



3800 Laverne Avenue North  
Lake Elmo, MN 55042

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## **NOTICE OF MEETING**

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Wednesday May 29, 2019**  
**at 7:00 p.m.**

## **AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. May 13, 2019
4. Public Hearings
  - a. Road and Easement Vacations and Final Plat – Four Corners Second Addition - property on the north side of Hudson Blvd, west of Manning Avenue
5. Business Items
  - a. Zoning Code Amendment – Minimum Lot Sizes for Multiple-family Residential Development
  - b. Zoning Code Amendment – Commercial Kennels - Rural Zoning Districts
  - c. Boat and Trailer Parking Regulations in Rural Residential Zoning Districts
6. Communications/Updates
  - a. City Council Update – May 21, 2019
    1. No Planning items
  - b. Staff Updates
    1. Upcoming Meetings:
      - June 10, 2019
      - June 24, 2019
7. Adjourn

\*\*\*Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of May 13, 2019**

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

**COMMISSIONERS PRESENT:** Johnson, Weeks, Hartley, Holtz, and Steil

**COMMISSIONERS ABSENT:** Risner, Cadenhead

**STAFF PRESENT:** Planning Director Roberts

**Approve Agenda:**

M/S/P: Hartley/Weeks move to approve the agenda as presented, ***Vote: 5-0, motion carried unanimously.***

**Approve Minutes:** None

**Public Hearing – Preliminary Planned Unit Development (PUD) Plan, Preliminary Plat and Zoning Map Change – Springs Apartments**

Roberts gave a presentation regarding the requests for the proposed Springs Apartments. The proposed site plan includes 15 buildings with 20 units each. The buildings are a townhouse design, two stories tall with a mix of studio, 1-bedroom, 2-bedroom and 3-bedroom units. Many units provide attached, direct-access garages for a total of 120 attached garage spaces for the 300 units. The applicant also is planning to have seven detached garage buildings (with a total of 42 spaces), 399 surface parking spaces, an approximately 4,300 square foot club house (including a large gathering room, fitness center, kitchen area, coffee bar and office space), pool with sun deck, trash enclosure, mail kiosk, and one pet playground all within a fenced, controlled access community.

The proposed site plan shows the primary entrance to the development would be off of Hudson Boulevard and there would be an emergency access drive connecting to the north/south road (Julia Avenue) to the west of the site. The applicant also is proposing to preserve much of an existing wetland on the site that is near Hudson Boulevard.

This request would create 300 apartment units on a site that is about 17.3 net acres for a proposed density of 17.31 dwelling units per net acre thus exceeding the density limits set for this area in the 2040 Comprehensive Plan (without any credit for density bonuses that the City may grant through the PUD process). At 15 dwelling units per net acre, this site could accommodate 260 units.

Roberts also noted that the pending land use designation is (MU-C) for this site and the City will not be able to give final approval the proposal until after the Metropolitan Council and the City Council have finalized the 2040 Comprehensive Plan. The City could require the applicant to wait to submit the final plat and final PUD plans for this project after the City has given the 2040 Comprehensive Plan final approval. This timing will ensure that what is proposed for this site is consistent with the 2040 Comprehensive Plan and that the City will get credit for the residential density that the project would bring to this part of Lake Elmo. He also noted that no matter when the applicant submits applications for final plat and final PUD approval, the City will need to make any and all final project approvals contingent upon final approvals of the 2040 Comprehensive Plan by the Metropolitan Council and by the City Council.

Director Roberts explained that in order for this development to proceed, the City will need to approve a zoning map amendment (rezoning) for the property from RT (rural development transitional) to HDR (urban high density residential). Staff is recommending approval of the proposed zoning map change for this site.

The Commission discussed the proposed project density and the differences in how the applicant is measuring the site size and calculating the proposed density versus how staff calculated the project density.

Gwen Wheeler, representing the applicant, (Continental 483 Fund LLC) spoke to the Commission about some of the information in the staff report including the history of the Company and the proposed project density. She also answered several questions from the Commission about the proposal.

The Chair opened the Public Hearing at 8:23 PM and noted the comments from one Lake Elmo resident in an e-mail submitted to the City. She noted in her e-mail concerns about the design of the fence around the development site, the amount of green space within the development and the need for an emergency exit from the development.

Brian Zeller, realtor, representing the owner of a commercial property east of the proposed development site, spoke in favor of the proposed development. He stated that the commercial-land owners want more roof tops in the area (thus more residents) to support the existing and future commercial developments.

The Chair closed the public hearing at 8:31 PM.

After more review and discussion by the Commission, they made the following motions:

M/S/P: Hartley/Weeks, move to recommend approval of the preliminary plat and preliminary PUD Plans as requested by Continental 483 Fund LLC for PID# 34.029.21.43.0003 for the project to be known as the Springs Apartments located on the north side of Hudson Boulevard, subject to recommended conditions of approval. ***Vote: 5-0, motion carried unanimously.***

M/S/P: Hartley/Weeks, move to recommend approval of the rezoning of site of the Springs Apartments on Hudson Boulevard from RT (rural development transitional) to HDR (urban high density residential) after final approval of the 2040 Comprehensive Plan based on the findings listed in the Staff report. ***Vote: 5-0, motion carried unanimously.***

#### **City Council Updates – May 7, 2019**

1. Easton Village 5<sup>th</sup> Addition – Final Plat

#### **Staff Updates**

1. Upcoming Meetings
  - a. May 29, 2019
  - b. June 10, 2019

Meeting adjourned at 8:49 pm

Respectfully submitted,

Ken Roberts  
Planning Director

**“Move to recommend approval of the request for the vacation of part of the Hudson Boulevard road right-of-way and the easements as shown in the vacation exhibit dated January 23, 2019.”**

