laid bituminous material conforming to M.H.D. Spec. No. 2331, in accordance with plans approved by the City Engineer. Concrete specifications approved by the City Engineer may also be used for such driveway surfacing at the property owner's own risk. Should it subsequently become necessary to repair or replace such concrete surfacing in whole or in part, the owner, or owners, of property serviced by such concrete driveways shall pay all costs of such repairs or replacements.

C. Scope. The requirements of this chapter apply to all new construction and to repairs and changes to old driveways which do not conform to present requirements.

D. Notification of Construction. The City is to be notified at least 24 hours in advance of the date the construction will start.

E. Plot Plan. Prior to the construction of a driveway, a plot plan must be submitted which shall indicate the location and specifications for driveways and curb cuts in accordance with this chapter. The plot plan submitted shall be approved prior to the issuance of a permit for a driveway.

1602.070. Standards. The following regulations shall apply to all driveways, curb cuts and aisles:

A. Width. The maximum width of any driveway and curb cut shall be twenty-four (24) feet.

B. Distance between Driveways. The minimum distance between curbs of driveways at right-of-way line shall be ten (10) feet in any residential district. In all other districts, the minimum distance shall be twenty (20) feet.

C. Width of Aisles. Any aisle in any parking lot in a zoning district other than a residential district shall be a minimum of twenty-four (24) feet. Any aisle in a parking lot in any residential district serving a building containing three or more dwelling units shall also be a minimum of twenty-four (24) feet.

D. Distance from Intersection. No driveway or curb cut shall be less than twenty (20) feet from any right-of-way line of any street intersection, except that in retail, business, and industrial zoning districts, the minimum distance shall be fifty (50) feet.

E. Driveway Angle. The minimum driveway angle from a two-way access street shall be ninety (90) degrees. The minimum driveway angle from a one-way street shall be thirty (30) degrees.

F. Control of Traffic. Where commercial land uses are adjacent to residential districts, ingress and egress from the commercial uses on streets leading to or through the residential districts shall not be permitted unless it can be demonstrated that adequate access to public right-of-way is thereby denied. In this manner traffic shall be controlled to insure that the location of driveways shall not constitute a hazard nor be injurious to adjacent residential uses.

G. Access to Thoroughfares. On properties having frontage on both thoroughfares and minor roads, access shall be provided via the minor road wherever feasible in order to reduce the number of curb cuts on thoroughfares.

(1602.070)

H. State and County Highway Requirements. The proposed driveway is to be constructed so that if it opens into any street designated as a state or county highway, all additional specifications of the appropriate highway departments will apply.

I. A driveway must be at least 5 feet from any lot line, except the lot line it crosses for ingress and egress.

1602.080 Parking Areas. See Sections 301.130 E and F and Section 1504 of this Code.

1603. BOULEVARDS

1603.010. Definition. The "Boulevard" is the area of public right-of-way between the pavement, or improved part of the street, and the right-of-way line.

1603.020. Maintenance Responsibility.

A. The owner and the occupant of any property adjacent to a boulevard within the City of Lake Elmo shall use due diligence to keep such boulevard in a safe condition. No such owner or occupant shall allow any noxious weeds, rubbish, dead trees or branches, or other debris to remain on the boulevard longer than twelve (12) hours after its deposit thereon. The owner or occupant shall abate or prevent such nuisance on such property.

B. The owners and the occupant of any property adjacent to a boulevard within the City of Lake Elmo shall use due diligence to abate or prevent the nuisances described in Sections 1501.040 A, C, and E, and Section 1506.020 of the Municipal Code of Lake Elmo. Failure to control these nuisances shall constitute a violation of this Ordinance.



## LB - LIMITED BUSINESS DISTRICT

### (A) Purpose

This section applies to certain properties located along the I-94 corridor area and outside the area serviced with sanitary sewer facilities. This district is intended to allow areas for the development of limited business such as corporate offices, business parks, professional services, medical and dental clinics and other similar low impact uses. This district may be used as a transitional or buffer district between the rural residential and agricultural land uses and the adjacent interstate freeway. Because there are no plans for sanitary sewer to serve this area, stringent requirements for on-site sewer systems will be applied. This district shall promote a high quality of business development design and development which produces a positive image and minimizes adverse impacts from traffic, noise, odor, glare and other nuisances.

