

*Our Mission is to Provide Quality Public
Services in a Fiscally Responsible Manner
While Preserving the City's Open Space
Character*



THE CITY OF
LAKE ELMO

NOTICE OF MEETING

**City Council Special Meeting
3800 Laverne Avenue North
Tuesday, May 2, 2017
6:00 p.m.**

I. Call to Order

6:00 p.m.

II. Executive Session

Executive Session to discuss pending litigation regarding Zuleger v. City of Lake Elmo. This portion of the meeting will be closed pursuant to Minnesota Statutes Section 13D.05, subdivision 3 (b)

III. Adjourn

6:55 p.m.



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district. Dodson thinks that could apply to many of the items on the list. Williams is wondering if there should be any kind of a maximum building size in the VMX.

M/S/P: Kreimer/Williams, move to increase setbacks along certain portions of county roads in the V-LDR to 30 feet, **Vote: 7-0, motion carried unanimously.**

Becker asked the Commission how they felt about the Accessory structure setback to side yard and garage width. The Commission would like the garage width to stay at 40% for VMX, but increase to 60% for V-LDR.

M/S/P: Williams/Kreimer, move to recommend adoption of Ord 08- as amended, creating a Village Low Density Residential District and making minor amendments to the Village Mixed Use District, **Vote: 7-0, motion carried unanimously.**

City Council Updates – April 18, 2017 Meeting

- i) Engineering & Landscape Design & Construction Standards – Passed
- ii) Bremer Bank Service Center Easement Vacations – Passed

Staff Updates

- 1. Upcoming Meetings
 - a. May 8, 2017
 - b. May 22, 2017
- 2. MAC CEP Report

Commission Concerns

Meeting adjourned at 10:45 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

LDR. The VMX does not provide for accessory structures. Should they be the same as urban residential districts? Should the width of garages be the current standard of 40% or the proposed 60% as in urban districts? Should two-family dwellings be conditional uses as well in VMX?

Williams asked about the mixed use definition. Could it be applied to a development that had single family homes as well as commercial structures? Wensman stated that if it is part of an overall plan, the review would be done on the whole thing and it would be a horizontal mix.

Kreimer asked how wide the Village overlay buffer is. Becker stated that it is not specified anywhere that she can tell. Wensman stated that if you scale it, it would be about 100 feet. Kreimer stated that his recollection was 100 feet. Dodson thought the idea was to have the same buffer as an open space development. Kreimer doesn't feel that 100 feet is that hard to maintain.

Williams feels that both existing and new single family homes should be conditional uses. Kreimer agrees that if the conditions are met, new single family would be fine. Williams feels that 2 family dwellings should also be conditional. Dodson feels that making them a CUP and evaluating if they fit, that can be arbitrary.

Dodson asked if Single family homes are allowed, how would you prevent for example a very modern looking home from going in. Becker stated that a CUP could have conditions for design to be compatible with existing or intended character.

Dorschner agrees that it should be conditional, but is also wondering if the whole section of residential uses should be. Larson is wondering if it is burdening people, Commissions and the Council by making so many things conditional. Fields feels that making things conditional will not encourage projects to come forward. Lundquist agrees with Dorschner that everything under residential should be a CUP to protect the current residents in the Village.

M/S/P: Williams/Dorschner, move to make all of the residential uses in VMX a conditional use, with confirmation from staff that there are no legal issues, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Larson, move to make auto parts supply a conditional use in VMX, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Fields, move to make medical facilities a permitted use in VMX, **Vote: 3-4, motion fails.**

Williams is concerned that a medical facility could be anything from a small clinic to a big hospital. He thinks it is too broad of a term to just allow anywhere in the VMX

Williams stated that there is an easy way to get more variety and that would be to put smaller homes on some of these lots.

Williams made a friendly amendment to add to finding #2 the elimination of the trail at the cul-de-sac to the parkway, accepted by Dorschner.

M/S/P: Dorschner/Lundquist, move to recommend approval of the Easton Village 2nd Addition Final Plat with the 10 conditions of approval as drafted by staff and amended:
Vote: 6-1, motion carried, with Williams voting against.

Williams asked if any of the conditions mentioned that trail. Becker stated that the trail was a condition of approval for preliminary plat approval. Williams asked if any of the findings for this approval address taking out that trail. Wensman stated that a finding might be beneficial. Dodson feels it is covered as finding #3 states issues identified in staff report.

Business Item – Zoning Text Amendment – Village Urban Districts

Becker started her presentation by going over the changes since the last meeting. Single family homes in VMX are proposed as a condition use. The required findings are that the use or development is compatible with existing neighborhood and that use will be designated constructed, operated and maintained so as to be compatible in appearance with existing or intended character of the general vicinity and will not change essential character of the area. Current standards limit to those existing at the time of adoption of ordinance. Should the City limit single family homes to those existing at the time of adoption of the Ordinance or allow new and expanding single family homes as a conditional use. Staff is looking for feedback on if the City should only allow the existing single family homes, or if single family homes should be a conditional use and they can be reviewed at the time to see if it would fit in with the general character. The City Attorney was contacted in regards to the mixed use definition. She did not have a definition as it is a mix of 2 principal uses already defined in zoning code. There was previously proposed to maintain an open space buffer as designated by the Comprehensive Plan without having to reference different setbacks in building permit review process. Developers do not think it is practical and feel a better alternative might be landscaping and berms. They also suggest a landscape easement over the buffer. Model ordinance requires that developments over 5 acres in size have a mix of housing types.

The Commission requested feedback from the County on why they want greater setbacks on County roads. The reasons are as follows 1) portions of these roads are considered minor highways and ROW widening may be necessary 2) higher traffic volume 3) Lake Elmo Ave provides direct Access to Hwy 36 4) Trails may be desired on both sides or four lanes, additional setbacks may accommodate construction 5) additional setbacks leave room for berming and landscaping. This was added to the V-

the trail connection was discussed at the Park Commission and they didn't see a problem with it.

Dodson asked about condition #7 encouraging builders to incorporate interior noise reduction measures. Dodson is wondering if that had been done in phase I. Wensman stated that he is not aware of if that is happening or not.

Kreimer asked if there was a net increase of the development with the extra lot for phase II. Becker stated that the overall development would still be 217 units. Kreimer asked about the Village Parkway and why it did not get built completely to 2nd addition as required with the first phase.

Tom Wolter, Easton Village Developer, they are eliminating the trail, however, there is still sidewalks in the cul-de-sac that connects to the other sidewalks in development. By eliminating the trail, they have a variety of lot widths and can accommodate different home types. People also like the privacy of not having a trail at the end of the cul-de-sac. Dodson asked if there was a way to put the trail between 2 other lots. Wolter stated that this segment of trail really doesn't connect to anything.