Staff recommends that the Planning Commission recommend approval of the Four Corners Second Addition Final Plat with the recommended findings and conditions of approval listed in the staff report. Suggested motion:

**“Move to recommend approval of the Four Corners Second Addition Final Plat with the recommended findings and conditions of approval as listed in the staff report.”**

**ATTACHMENTS:**

- 3 City Maps
- Final Plat Narrative dated May 6, 2019
- Approved Preliminary Plat
- Proposed Final Plat
- Right-of-way Vacation/Jurisdiction Map
- Lake Elmo Easement Vacation Map
- City Engineer Final Plat Review memo dated May 20, 2019
- MnDOT Review memo dated February 15, 2019
- Washington County review memo dated February 22, 2019



## STAFF REPORT

DATE: 5/29/2019

**REGULAR**

ITEM #: 4A

**TO:** City Council  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** **Four Corners 2<sup>nd</sup> Addition** – Easement and Right-of-Way Vacations and Final Plat  
**REVIEWED BY:** Jack Griffin, City Engineer  
Ben Prchal, City Planner

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### **BACKGROUND:**

The City has received a request from Terry Emerson for approval of the vacation of easements and a road right-of-way and Final Plat for a commercial development to be known as Four Corners Second Addition. This proposal includes the realignment of Hudson Boulevard and the creation of several lots for commercial development (including a lot for park and ride lot) for the property generally on the northwest corner of Manning Avenue and Hudson Boulevard North.

The City Council approved the Concept PUD plans for this site on July 17, 2018.

On March 19, 2019, the City Council approved a preliminary plat, preliminary PUD plans and a zoning map amendment for the Four Corners Second Addition. This approval was subject to 20 conditions of approval.

### **ISSUE BEFORE THE PLANNING COMMISSION:**

The Commission is being requested to review, hold a public hearing and make recommendations to the City Council about the proposed vacations and on the Final Plat for the proposed Four Corners Second Addition.

### **PROPOSAL DETAILS/ANALYSIS:**

#### **General Information.**

- *Property Owner:* Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042
- *Location:* North of I-94/Hudson Boulevard and West of Manning Avenue North, lying east of 11530 Hudson Boulevard North
- *Current Site Area:* 56.9 acres
- *Land Use Guidance:* The 2030 Comprehensive Plan guides the eastern portion of the site as Commercial, and the western portion is guided as Business Park. The 2040 Comprehensive Plan guides the eastern part of the site as Commercial and the western part as Business Park.
- *Current Zoning:* Rural Development Transitional
- *Proposed Zoning:* Commercial

- *Current Surrounding Land Use Guidance:* Vacant land to the north (Rural Development Transitional); I-94 to the south (Woodbury); Stillwater School Bus facility and vacant land to the west (Rural Development Transitional); Manning Avenue to the east (West Lakeland).
- *History:* The property has been used as rural vacant land.
- *Application Timeline:* The City received the complete application on April 26, 2019. The 60-day review ends on June 24, 2019.

## **Overall Plan Review:**

**Subdivision and Right-of-Way Realignment.** The proposed project plans show the applicant realigning Hudson Boulevard about 470 feet to the north from where it now intersects with Manning Avenue. This new street alignment has several advantages. It will have Hudson Boulevard lining up with the driveway for the Holiday Station on the east side of Manning Avenue, will provide more spacing between Hudson Boulevard and the on and off ramps to Interstate 94 and will create buildable lots and a storm water ponding area on the south side of Hudson Boulevard. The new alignment also provides street access to the property to the north of the site from the new Hudson Boulevard. City and County staff support this realignment design.

As shown, the relocated Hudson Boulevard will be located in a 100-foot-wide right-of-way that will accommodate drive lanes, turn lanes, sidewalks and trails and utilities. The City Engineer's report dated May 20, 2019, includes the following review comments about the required right-of-way dedication and improvements for transportation. He noted that there may be a need for additional right-of-way along Manning Avenue, sight triangle right-of-way and additional intersection improvements at Hudson Boulevard and Manning Avenue.

The proposed realignment, design details and standards will be subject to the approval of the City Engineer, Washington County and MnDOT.

**Site Data.** The entire subdivision area is 56.9 acres which includes all of Lot 1, Block 1, Outlots A, B and C and the right-of-way for Hudson Boulevard.

**Lot Sizes.** The lots within the development will have a range of widths and sizes. As proposed, the lots would be 2.42 acres, 5.66 acres, 7.92 acres and 36.39 acres in area. As proposed and expected commercial sites, the developer had each lot shown on the preliminary plat and PUD plans for a specific uses or functions.

**Outlots.** As proposed, Outlot B is expected to have commercial development, Outlot C is intended for a storm water ponding area and the uses for Outlot A are unknown at this time. The developer is proposing to own Outlot C and keep it private for storm water ponding purposes. The developer does not have any definitive uses or users for Outlots A and B, so they will need City approval of final PUD plans and a final plat outlot as each outlot proceeds through the City review process toward development.

**Urban Services Required.** Because the property is within the MUSA, any development of the property will require that the property be hooked up to city services (sanitary sewer and water). Therefore, the developer has submitted utility (sanitary sewer and water) and other construction plans to the City for approval as part of the overall project approval process.