### (B) Permitted Uses and Structures

- (1) Professional offices.
- (2) Clinics for human care including medical and dental clinics.
- (3) Library, health centers and community buildings.
- (4) Financial institutions - banks.
- (5) Medical and dental research and laboratories.
- (6) Laboratories for research and quality control.
- (7) Office/warehouses.

### (C) Accessory Uses and Structures

- (1) Uses and structures which are clearly incidental and subordinate to the permitted use and structures. See Section 301.130c for further regulations.

### (D) Uses Permitted by Conditional Use Permit

- (1) Nursery, landscape, greenhouse with retail sales.
- (2) Nursing homes, rest homes, retirement homes or hospitals for human care.
- (3) Day care centers.
- (4) Art, interior decorating, photographic or music studio.
- (5) Clubs and lodges.
- (6) Health, sport and fitness clubs.
- (7) Mortuaries and funeral homes.

(E) Minimum District Requirements

- |     |   |           |
|-----|---|-----------|
| (1) | Lot Area  | 3.5 acres |
| (2) | Lot Width   | 300 feet  |
| (3) | Lot Depth   | 400 feet  |
| (4) | Building setback from property lines:                   |           |
|     | (a) Front   | 100 feet  |
|     | (b) Side  | 50 feet   |
|     | (c) Side (street)                                       | 100 feet  |
|     | (d) Rear  | 50 feet   |
|     | (e) any line adjacent to<br>a residential zone          | 100 feet  |
| (5) | Parking setback from property lines:                    |           |
|     | (a) Front   | 50 feet   |
|     | (b) Side  | 30 feet   |
|     | (c) Side (street)                                       | 50 feet   |
|     | (d) Rear  | 30 feet   |
|     | (e) any line adjacent to<br>a residential zone          | 75 feet   |
| (6) | Maximum Building Heights                                | 35 feet   |
| (7) | Maximum Lot Coverage by<br>all structures               | 25%       |
| (8) | Maximum Total Lot Coverage<br>of all impervious surface | 65%       |

(F) Performance Standards

## (1) Architectural Standards

- (a) It is not the intent of the City to restrict design freedom unduly when reviewing project architecture in connection with a site and building plan. However, it is in the best interest of the City to promote high standards of architectural design and compatibility with surrounding structures and neighborhoods. New building proposals shall include architectural plans prepared by a registered architect and shall show the following:

- (1) Elevations of all sides of the buildings.
- (2) Type and color of exterior building materials.
- (3) Typical general floor plans.
- (4) Dimensions of all structures.
- (5) Location of trash containers and of heating, cooling and ventilation equipment and systems.

- (b) Unadorned prestressed concrete panels, concrete block and unfinished metal shall not be permitted as exterior materials. The City may at its sole discretion allow architecturally enhanced block or concrete panels.
- (c) All rooftop or ground mounted mechanical equipment and exterior trash storage areas shall be enclosed with materials compatible with the principal structure.

(2) Parking

All drives and parking lots shall be constructed with blacktop, and concrete curb and gutters. Where appropriate, sidewalks may be required.

Parking lot landscape areas, including landscape islands shall be reasonably distributed throughout the parking lot area so as to break up expanses of paved areas.

(3) Landscaping

All yard areas shall either be landscaped green areas or open and left in a natural state. Yards to be landscaped shall be landscaped attractively with lawn, trees, shrubs in accordance with a plan prepared by a landscape architect. Areas left in a natural state shall be kept free of litter, debris and noxious weeds. Yards adjoining any residential zone shall contain a buffer area consisting of berming, landscaping and/or fencing for the purpose of screening noise, sight, sound and glare. A reasonable attempt shall be made to preserve as many existing trees as is practical and to incorporate them into the site plan.

Where areas abut residential districts, a buffer area of a minimum depth of 75 feet will be required. Such a buffer area shall be completely constructed and approved by the City prior to all final City inspections for construction on site. Prior to the issuance of a building permit or commencement of any improvements on site, the owner shall provide the City with a financial security, approved by the City Attorney, to assure construction of the buffer area.

(4) Lighting and Glare

Plans for new developments shall include a lighting plan denoting the location, type and height of lighting fixtures and the illumination patterns shown on a site plan. Glare whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.