Dodson asked about the sound abatement. Wolter stated that would go back to the building department. Dodson asked if the builders are being encouraged to do any sound abatement. Wolter stated that there is language in the HOA agreement regarding the airport. There is no agreement between the developer and the builders.

Dodson is concerned about the trail being removed as the discussion at preliminary plat was for connectivity. Williams doesn't think the trail should be removed. He thinks it does provide connectivity between the sidewalk and the cul-de-sac and Village Parkway. He doesn't buy the argument for privacy because the houses are so big and so close together that there isn't privacy anyway.

Dorschner feels that because the houses are so close, the trail should be removed because there really isn't a need with sidewalks on both sides. He feels the trail is intrusive into the yards of those 2 lots and the lots would be hard to sell with the easement. Larson is looking at this more as a jurisdictional issue. The Park Commission has seen this and reviewed this and they said that it could be taken out. Larson feels it is more the decision of the Park Commission. Williams recalls that the Park Commission isn't in favor of trails at the end of any Cul-de-Sac and he doesn't agree with their position. Williams stated that there are many sidewalks and trails that go along the side of houses. Fields does not like to see an amenity that was approved at preliminary plat removed when it comes to final plat. However, he does not see a great functionality of that piece of trail. He has mixed feelings about it. Kreimer is in favor of trails at the end of cul-de-sacs, but he is in favor of getting a better variety of lots in this development.

Lundquist stated that an example of a perfect location for a solar farm not on 10 acres would be the grade school with a flat roof. She also stated that something else to look into would be photovoltaic is something to be concerned with and should be researched.

Public Hearing opened at : pm

No one spoke and there were no written comments

Public Hearing closed at : pm

M/S/P: /, move to , ***Vote: -, motion carried unanimously.***

Business Item – Easton Village 2 Final Plat

Becker started her presentation for Easton Village 2 Final Plat. This addition is for 19 single family lots in the 217 unit development. Prior to approval of Final Plat, Preliminary Plans were updated to meet conditions of Preliminary Plat approval. Revisions to these plans were required in order to address the following: 1) reconfigure temp access 2) grading plan revisions 3) Adjustments to property Boundaries 4) Slightly larger buffer from railroad tracks 5) revisions to stormwater mgmt. plan. The applicant has increased the number of lots for the 2nd Addition Final Plat application from 18 as proposed in Preliminary Plat, to 19 and there is a decrease in lot size. The developer has also removed a trail and outlot. There is 9.84 acres of required parkland dedication. 3.99 acres were dedicated with 1st addition which leaves a remaining 5.85 acres of cash payment in lieu of land. The developer was required to again update the preliminary plans prior to reviewing the 2nd Addition Final Plat to reflect the lot size and number changes. The issues with the landscape plans are as follows 1) there is no landscaping shown on Village Parkway 2) there are no utility locations 3) irrigation plans needed for ROW area 4) landscape maintenance agreement needed for ROW areas 5) condition of approval landscape plans updated and approved by City Landscape Architect. Staff is reviewing the Village Parkway Plan and the landscaping plans may be modified based on that review.

The final plat is generally compliant with preliminary plat with the following exceptions 1) plan revision and proper permits required 2) parkland dedication is required and needs to be re-evaluated with trail and outlot being eliminated 3) #14 distribution of future costs associated with Village Parkway railroad crossing improvements to be determined as part of developer's agreement 4) #17 applicant is proposing eliminating trail connection.

Dodson is concerned with the elimination of the trail connection. They pushed at preliminary plat to have that and doesn't know why it was removed. Becker stated that

days and hours of operation. Packer stated that there are drainage swales that go behind the properties. They are not allowed to put more water onto anyone's property. Becker went over what the hours of operation are.

Public Hearing closed at 8:10 pm

Williams is concerned about the tremendous grade changes in the NE corner of the development. He publicly withdraws his comments that they need not be concerned with the effect on the homes in West Lakeland. He thinks their views will be adversely affected by this plan. Wensman stated that the former plans saved trees in that location, but to address flood plain storage issues, the plans were revised making the pond larger.

Dodson is wondering if they need additional technical opinions regarding the water issues and how it could affect Lake Elmo. Wensman stated that the Valley Branch Watershed District had done modeling on the Horseshoe Lake watershed and as a result there is a larger retention pond.

M/S/P: Williams/Hartley, add draft finding #6 that the proposed phase I grading is consistent as a stand alone project regarding a tree replacement plan, Vote: **7-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, would like to add to condition #7 after the words "are obtained", "before any work commences", Vote: **7-0, motion carried unanimously.**

M/S/P: Dorschner/Lundquist, move to recommend approval of the grading permit to grade the first phase of the proposed Royal Golf Club at Lake Elmo plat area with 7 conditions as revised based on the revised findings in the staff report, Vote: **7-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – Solar Energy

Becker started her presentation by stating that the only thing that they are considering are the standards for solar energy systems. The change to allow for solar farms in rural districts was not advertised. Changes from the last meeting were 1) solar farms were added as a conditional principal and accessory use to AG & RR districts, 2) Solar farm definition not be based solely on selling of power, as solar energy systems trade power back and forth, so it should be based on size, 3) minimum lot size is 10 acres 4) maximum percentage of coverage is 25% 5) setbacks are subject to accessory structure requirements of zoning district (or could be changed by Commission). Staff is recommending that this should be tabled at this time because the Fire Chief and Building Official made comments and suggestions, and they would like to have time to research and suggest additional standards. There is concern about fire fighter risks associated with solar energy.

developer will need VBWD approval. The City Engineer will be looking to see that there are no erosion control issues.

Proposed grading is consistent with the EAW and the City made a negative declaration for an EIS. They are over the threshold for tree preservation for phase I, but not for the total project. If the project does not move forward, they will be replacing trees.

The details of the grading are that no utility work will be included. The grading will encompass NE area and SW area of RCG with 73 acres to be graded. There is a large basin near 20th street and Manning for floodplain replacement and construction of a new entrance to 20th Street. There are no plans to truck material in and out of site. The grading plans include construction of large modular block retaining walls. All disturbed ground will be restored with seeding and fiber blankets per ordinance. Wetland 16 will be excavated and replacement by purchase of wetland credits. The access for the grading will be from 20th Street for the NE grading work and from 10th Street for the SE grading work. Access locations need to be shown on grading plans and a Washington County ROW permit is required for access from 10th Street.

No grading can occur until Council approval, grading plan approval by city Engineer, conformance with City erosion control standards, VBWD approval, and an NPDES Permit, Grading Agreement execution and securities in place, tree preservation staking & Precon meeting.

Hartley asked what happens to the grading agreement if the preliminary plat is delayed. Wensman stated that this agreement will stay in place until it is replaced with a developer's agreement.

Public Hearing opened at 7:53 pm

Susan Dunn, 11018 Upper 33rd Street, talked about the significance of the waterway that Dorschner brought up. There was questions regarding the trees that were removed.