**Sidewalks and Trails.** The City/County Comprehensive Trails Plans show the need for a trail along the entire length of Hudson Boulevard in Lake Elmo. The City is planning to have 8 foot-wide trails along the north side of Hudson Boulevard to meet this need. The City will require the developer to install this trail as part of the realignment and reconstruction of Hudson Boulevard.

**Parkland Dedication.** The City requires commercial development to provide fees to the City in lieu of parkland dedication. The City will require the developer or applicant to pay these fees before recording the final plat of each phase of the development. The current City parkland dedication fee for commercial properties is \$4,500 per acre. For this phase, the developer is creating several outlots and one lot for building (Lot 1, Block 1) that will be 5.66 acres. At \$4,500 an acre, the total park charge with this final plat is \$25,470.00

**Consistency with Preliminary Plat. (Final Plat Review):**

**Final Plat Approval Process.** The City’s subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. Please note that the City’s approval of the Four Corners Second Addition Preliminary Plat included a series of conditions that must be met by the applicant, which staff has addressed below. The City does not require a public hearing as part of a final plat review and approval process.

In order to provide the Planning Commission with an update concerning the conditions associated with the preliminary plat for Four Corners Second Addition, staff has prepared the following:

**Preliminary Plat Conditions – With Staff Update Comments (updated information in italics):**

1. The Final Plat and PUD Plans include a portion of PID# 34.029.21.43.0003.

*This condition has been met.*

2. That City approve a zoning map amendment to rezone Outlots A and B and Lot 1, Block 1 of the plat to C (commercial).

*This condition has been met.*

3. The Final Plat and PUD Plans shall identify proposed land uses, and those land uses shall accompany a detailed site plan to be approved by the City. Any use that is not designated on the Preliminary Plat and PUD Plans and is not designated as a permitted use within the Commercial zoning district shall require a conditional use permit.

*The applicant noted in their project narrative that they are planning commercial land uses for Outlots A and B, a Metro Transit Park and Ride Facility is proposed for Lot 1, Block 1 and a storm water pond will be on Outlot C.*

4. That the applicant submit and the City approve updated preliminary plat and PUD plans that meet all city conditions of approval before submitting a Final Plat application and final PUD plans to the City.

*It is recommended condition of approval for the Four Corners Second Addition final plat that the applicant address all items outlined in the City Engineer’s memo dated May 20, 2019 for the final plat.*

5. Before the execution of a final plat for any phase of the development by the City, the developer or applicant shall enter into a development agreement with the City for that phase according to the City Attorney and shall be approved by the City Council. This agreement shall delineate who is

responsible for the design, construction and payment for the required improvements with financial guarantees therefore.

*City staff will be working with the applicant to prepare a Development Agreement for City Council consideration and approval.*

6. The Final Plat and PUD Plans shall provide the required 20% open space within the development or specify what the proposed public or site amenity the development will provide that the City may consider as an alternative to the open space requirement. The City must approve any proposed amenities as part of the development approval process.

*The applicant is aware of this requirement. City staff will be verifying the amount of open space and amenities with each building or development plan within the plat.*

7. The Final Plat and PUD Plans should detail proposed amenities in exchange for flexibility from standards of the Zoning Code.

*City staff will be verifying the proposed amenities with each building or development plan within the plat.*

8. The Final Plat and PUD Plans shall comply with comments outlined in the City Engineer Review Memo dated May 20, 2019.

*It is recommended condition of approval for the Second Addition final plat that the applicant address all items outlined in the City Engineer's memo for the Final Plat dated May 20, 2019.*

9. The Final Plat and PUD Plans shall include provisions for City sanitary sewer and municipal water as well as sanitary sewer and water capacity demands. The Applicant shall be responsible to extend City sanitary sewer and municipal water to the site at the applicant's cost. Sanitary sewer and water main stubs will be required to all adjacent properties.

*The proposed construction plans include sanitary sewer and public water along and in Hudson Boulevard.*

10. The Final Plat and PUD Plans shall include right-of-way and easements from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue.

*The applicant has indicated to staff that he has an agreement with the property owner to the north to plat and build Hudson Boulevard as proposed – including on the neighboring property. The City will verify this approval before allowing the applicant to record the final plat or to construct Hudson Boulevard. This approval may require signed agreements from the adjacent property owner and/or his signatures on the final plat before the recording of the final plat at Washington County.*

11. The Final Plat and PUD Plans shall include a storm water management plan including a summary report describing the overall management plan and performance criteria for all required storm events.

*The applicant's project engineer has submitted a storm water management plan to the City and VBWD and permits from the VBWD and MnDOT will be required before the construction plans will be approved by the City Engineer.*

12. The Applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District and MnDOT approval before starting any grading or construction activities.

*The applicant is aware of this condition and staff is recommending that the City require this as a condition of approval for the final plat and prior to recording the final plat.*

13. Storm water facilities shall be privately owned and maintained. A maintenance agreement in a form acceptable to the City shall be executed and recorded with the final plat.

*Staff will be preparing such an agreement for the applicant to record with the final plat.*

14. The Final Plat and PUD Plans shall include tree planting and landscape plans for each lot and building site or project phase to be approved by the City's Landscape Architect.

*City staff will be reviewing the tree planting and landscape plans for each lot and building site as they proceed through the City review and approval process to ensure they meet or exceed the City's tree and landscaping standards.*

15. The Final Plat and PUD Plans shall include architectural renderings for each lot and building site.

*City staff will be reviewing the architectural plans for each lot and building site within the plat as they proceed through the City approval process to ensure they meet the City's design standards.*

16. The Applicant(s) or developers shall submit a photometric plan for each lot and building site. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code.