There were 2 email comments in support of this from Mike Tate, 11588 20th St & Bonnie Morris, 11612 20th Street.

Mary Leslie, 11546 20th Street N, asked about the new gravel road coming off of 20th Street and if it would be permanent. People on 20th Street are very interested to know what the changes will be. She also commented on the water in that area and the problems that they had in the past.

Tom Barnes, 1734 Manning Trail, his drainfield is the lowest in the area and wants the grading to be done in such a way that it will not be affected. He is also concerned about

Public Hearing – Grading Permit in Excess of 400 cubic yards of material

Wensman started his presentation regarding a grading permit for HC Royal Golf to excavate over 400 cubic yards per acre of site area. This is for phase I of the development and covers 73 acres to be graded. This is a very large first phase because utilities are coming from the south, but the clubhouse is required to hook up to sewer within 2 years in the north.

Normally grading occurs after preliminary plat approval. The City Council has not yet approved the Preliminary Plat/PUD. They are awaiting Met Council determination. RGC is seeking early grading because the Met Council CPA approval likely won't be until late May 2017. The developer wants to get a start so that Phase I can be completed in 2017. Grading prior to plat approval is solely at the developer's own risk as there could be changes to the plat. This will be acknowledged in the grading agreement.

There will be an escrow for the cost estimate for remediation if the plan doesn't move forward. There would be escrow for erosion control, seeding and tree replacement. If the preliminary plat moves forward, the grading escrow will be replaced by a developer escrow and released.

Williams asked if the utility work would happen after the preliminary plat is approved. Wensman stated that is correct. Kreimer asked if the preliminary plat had been approved would they need to do this. Wensman stated that no, it would be part of the Preliminary Plat process. Hartley asked what the time frame for the preliminary plat to take over the grading plan. Wensman stated that they are trying to get ahead of the preliminary plat approval. Hartley asked if there is a time frame that the City would decide the Preliminary Plat wasn't going to happen and would start to restore the site. Wensman stated that if the City Council denies the plat, or the Met Council denies the CPA and asks for changes.

Wensman stated that the escrow would be used by the City once the project is dead and the developer is not doing the remediation. Dodson felt that only giving the developer 10 days before remediation takes place, was not enough time. Williams asked how the total number of trees would be handled for the tree preservation plan if this is approved and then the plat changed. Wensman stated that a revised tree preservation plan would be required if there are changes and it would be addressed through construction plans. Dorschner asked about VBWD and MPCA permits as copies were not in packet. Wensman stated that they have not been obtained yet. Dorschner stated that this property is critical to the watershed in the City area and specifically regulating Lake Elmo. Wensman stated that VBWD is currently reviewing the Preliminary Plat grading plan. Wensman stated that most of the issues that the VBWD are dealing with on the plan have to do with flood storage and building pad elevations and redirecting storm water from Downs Lake to Horseshoe Lake. Before any grading can be done, the

These properties are currently not used for business, even though that is how they are zoned. Becker stated that the reason they are rezoning these properties is because they do not meet the GB standards and are legal non-conforming. The rezone to VMX will give them more appropriate standards to work with for their properties which will make them more conforming and provide greater flexibility.

Williams asked if they had heard anything from the property owners of the 2 parcels. He is wondering if they might have thought they were going to be rezoned to VMX. Becker stated that it is possible, but after reviewing the map, it was determined that they are guided for RAD. Williams asked about the impervious surface allowance in the table. Becker stated that the numbers in table are reversed. Williams asked if the list of properties included any residential properties. Becker stated that if they were not already zoned as GB, they were not included. There were a couple of properties that were zoned as residential that are used for business. Those are being rezoned to VMX.

Public Hearing opened at 7:14 pm

Susan Dunn, 11018 Upper 33rd Street, she is concerned as she lives in a single family home in the Village. Dunn is wondering if all single family homes will be reguided to VMX. Becker stated that no, not all would be rezoned. Only those currently zoned GB and those guided for VMX will be rezoned. Becker estimated that approximately 78 acres would be rezoned. There are approximately 1300 acres in the Village, with approximately 164 acres guided for VMX. Dunn asked how many units per acre are in VMX. Becker stated that there are 6-10 units per acre. Dunn is not in favor of that large of an area being VMX.

There were no written comments

Public Hearing closed at 7:18 pm

Larson asked about the single family homes and how they would be handled. Becker stated that it depends how the ZTA for Village Urban Districts is decided. She stated that right now, it states that single family homes are permitted. Wensman stated that the single family homes are not being rezoned at this time. Wensman stated that the next step is to decide with the ZTA how to handle them. Afterward, they should be rezoned, reguided, or left that same.

M/S/P: Williams/Lundquist, move to recommend a Zoning Map Amendment rezoning properties outlined in Ord. 08- to VMX – Village Mixed Use, ***Vote: 7-0, motion carried unanimously.***



**City of Lake Elmo
Planning Commission Meeting
Minutes of April 24, 2017**

Chairman Kreimer called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Dorschner, Fields, Larson, Kreimer, Dodson, Emerson, Williams, Lundquist and Hartley

COMMISSIONERS ABSENT:

STAFF PRESENT: Planning Director Wensman and City Planner Becker

Approve Agenda:

Accept the agenda as presented.

Approve Minutes: April 10, 2017

M/S/P: Williams/Dodson, move to approve the April 10, 2017 minutes as presented,

Vote: 7-0, motion carried unanimously.

Public Hearing – Zoning Map Amendment – Rezone Properties to VMX

Becker started her presentation by reviewing what was discussed at the March 27, 2017 meeting. After advertising the public hearing notice for that meeting, staff learned that there were a number of Zoning Map errors with incorrect zoning classifications resulting in properties that should have been included in the public notification for rezoning. There are 2 properties that are zoned GB, that are guided for RAD. Staff does not recommend rezoning these at this time. The guidance of the properties should first be reconsidered with the 2040 Comp Plan update process. As a result, GB standards will need to remain in the code. The Schiltgen parcel, which is a larger parcel, was added to the PH notice, however, staff is not recommending that it be rezoned at this time. It is typical for the developers to rezone during Preliminary Plat process.

Dorschner asked why we would keep the general business standards. Wensman stated that 2 parcels are zoned GB, but are guided for RAD. Wensman stated that until the guidance is changed, if they continue to remain GB, there needs to be standards. Dorschner stated that he thought this whole exercise was to get everything in line now because of new development coming in. Wensman stated that if it is the desire of the Commission to get rid of the GB standards, those 2 properties could be rezoned to RAD.

sufficient cause for the termination of the conditional use permit by the City Council following a public hearing conducted in accordance with §155.102 of this Article.