*City staff will be reviewing the photometric plan for each lot and building site within the plat as they proceed through the City approval process to ensure each the lighting plans meet all City standards.*

17. That the developer provide the City fees in lieu of park land dedication as required by 153.15 of the City Code with final plat.

*City staff will include the required park dedication fees in the development agreement for this project.*

18. The Applicant shall meet all requirements and requests of Washington County including the needs and requirements for drainage, right-of-way, turn lanes and trails.

*City staff and the applicant will verify that all conditions of Washington County have been met before the applicant records the final plat.*

19. The applicant shall meet all the requirements of MNDOT as outlined in their comments dated February 15, 2019.

*City staff will require documentation that the applicant and the project plans have met all the requirements of MN/DOT.*

20. That the applicant or developer address all the comments of the Fire Chief and the Building Official with final site and building plans including the placement of fire hydrants, driveway design and emergency vehicle access within each building site.

*City staff will be reviewing the site and building plans for each lot and building site within the plat to ensure that all plans meet the requirements of the Fire Chief and the Building Official.*

### **Engineering Comments.**

The City Engineer prepared review memos for the final plat and for the construction plans (dated May 20, 2019) for the Four Corners Second Addition. I have attached his final plat review memo for your reference. In these memos he notes several conditions that the applicant and project engineer will need to complete before the applicant may proceed with this project including the need for easements within and adjacent to the development site. Many of these are conditions and issues the City raised during the review and approval of the preliminary plat for this site.

### **EASEMENT AND ROAD RIGHT-OF-WAY VACATIONS:**

**Right-of-way and Easement Vacations:** There are two public rights-of-way the developer will need to have vacated as part of the approvals of the final plat for this development. The first is an existing 60-foot-wide right-of-way lying between the existing Hudson Boulevard and the north side of I-94 (near the proposed lot line between Lot 1, Block 1 and Outlot C) (owned by MNDOT) and the other is the existing Hudson Boulevard right-of-way lying west of Manning Avenue. The City will not need either of these rights-of-ways after the new Hudson Boulevard and the new lots and easements are dedicated to the public with the final plat.

Minnesota Statue outlines the provisions for vacating a public right-of-way or easement. It states in part that “Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition.”

The timing of the right-of-way vacation, road construction and the recording of the final plat will need to be coordinated and implemented to ensure the City’s interests and needs are met and protected. The City Attorney has reviewed this matter and provided staff with the following information:

The resolution approving the vacation of the road should be conditioned upon the following:

1. The final plat of Four Corners being approved by the City Council and recorded at Washington County. The final plat must include the dedication of the relocated (new) Hudson Boulevard; and
2. The developer constructing the relocated Hudson Boulevard and the City accepting the relocated (new) Hudson Boulevard.

Once both of the above-listed items are complete, the vacation will be effective. The City should not record the Resolution vacating the current Hudson Boulevard until the vacation is effective.

The City Attorney also noted that at the time the vacation is effective, the City Council should adopt a resolution accepting the relocated road and declaring that both of the conditions of the vacation (as noted above) have been met. This resolution will provide confirmation from the City that is of record that the conditions have been met and the vacation is effective.

**RECOMMENDED FINDINGS.** Staff recommends approval of the Four Corners Second Addition Final Plat based on the following findings:

1. That the City approved the Four Corners Second Addition Preliminary Plat and PUD Plans on March 19, 2019 and the submitted final plat is generally consistent with the city-approved preliminary plat and PUD plans.
2. That the Applicant has submitted all application requirements outlined in Section 153.10: Application Requirements for Final Plat approval.
3. That the proposed Final Plat is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
4. That the proposed Final Plat meets the general intent of the Commercial zoning district with PUD modifications.
5. That the Four Corners Second Addition Final Plat complies with all other applicable zoning requirements, including storm water, sediment and erosion control and other ordinances with the exceptions identified in this staff report to the Planning Commission.
6. That the Four Corners Second Addition Final Plat generally meet the City's Subdivision regulations.
7. That the proposed Four Corners Second Addition Final Plat is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated May 20, 2019.

**Recommended Conditions of Approval:** Staff recommends the Planning Commission recommend approval of the requested Four Corners Second Addition Final Plat with the following conditions:

- 1) Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable staff before the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandum addressing Four Corners Second Addition Final Plat and Construction Plan Review dated May 20, 2019 shall be incorporated into these documents and plans before the City will approve the plans.
- 2) Before the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for the Four Corners Second Addition Final Plat with financial guarantees therefore.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before its execution by City Officials, or dedicated to the City in the City's standard form of agreement and be fully signed by all parties prior to recording the final plat.
- 4) That the applicant/developer meet all requirements and requests of Washington County including the needs and requirements for drainage, right-of-way, turn lanes and trails. The developer shall provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along Manning Avenue before plat recording. Before construction, the plan section detailing southbound right turn lanes and center left turn lanes on Manning Avenue at Hudson Boulevard must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 15/Manning Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.

- 5) That the applicant/developer pay the City the required parkland dedication fees in lieu of park land dedication applicable to this phase of the development (\$25,470.00) before the City releases the final plat for recording.
- 6) The Final Plat and PUD Plans for each building site shall provide the required 20% open space within the development or specify what the proposed public or site amenity the development will provide that the City may consider as an alternative to the open space requirement. The City must approve any proposed amenities as part of the development approval process for each lot or building site.
- 7) The Final Plat and PUD Plans for each building site shall detail proposed amenities in exchange for flexibility from standards of the Zoning Code.
- 8) The Final Plat and PUD Plans shall include provisions for City sanitary sewer and municipal water. The Applicant shall be responsible to extend City sanitary sewer and municipal water to the site at the applicant's cost, including all oversize costs. Sanitary sewer and water main stubs will be required to all adjacent properties.
- 9) The Final Plat and PUD Plans shall include right-of-way and easements from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue. The owner/applicant must submit such documentation before the city releases the final plat for recording. An off-site roadway and utility easement to be acquired from the adjacent property north of the plat to accommodate the Hudson Boulevard realignment at the intersection with Manning Avenue (CSAH-15). A roadway and utility easement with 80-foot right-of-way is to be provided to facilitate a public street connection from the adjacent property to the north to Hudson Boulevard at the first intersection west of Manning Avenue (CSAH 15). In addition, the applicant/developer shall provide a drainage and utility easement for the drainage ditch on the north side of Hudson Boulevard, for the storm sewer pipe stubs from STMH18 and CB27 and an on-site and off-site drainage and utility easement for the existing 100-year HWL ponding. Written landowner permission must be submitted to the City as part of the final plat and construction plan approval for any off-site grading work, easements and storm water discharges to adjacent properties.
- 10) The Applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District and MnDOT approval before starting any grading or construction activities.
- 11) Storm water facilities shall be privately owned and maintained. A maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
- 12) The Final Plat and PUD Plans for each lot shall include tree planting and landscape plans for each building site or project phase to be approved by the City's Landscape Architect.
- 13) The Final Plat and PUD Plans for each lot shall include architectural renderings for each lot and building site.
- 14) The Applicant(s) or developers shall submit a photometric plan for each lot and building site. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code.
- 15) The applicant shall meet all the requirements of MNDOT as outlined in their comments dated February 15, 2019.
- 16) That the applicant or developer address all the comments of the Fire Chief and the Building Official with final site and building plans including the placement of fire hydrants, driveway design and emergency vehicle access within each building site.

## **RECOMMENDATIONS:**

Staff recommends that the Planning Commission recommend approval of the proposed vacation of road right-of-way and easements for Hudson Boulevard as shown on the Vacation Exhibit dated January 23, 2019.

**“Move to recommend approval of the request for the vacation of part of the Hudson Boulevard road right-of-way and the easements as shown in the vacation exhibit dated January 23, 2019.”**

Staff recommends that the Planning Commission recommend approval of the Four Corners Second Addition Final Plat with the recommended findings and conditions of approval listed in the staff report. Suggested motion:

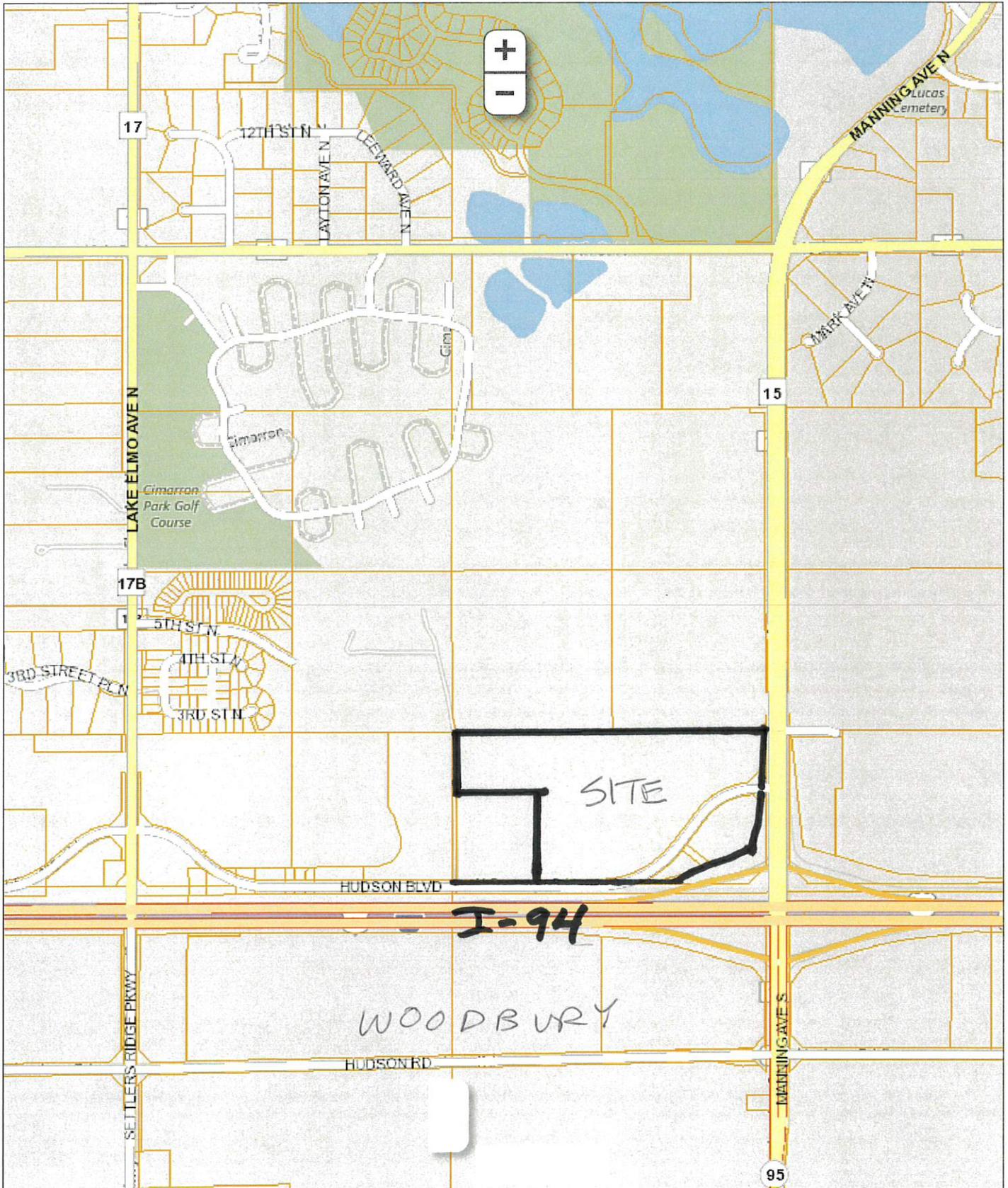
**“Move to recommend approval of the Four Corners Second Addition Final Plat with the recommended findings and conditions of approval as listed in the staff report.”**