- K. *Expiration.* If substantial construction has not taken place within 12 months of the date on which the conditional use permit was granted, the permit is void except that, on application, the Council, after receiving recommendation from the Planning Commission, may extend the permit for such additional period as it deems appropriate. If the conditional use is discontinued for six months, the conditional use permit shall become void. This provision shall apply to conditional use permits issued prior to the effective date of this chapter, but the six-month period shall not be deemed to commence until the effective date of this chapter.

(Ord. 08-085, passed 7-2-2013)

§ 154.107 INTERIM USE PERMITS.

- A. *Purpose and Intent.* The purpose and intent of allowing interim uses are:

1. To allow a use for a limited period of time that reasonably utilizes the property where such use is not consistent with the future land map in the Comprehensive Plan; and
2. To allow a use that is presently acceptable, but that with anticipated development or redevelopment or other significant change, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district.

- B. *Required Findings.* An interim use permit may be granted only if the City Council finds as follows:

1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
3. The use will not adversely impact implementation of the Comprehensive Plan.
4. The user agrees to all conditions that the City Council deems appropriate to establish the interim use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.
5. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.
6. The date or event terminating the interim use shall be set by the City Council at the time of approval.

- C. *Application Requirements.* Interim Use Permit applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by

- E. *Conditions.* In reviewing applications for conditional use permits, the Planning Commission and Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of property within the district and to achieve the goals and objectives of the Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such uses.
1. The conditions shall include all specific development standards for such use listed in Article 9 of this Chapter. (Ord. 08-152)
 2. If the proposed use is in a flood plain management or shoreland area, the conditions shall include specific standards for such use listed in Chapter 151 (Floodplain Management) and Chapter 152 (Shoreland Management).
 3. In addition, conditions may include, but are not limited to, the following:
 - a. Controlling the number, area, bulk, height and location of such uses;
 - b. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other catastrophe;
 - c. Regulating off-street parking and loading areas where required;
 - d. Controlling the location, availability and compatibility of utilities;
 - e. Requiring berming, fencing, screening, landscaping or other means to protect nearby property; and
 - f. Requiring other conditions to create compatibility of appearance with surrounding uses.
- F. *Findings for Denial.* If the Planning Commission recommends denial of a conditional use permit or the Council orders such denial, it shall include in its recommendation or determination findings as to the specific ways in which the proposed use does not comply with one or more specific findings required by this chapter.
- G. *Permittee.* A conditional use permit shall be issued for a particular use and not for a particular person, except in the case of a permit granted for the uses of land reclamation, mining or soil or mineral processing. In such cases, a permit shall be issued to the particular person making application for such permit and such permit shall not be transferred or assigned for use by another without the written consent of the City. However, such consent by the City shall not be unreasonably withheld.
- H. *Periodic Review.* A periodic review of the use may be attached as a condition of approval of a conditional use permit.
- I. *Term of Permit.* Unless otherwise stipulated, the term shall be the life of the use.
- J. *Revocation.* Failure to comply with any condition set forth in a conditional use permit, or any other violation of this chapter, shall be a misdemeanor and shall also constitute

2. The use or development conforms to the City of Lake Elmo Comprehensive Plan.
 3. The use or development is compatible with the existing neighborhood.
 4. The proposed use meets all specific development standards for such use listed in Article 9 of this Chapter. (Ord. 08-152)
 5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).
 6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
 7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.
 8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
 9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.
- B. *Application Requirements.* Conditional Use Permit applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by §154.101.A of this Article and with the submission materials listed in §154.101.B of this Article.
- C. *Public Hearing Required.* The Planning Commission shall hold a public hearing on each complete application for a conditional use permit as provided in §154.102 of this Article. After the close of the hearing on a proposed conditional use permit, the City Planning Commission shall consider findings and shall submit the same together with its recommendation to the City Council.
- D. *Final Decision by City Council.* The City Council shall make the final decision on a conditional use permit after a public hearing by the Planning Commission. The City Council may approve, approve with conditions, or deny the application.

3. Approximate location of all curb cuts, driveways, access roads, parking areas, off-street loading areas, and sidewalks.
 4. Conceptual landscape plan indicating general planting areas for trees, shrubs, and lawns.
 5. Conceptual grading, erosion control, and storm water management plan.
 6. Conceptual sewer and water utility plan for the development.
 7. Narrative indicating the types of uses or businesses that are contemplated for the development, number of employees, parking and traffic impacts, and other pertinent information about the proposed development.
 8. The Director of Planning may require the applicant to supply proof of ownership of the property for which the amendment is requested that illustrates legal or equitable interest in the property.
- E. *Hearing Requirements.* The Planning Commission shall hold a public hearing on each complete application for a Zoning Amendment as provided in §154.102 of this Article. After the close of such hearing, the Planning Commission shall consider findings and shall submit the same together with its recommendation to the City Council.
- F. *Effect of Denial of Application.* No application of a property owner for an amendment to the text of this chapter or the zoning map shall be considered by the Planning Commission within the one year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- G. *Relationship to Comprehensive Plan.* Any rezoning shall be consistent with the current City of Lake Elmo Comprehensive Land Use Plan. If the rezoning is not consistent with the current Comprehensive Plan, an amendment to the Comprehensive Plan must be requested and approved prior to or concurrent with the rezoning request.
- H. *Coordination with Adjoining Communities.* Any zoning district change on land adjacent to or across a public right-of-way from an adjoining community shall be referred to the Planning Commission and the adjacent community or county for review and comment prior to action by the City Council granting or denying the zoning district classification change. A period of at least ten (10) days shall be provided for receipt of comments. Such comments shall be considered as advisory only.

(Ord. 08-085, passed 7-2-2013)

§ 154.106 CONDITIONAL USE PERMITS.

- A. *Required Findings.* Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met:
1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.

Julie Johnson, City Clerk

This Ordinance 08-__ was published on the ____ day of _____, 2017.