**ATTACHMENTS:**

- 3 City Maps
- Final Plat Narrative dated May 6, 2019
- Approved Preliminary Plat
- Proposed Final Plat
- Right-of-way Vacation/Jurisdiction Map
- Lake Elmo Easement Vacation Map
- City Engineer Final Plat Review memo dated May 20, 2019
- MnDOT Review memo dated February 15, 2019
- Washington County review memo dated February 22, 2019

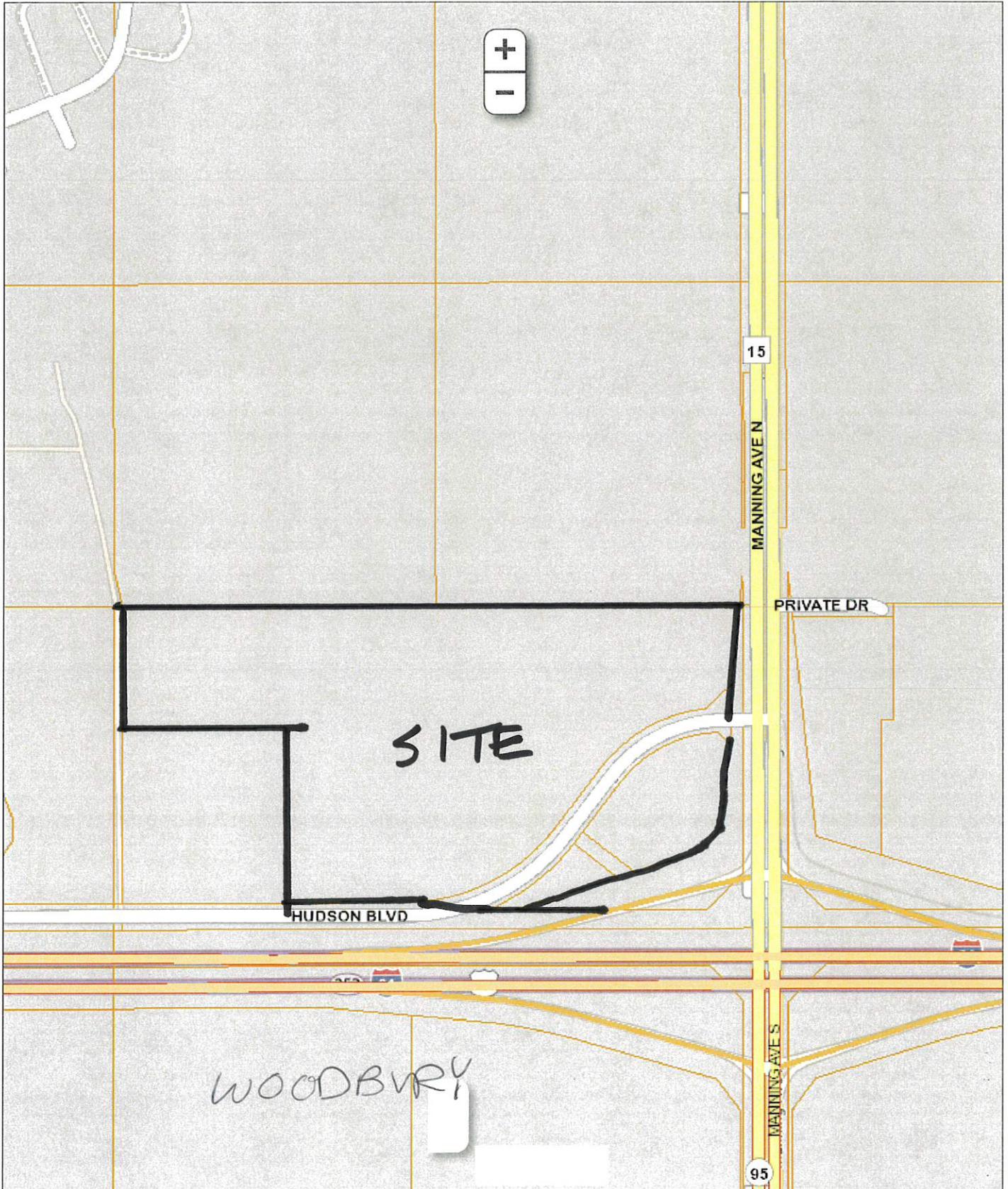


### Property Viewer





Property Viewer





Property Viewer





May 6, 2019

## FOUR CORNERS 2<sup>ND</sup> ADDITION FINAL PLAT NARRATIVE

This project is a multi-phase PUD development. It consists of an 80-acre property that has a garage building in the southwest corner that has had several tenants over the years. This parcel was platted in the original FOUR CORNERS plat as Lot 1, Block 1. This Lot 1 was rezoned and has since been sold to the Stillwater Area School District to be used as their bus garage and terminal. This is in accordance with the permitted use approved by the City of Lake Elmo. The original plat created the Lot 1, Block 1 along with Outlots A, B and C to be replatted later as well as a new alignment of Hudson Boulevard as required by the City of Lake Elmo and Washington County. This realigned roadway is to facilitate a possible upgraded intersection and traffic control that align with the road east of Manning Avenue North, and north of the Holiday Station in West Lakeland Township. This roadway was part of the MN DOT Right of Way prior to being turned over to local control, to the City of Lake Elmo. The remaining Outlots and vacated right of way will now be developed as a commercial and highway business project for various uses. The property owner is EN Properties LLC. The Surveyor for the project is Timothy J. Freeman of Folz Freeman Surveying LLC. The Civil Engineer for the project is Matt Woodruff of Larson Engineering, Inc.

Lot 1, Block 1	430 Wide	600 deep	5.66 acres	246806 sq ft
Outlot A	Irregular shape parcel		36.4 acres	1585421 sq ft
Outlot B	Irregular shape parcel		7.92 acres	345110 sq ft
Outlot C	Irregular shape parcel		2.42 acres	105592 sq ft
New R/W	Irregular shape parcel		4.15 acres	180900 sq ft
There are not existing wetlands on site				

All items that are conditions of the preliminary plat have been addressed with all of the entities that are applicable.

There were no neighboring properties who raised any issues.

A concept plan for this project was previously approved showing the re-aligned roadway with several lots for a few different uses. This project will require several plats to ultimately build out the parcels approved with the initial concept plan. The Preliminary Plat has also been approved.

The next phase is to plat the right of way and build the new road for this proposed realignment of Hudson Boulevard (frontage road to I94). This plat (FOUR CORNERS 2<sup>nd</sup> ADDITION) is being platted to dedicate the new right of way. One of the steps required is to vacate the existing right of way for Hudson Boulevard North. The City of Lake Elmo and MN Dept of Transportation will have to vacate the unused right of way of the old alignment for development. They will vacate the right of way, reserving a temporary easement while the existing roadway is still being used during construction. There is a map that shows the portion of right of way to be vacated... along with legal descriptions for each vacation portion.

*12445 55<sup>th</sup> Street North, Lake Elmo, Minnesota 55042 \* Phone: 651-439-8833 \* Website: FFSurveying.com*

*Bruce A. Folz, LS*

*Timothy J. Freeman, LS*

*1939 – 2001*

*Principal*

5/6/2019

Final Plat Narrative

Page 2 of 3