1-3	0-34	-	6'/32	10'/32
	35-44	-	6'/32	10'/50
	45+	-	6'/32	10'/72
4-5	0-34	-	6'/32	10'/40
	35-44	-	6'/32	10'/64
	45+	-	6'/32	12'/80

SECTION 4. The City Council of the City of Lake Elmo hereby amends the Lake Elmo City Code Title XV: Land Usage; Chapter 153: Subdivision Regulations; Section 153.14: Park Land Dedication Requirements; Subd. A to read the following:

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>
R1, R2, R3, and R4	10%
RS, V-LDR, LDR, MDR, HDR	10%
RE	7%
RR and AG	4%

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-____ was adopted on this ____ day of _____, 2017, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

SECTION 2. The City Council of the City of Lake Elmo hereby amends the Lake Elmo City Code Title XV: Land Usage; Chapter 154: Zoning Code; Article X: Division Into Districts; Section 154.350 to read the following:

<i>Zoning District</i>		<i>Reference</i>
R-2	One and Two Family Residential	154.033
GB	General Business	154.034
A	Agriculture	Article XI
RR	Rural Residential	Article XI
RT	Rural Development Transitional	Article XI
RS	Rural Single Family	Article XI
RE	Residential Estate	Article XI
LDR	Urban Low Density Residential	Article XII
MDR	Urban Medium Density Residential	Article XII
HDR	Urban High Density Residential	Article XII
<u>V-LDR</u>	<u>Village Low Density Residential</u>	<u>Article XIII</u>
VMX	Village Center - Mixed Use	Article XIII
C	Commercial	Article XIV
CC	Convenience Commercial	Article XIV
LC	Neighborhood Office/Limited Commercial	Article XIV
BP	Business Park/Light Manufacturing	Article XIV
PF	Public Facilities	Article XV

SECTION 3. The City Council of the City of Lake Elmo hereby amends the Lake Elmo City Code Title XV: Land Usage; Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Table 5-3 to read the following:

Table 5-3 Ground Signs				
Zoning District		A ^a , LDR, OP, RE, RS, RR ^a , RT ^a	MDR, HDR, <u>V-LDR</u>	BP, C, CC, GB, LC, VMX
No. of	Speed	Max Height/	Max Height/ Area	Max Height/ Area
Total	Limit			
Traffic				
Lanes	(MPH)	Area (Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)

~~C.~~ 4. Detached structures. Detached accessory structures for permitted residential structures in the ~~VMX Village Districts must be in~~ accordance with the following requirements:

- a. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
- b. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
- c. Pole barns, as defined herein, shall be prohibited.
- d. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
- e. Garage doors or openings shall not exceed fourteen (14) feet in height.

~~§ 154.509 ACCESSORY USES~~

~~A.~~ G. Exterior Storage on Residential Parcels. All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:

- a. Laundry drying,
- b. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
- c. Agricultural equipment and materials, if these are used or intended for use on the premises.
- d. Off-street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section ~~155.67-154.210.~~
- e. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view of adjacent properties.
- f. Outdoor parking.

~~B.~~ H. Temporary Sales. Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length for each event.

~~C.~~ I. Accessory Uses and Structures Not Listed

~~§ 154.510 ACCESSORY USES AND STRUCTURES NOT LISTED~~

Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in Article 7, Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.

- E. *Location.* The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

F. *Residential Accessory Structures*

§ 154.5087 RESIDENTIAL ACCESSORY STRUCTURES

- ~~A.~~ 1. *Design Compatibility.* On parcels used for residential structures within the ~~VMX Village~~ Districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

- ~~B.~~ 2. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
- The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 - The structure shall not exceed the height of the principal building to which it is attached.

~~B.~~ 3. *Attached Garages.*

- ~~3.~~ a. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
- ~~The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or~~
 - ~~The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or~~
 - The front façade of the garage shall be offset by the principal structure by a minimum of two (2) feet from the plane of the public right-of-way.
 - The width of the attached garage shall not exceed 40% of the width of the entire principal building façade (including garage) fronting the primary street.
- ~~4.~~ b. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
- ~~5.~~ c. Garage doors or openings shall not exceed fourteen (14) feet in height.

2. *Review by Professional.* The authorizing body may request review by a design professional of the proposed design or demolition. The cost of review by such design professional shall be charged by the applicant, and shall not exceed \$1,000 unless otherwise agreed to by the applicant.
3. *Development Activity Defined.* Development Activity consists of new construction and redevelopment activities, including remodeling that expands the footprint of a structure, altering, or repairing a structure in a manner that will change the exterior appearance of said structure. Development activity also includes the construction of a new parking lots and installation of signage.
 - a. *Exempt Activities.* The following activities shall be exempt from under review of this Section:
 - i. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
 - ii. Removal of existing signage without replacement unless said signs are an integral part of the building;
 - iii. Emergency repairs ordered by the Director of Planning in order to protect public health and safety;
 - iv. Exterior alteration, addition, or repair of a structure used as a single-family residence, duplex, or two-family residence.
 - v. Temporary signage, installed in accordance with §154.212 of this Ordinance, or during which time an application for permanent signage is pending under this Ordinance;
 - vi. Maintenance of existing signage advertising an on-site business;
 - vii. Alterations only to the interior of a structure.

§ 154.507 ACCESSORY USES AND STRUCTURES

Accessory uses are listed in ~~the VMX-District-Use~~ Table 11-1 as permitted or conditional accessory uses. Accessory uses and structures in the ~~VMX Village~~ Districts shall comply with the following standards and all other applicable regulations of this ordinance:

- A. *Phasing.* No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- B. *Incidental to Principal Use.* The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- C. *Subordinate to Principal Use.* The accessory use or structure shall be subordinate in the area, extent, and purpose to the principal use or structure served.
- D. *Function.* The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

- b. The dwelling unit component shall maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.
 - c. The work space component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
 - d. A total of two (2) off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.
 - e. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
 - f. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
 - g. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than two (2) workers on-site at any one time who live outside of the live-work unit.
8. *Parking Facility.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that ~~it~~ the entrance is located on side or rear facades, not facing the primary abutting street. The primary street-facing façade shall be designed for retail, office or residential use. ~~The primary street façade may include an entrance into the parking facility.~~
9. *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block the sidewalk. A minimum of five (5) feet of sidewalk must remain open.

§ 154.506 VMX DISTRICT DESIGN AND DEMOLITION REVIEW

- A. *Review of Design.* For certain development activity as specified in the *Lake Elmo Design Standards Manual*, design review is required as part of the approval process for a building permit, conditional use permit, or certificate of zoning compliance under this Ordinance. All projects subject to design review shall be reviewed for conformance with the *Lake Elmo Design Standards Manual*. A separate process for design review is not established.
1. *Review Authority and Process.* Design review shall be the responsibility of the individual or body authorizing the permit or certificate and shall be incorporated in the established review of the applicable building permit, conditional use permit, or certificate of zoning compliance. For those applications under this Ordinance that require review by the Planning Commission (i.e. conditional use permits), the Planning Commission shall consider the standards in the *Lake Elmo Design Standards Manual* as part of its recommendation to the City Council.

1. Setbacks. Generally. The front yard setback of a new non-residential building within the VMX district shall maintain the prevailing front yard setback of that block, or a maximum setback of 20 feet, whichever is less.
2. *Repair and Maintenance Shop.* No outdoor storage is permitted unless fully screened from public view.
3. *Trade Shop.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.
4. *Veterinary Services.*
 - a. All activities must be conducted within an enclosed building.
 - b. Specific veterinary practices shall be limited to veterinary medicine, surgery, dentistry, and related service for small domestic household pets.
5. *Garden Center.*
 - a. The storage or display of any materials or products shall meet all setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of Article 6, Section 155.89.F.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
6. *Automobile Maintenance Service and Automobile Parts/Supply*
 - a. All vehicle repairs shall be conducted in a completely enclosed building
 - b. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
7. *Live-Work Unit.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.
 - a. The work space component shall be located on the first floor or basement of the building.