The next phase is to plat the right of way and build the new road for this proposed realignment of Hudson Boulevard (frontage road to I94). This plat (FOUR CORNERS 2<sup>nd</sup> ADDITION) is being platted to dedicate the new right of way. One of the steps required is to vacate the existing right of way for Hudson Boulevard North. The City of Lake Elmo and MN Dept of Transportation will have to vacate the unused right of way of the old alignment for development. They will vacate the right of way, reserving a temporary easement while the existing roadway is still being used during construction. The Preliminary Plat had a map that shows the portion of right of way to be vacated... along with legal descriptions for each vacation portion. The other item shown on that map is which entities have jurisdiction of the existing and new right of way. Essentially, the City of Lake Elmo received the right of way that contains the Hudson Boulevard North (frontage road), and MN Dot has the balance of the right of way where the Interstate Highway 94 and its ramps... as well as the portion of Manning that crosses the Interstate 94. The vacation step is critical for the realignment of the roadway process that the City of Lake Elmo and Washington County are requiring. The alignment for the new Hudson Boulevard has been in the planning stages for years now. The consultant engineering company used by the City of Lake Elmo was hired to design the new alignment, to facilitate the needs of the City of Lake Elmo. Our planning/platting efforts utilized this alignment for Hudson Boulevard North as shown on the Preliminary Plat and Final Plat.

This plat contains the 3 Outlots from the original plat, along with the proposed vacated right of way from the old alignment of the frontage road and the MN Dot strip that now contains a drainage ditch. This Final Plat contains a Lot 1, Block 1 for the proposed Metro Transit Park and Ride project as well as the Outlots to the north of it and south of the realigned roadway right of way for future uses. The southerly Outlot C was approved for a regional ponding facility for the area that takes the place of the previous drainage ditch. More detailed information on the potential users and their proposed development plans for Outlots A and B will be submitted at the time they have potential users. It is impossible to provide all of the detailed information required by the City Code for preliminary and final plat on these Outlots without the user of the parcels identified. We anticipate that the two Outlots will be replatted in the future phases, as the individual users come along. The users will understand that the zoning requires only potential uses that are allowed in the code for their appropriate zoning district. Lot 1, Block 1 of this phase is being rezoned to allow the Park and Ride facility as a part of this request. The remaining outlots will be rezoned when they are developed and replatted. The Comprehensive Plan is consistent with the uses being proposed. The outlots in this phase also includes the requirement of uses that develop impervious/greenspace at a ratio of 80/20 percent, as well as parking for 5 cars per 1000 square feet of usable building square footage.

The proposed construction schedule is to begin the sewer, water and storm sewer as soon as the Final Plat is approved and recorded... unless we can begin prior to recording with the development agreement and deposits with the City of Lake Elmo.

Street construction would follow the utilities as soon as they are complete. It is the goal of the project to be complete in this construction season 2019.