- a. ~~Single-Family Detached Dwellings are limited to those existing at the time of adoption of this Ordinance. Expansion of existing and new single-family detached dwellings shall be allowed through the conditional use process, considered permitted uses, rather than noneconforming uses.~~
- b. Unless otherwise specified in this Article, Single and Two-Family Dwellings in the VMX district shall adhere to the ~~MDR~~ LDR district setbacks as specified in §154.452.
5. Single-Family Attached, VMX District.
- ~~a. A maximum of eight (8) units shall be permitted within a single building.~~
- a. The primary entrance to each unit shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
- ~~b. For redevelopment projects, new housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher density development is permitted once this threshold is reached.~~
- ~~d.b.~~ Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.
- ~~e.c.~~ No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
- ~~f.d.~~ Unless otherwise specified in this Article, Single-Family Attached dwellings in the VMX district shall adhere to the MDR district setbacks as specified in §154.452.
6. Multi-Family Dwelling Units, VMX District.
- a. Dwelling units (both condominium and rental) within a mixed use development are restricted to the upper floors or rear or side ground floors of a mixed use building.
- b. Setback standards for multi-family dwellings not within a mixed use development shall be determined through the conditional use process.
7. All Other Residential Uses, VMX District. Setbacks for all other residential uses within the Village districts not specifically outlined in this Section shall be determined by either 154.506 or through the conditional use process.

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- D. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property.
- E. *Screening of Existing Residential Structures.* When a new development is proposed adjacent to an existing single family residential structure, screening shall be provided in accordance with §154.258.F. The City may require buffering or screening above and beyond this section in cases where the required screening will not provide an adequate separation between incompatible uses.
- F. *Sidewalks and/or Trails.* Where cul-de-sacs are permitted by the City, sidewalks or trails are required to connect the bulb of the cul-de-sac with the nearest through-road or trail.
- G. *Lake Elmo Theming Study.* Elements of the Lake Elmo Theming Study not herein described must be incorporated in to development within Village Districts where applicable.

§ 154.505 DEVELOPMENT STANDARDS FOR SPECIFIC USES

Development of land within the ~~VMX Village d~~ Districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 5, 6 and 7. The following standards apply to specific uses; other standards related to design and building type may be found at §154.506.

A. *Residential Units, Village Districts.*

1. *All Residential Units, Village Districts.*

- a. Residential housing units shall be designed to reflect the general scale and character of the Village, including front yard depth, height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.

2. *Single-Family Detached Dwellings, Village Districts.*

- a. No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway.
- b. Primary entrances are required to be along the front facade.
- c. Dwelling units shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.

- 3. *Secondary Dwellings, Village District.* Restricted to lots occupied by single-family dwellings, and must meet the standards for secondary dwellings in residential districts, §154.13454 (C) and be located within the primary structure.

- 4. *Single-Family Detached and Two-Family Dwellings, VMX District.*

yard setback, whichever is less. If no structure exists on the adjacent property, and provided required setbacks are not otherwise stated herein, the setback shall be shown in the table.

f.g. Properties zoned V-LDR abutting Stillwater Boulevard (CSAH 14) and Lake Elmo Avenue 17) north of Stillwater Blvd (CSAH 14) shall have a minimum structure setback of 30 feet.

Properties abutting CSAH 17 and CSAH 14 shall have a minimum setback standard of 30 feet.

Commented [EB2]: Need to verify with the County why this is needed.

§ 154.503 DIMENSIONAL REQUIREMENTS AND PRESERVATION OF OPEN SPACE

- A. *Averaging of Lot Area.* When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.
- B. *Lot Dimension Reductions.* Other reductions in dimensional standards may be considered as part of a Planned Unit Development if these reductions provide for common open space within a development.
- C. *Village Open Space Overlay District.* Development of areas within the Village Open Space Overlay District, as designated by the Comprehensive Plan, is not allowed. Residential lots shall not encroach on the areas designated as open space per this overlay district, unless buffering or screening is provided as an alternative approved by Council.

§ 154.504 GENERAL SITE DESIGN CONSIDERATIONS – ~~VMX~~ LMX VILLAGE DISTRICTS

Development of land within the ~~VMX~~ Village Districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Article 5, 6 and 7.

- A. *Circulation.* New access points to ~~State Highway 5~~ County State Aid Highway 14 may be refused or restricted to right-in right-out movement if alternatives exist. Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
 - 1. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- B. *Fencing and Screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principle structure.
- C. *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian, and shall comply with §150.035-150.038 *Lighting, Glare Control, and Exterior Lighting Standards.*

Front Yard	<u>25</u>	Single-Family Detached, Two- Family, and Single- Family Attached; See LDR standards of 154.452 Multi-Family Dwellings; 154.505 (A) (6) (b) All Other Residential Uses; 154.505 (A) (7) Non-Residential Uses; 154.505 (B) (1)
Interior Side Yard	<u>10</u>	10 ^e
Corner Side Yard	<u>15</u>	0 ^f
Rear Yard	<u>20</u>	10 ^g
Garages	<u>25</u>	<u>25</u>

Notes to ~~VMX Village~~ Districts Table

- No development may exceed the residential density range as specified in the Comprehensive Plan for the ~~Village Mixed-Use~~ corresponding land use category.
- Two-family units may be side-by-side with a party wall between them ("twin") or located on separate floors in a building on a single lot ("duplex"). The per-unit measurements in this table apply to "twin" units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a "duplex" containing two vertically-separated units on a single lot.
- In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- Buildings up to 45 feet in height may be permitted as part of a PUD in the VMX District.

~~e. The front yard setback for single family homes shall be 25 feet.~~

Commented [EB1]: This is already indicated in 154.505 (A) (3) (b)

- Side yard setbacks in the VMX District apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.

f. Corner properties: the side yard façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front

Note: Standards listed in Table 11-1 are listed by Article, Section and Subsection.

¹Retail Trade in the VMX District includes all uses and activities defined as Retail Trade in ~~§155.507.B.5~~ 154.012 (5) (c) with the exception of building supplies sales and warehouse club sales.

§ 154.502 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS

Lot area and setback requirements shall be as specified in Table 11-2, Lot Dimension and Setback Requirements.

Table 11-2: Lot Dimension and Setback Requirements, ~~VMX Villages Districts~~

	V-LDR	VMX
Minimum Lot Area (sq. ft.)^a		
Non-Residential Use	-	None
Single Family Detached Dwelling	<u>9,000</u>	5,000-9,000
Two-Family Dwelling (per unit) ^b	=	3,000
Single-Family Attached (per unit) ^c	=	2,500
Multi-Family Dwelling (per unit)	=	1,800
Secondary Dwelling	-	See 154.454 (C)
Live-Work Unit	=	3,000
Congregate Housing	=	155.102.E <u>154.301 (C)</u>
Other Structures	=	3,500
Maximum Lot Area (acres)		
Residential Structures	<u>N/A</u>	N/A
Other Structures	<u>N/A</u>	5
Minimum Lot Width (feet)		
Single Family Detached Dwelling	<u>70</u>	50-70
Two-Family Dwelling (per unit) ^b	=	30
Single-Family Attached (per unit) ^c	=	25
Multi-Family Dwelling (per building)	=	75
Live-Work Unit	=	25
Maximum Height (feet/stories)	<u>35</u>	35/3 ^d
Maximum Impervious Coverage		
Residential Structures	<u>35%</u>	75%
Other Structures	=	No Limit
Minimum Building Setbacks (feet)^e		

Food Services			
Standard Restaurant	-	P	
Restaurant with Drive-through	-	C	155.505.S 154.304 (A)
Drinking and Entertainment	-	P	155.505.S 154.304 (B)
Sales of Merchandise			
Retail Trade ¹	-	P	155.505.T
Farmer's Market	-	C	155.505.AA
Garden Center	-	C	155.505.U 154.505 (B)
Neighborhood Convenience Store	-	P	155.505.V
Shopping Center	-	C	155.505.W
Wayside Stand	P	P	154.454 (D)
Automotive/Vehicular Uses			
Automobile Maintenance Service	-	C	155.505.X 154.505 (B)
Automobile Parts/Supply	-	P	155.505.X 154.505 (B)
Gasoline Station	-	C	155.505.X 154.305 (B)
Parking Facility	-	C	155.505.X 154.505 (B)
Sales and Storage Lots	-	C	155.505.X 154.305 (C)
Outdoor Recreation			
Outdoor Recreation Facility	-	C	155.505.Y 154.306 (C)
Parks and Open Areas	P	P	
Indoor Recreation/Entertainment			
Indoor Athletic Facility	-	C	155.505.Z 154.307
Indoor Recreation	-	C	155.505.Z 154.307
Transportation and Communications			
Broadcasting or Communications Facility	-	C	155.110.B
Mixed Uses			
Combination of Principal Uses on a single parcel		C/P	154.501 (B)
Combination of Principal and Accessory Uses on a single parcel	P	P	154.501 (A)
Accessory Uses			
Home Occupation	P	P	155.111.A,B 154.012 (12) (e)
Bed and Breakfast	-	C	155.111.C 154.310 (A)
Family Day Care	P	P	155.111.G 154.012 (12)
Group Family Day Care	-	C	155.111.G
Temporary Sales	P	P	155.107.B 154.509 (G)
Parking Facility	-	P	154.505 (H) (7)
Solar Equipment	P	P	155.111.I 154.310 (C)
Swimming Pools, Hot Tubs, Etc.	P	P	155.111.J
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

Table 11-1: Permitted and Conditional Uses, ~~VMX~~ Village Districts

	V-LDR	VMX	Standard
Residential Uses			
Household Living			
Single-family detached dwelling	P	P* C*	155.504.A-154.505 (A) (1), (2), *(4)
Two-family dwelling	=	P*	155.504.A-154.505 (A) (1), (4)
Single-family attached dwelling	=	C	154.505 (A) (1), (5)
Multifamily dwelling	=	C	154.505 (A) (1), (6)
Secondary dwelling	C	C	154.505.D-154.454 (C) & 154.505 (A) (1), (3)
Live-work unit	=	P	155.505.J-154.505 (B) (6)
Group Living			
Group Home	P	P	155.102.C-154.301 (A)
Group Residential Facility	=	C	155.102.D-154.301 (B)
Congregate Housing	=	C	155.102.E-154.301 (C)
Semi-Transient Accommodations	=	C	155.102.F-154.301 (C)
Public and Civic Uses			
Community Services	=	P	155.103.G
Day Care Center	=	P	155.103.D
Public Assembly	=	C	155.505.M
Religious Institutions	=	C	155.505.N-154.303 (N)
Schools, Public and Private	=	C	155.505.O-154.303 (A)
Services			
Business Services	=	P	
Business Center	=	P	
Offices	=	P	
Communications Services	=	P	
Education Services	=	P	154.303 (A)
Financial Institution	=	P	155.505.P
Funeral Home	=	C	
Lodging	=	C	155.505.Q-154.302 (D)
Medical Facility	=	C	155.505.R-154.303 (B)
Membership Organization	=	C	155.505.N
Nursing and Personal Care	=	C	155.104.C-154.303 (C)
Personal Services	=	P	
Repair and Maintenance Shop	=	C	155.505.E-154.505 (B) (1)
Trade Shop	=	C	155.505.F-154.505 (B) (2)
Veterinary Services	=	C	154.505.G-154.505 (B) (3)

Table 11-1 lists all permitted and conditional uses allowed in the urban residential districts. “P” indicates a permitted use, “C” a conditional use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

A. *Combinations of uses, Village Districts.* The following use types may be combined on a single parcel:

1. Principal and accessory uses may be combined on a single parcel.
2. A principal and secondary dwelling unit may be combined according to the standards of Section ~~155.137-154.454~~ (C).

B. *Combination of uses, VMX District.*

1. Single-family attached or multi-family complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.
2. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
3. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this Article. Office or studio uses on upper stories are encouraged.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-__

AN ORDINANCE AMENDING ARTICLE XIII: VILLAGE MIXED USE DISTRICT AND
CREATING STANDARDS FOR A VILLAGE LOW DENSITY RESIDENTIAL ZONING
DISTRICT

SECTION 1. The City Council of the City of Lake Elmo hereby amends the Lake Elmo City Code
Title XV: Land Usage; Chapter 154: Zoning Code; Article XIII: Village Mixed Use District; to read
the following:

ARTICLE XIII: VILLAGE ~~MIXED-USE~~ DISTRICTS

§ 154.500 PURPOSE AND DISTRICT DESCRIPTION

(A) *V-LDR Village Low Density Residential.* The purpose of the V-LDR zoning district is to provide opportunity for lower density residential development within the Old Village and create a transition and connectivity between the heart of the Old Village and surrounding rural areas. Residential development within areas zoned V-LDR will occur at a density of 1.5-2.49 units per acre.

(B) *VMX – Village Mixed Use District.* The purpose of the VMX district is to provide an area for compact, mixed use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. This district is intended to continue the traditional mixed use development that has occurred in the Village area by allowing retail, service, office, civic and public uses as well as residential units. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. Development within areas zoned VMX will occur at a density of 6-10 units per acre. Senior congregate care facilities may exceed this density maximum with a range not to exceed a total of 16 units per acre, provided the facility can satisfy all zoning and applicable conditional use permit review criteria. The placement of building edges and treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district. The standards in this chapter are intended to implement and effectuate the principles and relationships established in the Village Master Plan, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. Renovation and infill of traditional storefront-type buildings is encouraged, and parking standards may be waived to recognize the availability of on-street and shared parking facilities.

§ 154.501 PERMITTED AND CONDITIONAL USES

3. That the Village Low Density Residential zoning district is being proposed due to the imminence of the Gonyea West Development, which is expected to be proposed to be located within the Old Village in an area guided for Village Low Density Residential.
4. That the Planning Commission would be interested in exploring increased densities within the Old Village as an amendment to the Comprehensive Plan.

RECOMMENDATION:

Staff recommends that the Planning Commission hold a public hearing and provide feedback on or recommend approval of amendments to Article XIII: Village Mixed Use Districts, which add standards for the V-LDR Village Low Density Residential District and proposes minor changes to the VMX – Village Mixed Use District. If the Commission wishes to make recommendation at this time, the Commission may do so with the following motion:

“Move to recommend adoption of Ord 08- , creating a Village Low Density Residential District and making minor amendments standards of the Village Mixed Use District.”

ATTACHMENTS:

1. Draft Ordinance
2. Required Findings for Conditional Use Permits.

of such homes in this district. She stated that the City would have to place appropriate standards and conditions on such uses in order to properly regulate them.

- **Mixed Use Definition.** The City Attorney was asked about a mixed use definition and did not have a definitions because it's a mix of two principal uses already defined in the Zoning Code.
 - **Village Open Space Overlay District.** Staff had previously proposed that lots may not encroach on the Village Open Space Overlay/Greenbelt portions as designated by the Comprehensive Plan.
 - *Reasoning.* The reasoning for this was to maintain the open space buffer as designated by the Comprehensive Plan without having to reference different setbacks for lots encroaching on the open space buffer, which could complicate the building permit review process.
 - *Reconsideration.* Staff further considered this provision after discussion with a developer. This may not be practical, as a buffer may be sufficiently provided through landscaping, berms, or other option. Additionally, a small strip of open space may be difficult for an association to maintain. The developer suggested additional way to conserve this buffer may be to record a landscape easement over the buffer portions of residential lots that would prevent structures from being erected and allow the Homeowners' Association to maintain if necessary.
 - *Amended Language.* In response to this, Staff has drafted language that allows berming or screening as an alternative to lots not encroaching on the buffer with Council approval.
 - **Limiting Housing Types.** Staff removed the following language from the ordinance: "For redevelopment projects, new housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher-density development is permitted once this threshold is reached."
 - The City Attorney believes that this language causes equal protection issues.
 - **Setbacks from County Roads in the V-LDR District.** The County had requested the City to increase setbacks along certain portions of county roads to 30 feet. This includes residential areas on Lake Elmo Avenue (CSAH 17) north of Stillwater Blvd and Stillwater Blvd (CSAH 14). They requested this for the following reasons:
 - Portions of these roads are considered minor highways and right-of-way widening may be necessary in the future.
 - There's a higher volume of traffic.
 - Lake Elmo Avenue provides direct access to Highway 36.
 - Trails may be desired on both sides of four lanes, and additional setbacks could accommodate construction of eventual trails.
 - Additional setbacks leave room for berming and landscaping.
- This provision was added to the draft ordinance and only applicable to the V-LDR zoning district.

Findings.

The Planning Commission drafted the following findings at its February 13, 2017 meeting:

1. That certain areas of the Old Village are guided for Urban Low Density Residential in the Land Use Plan of the Comprehensive Plan, which designates a density of 1.5-2.49 units per acre.
2. That there currently does not exist a Village Low Density Residential zoning district which has a density of 1.5-2.49 units per acre within the Zoning Code.



STAFF REPORT

DATE: APRIL 24, 2017

AGENDA ITEM: 5B – BUSINESS ITEM

CASE #2016-59

TO: Planning Commission
FROM: Emily Becker, Planner
SUBMITTED BY: Zoning Text Amendment – Village Urban Districts
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The Planning Commission has reviewed a proposed draft Village Urban Low Density (V-LDR) zoning district as well as minor amendments to the Village Mixed Use (VMX) District at its January 23, 2017, February 13, February 27, 2017, and March 27, 2017 meetings. A public hearing was held at the April 10, 2017 meeting.

ISSUE BEFORE THE COMMISSION:

Staff respectfully requests that the Planning Commission make recommendation on the proposed draft ordinance of the Village Low Density Residential and minor amendments to the Village Mixed Use (VMX) District.

PLANNING/ZONING ANALYSIS:

Summary of Discussed Changes since the last Planning Commission meeting to Proposed Ordinance. Staff has made minor amendments to the draft ordinance that the Planning Commission recommended. Major issues discussed are summarized below:

- **Single Family Homes in VMX.** Currently, standards for the VMX district indicate that an existing single family home shall be considered a permitted, rather than non-conforming use, in the VMX zoning district. This language was derived from the Comprehensive Plan. While the Comprehensive Plan does not specifically outline *new* single-family homes as an allowed use in the VMX zoning district, it does state that existing single family residential homes shall be permitted. As previously discussed, an existing use that is no longer allowed in a zoning district cannot be considered “permitted” upon rezoning; it is then considered legal non-conforming (and consequently cannot expand).
 - **Again Proposed as a Conditional Use.** Staff has again proposed that single-family detached dwellings be designated as conditional uses. Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon required findings. These required findings include (among others):
 - That the use or development is compatible with the existing neighborhood; and
 - That the use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
 - The City Attorney has been consulted regarding this provision and believes that designating single-family detached homes as a conditional use may be appropriate within the VMX district in order to limit the number and expansion

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

Dated: May 2, 2017.

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same: _____

Whereupon said resolution was declared duly passed and adopted.

CITY OF LAKE ELMO

RESOLUTION NO. 2017-041

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-175 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the city of Lake Elmo has adopted Ordinance No. 08-175, an ordinance amending Article XIII: Village Mixed Use Districts, creating a Village Low Density Residential Zoning District and amending standards of the Village Mixed Use Zoning District; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-175 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-175, which:

- Creates a Village Low Density Residential (V-LDR) Zoning District, which allows a density of 1.5-2.49 units per acre for areas guided for Village Low Density Residential in the Comprehensive Plan.
- Sets forth lot dimension and setback requirements for the V-LDR zoning district.
- Allows single-family detached and two-family dwellings within the Village Mixed Use district as conditional uses (previously permitted only if existing).
- Designates live-work units and automotive/vehicular uses as conditional, rather than permitted, uses.

SECTION 4. Adoption Date. This Ordinance 08-176 was adopted on this 2nd day of May, 2017, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-176 was published on the ____ day of _____, 2017.