The City Engineer review items are completed... pending approval by City Engineer.

The Storm Water Management plan is completed and pending review by City Engineer, Watershed District and MN Dot.

5/6/2019

Final Plat Narrative

Page 3 of 3

The easements for offsite roadway, utilities, streets and ponding areas have been verbally approved by the owners of neighboring properties. The attorney is finalizing the documents to be reviewed and signed by the parties and then submitted to the City of Lake Elmo.

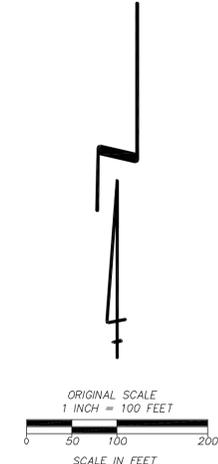
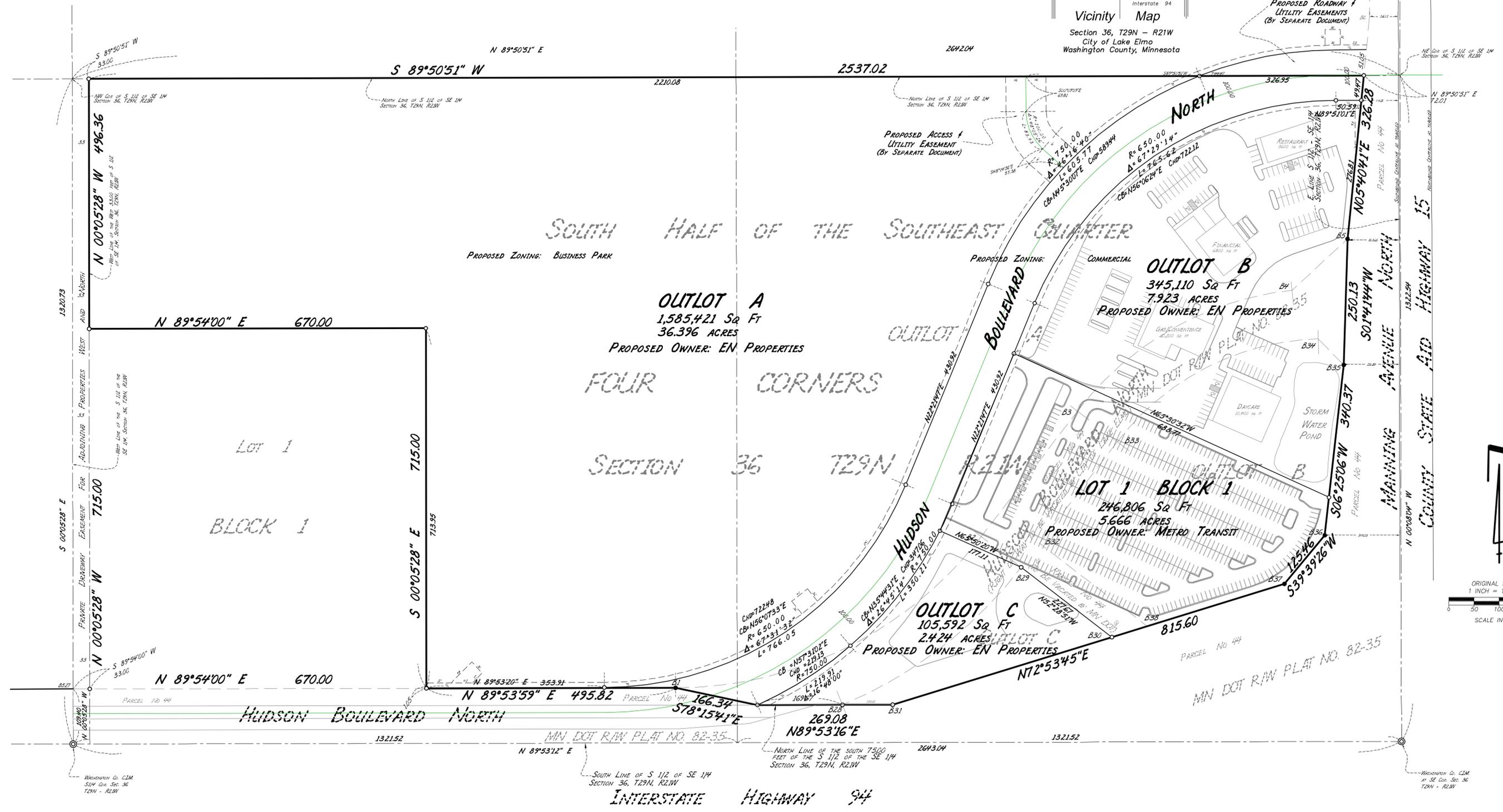
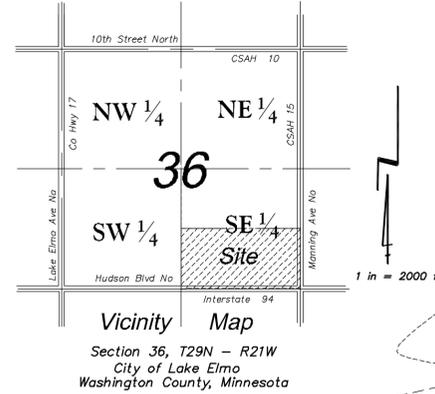
# FOUR CORNERS 2ND ADDITION PRELIMINARY PLAT

Folz Freeman Surveying LLC  
LAND PLANNING and SURVEYING  
12445 55TH STREET NORTH  
LAKE ELMO, MINNESOTA 55042  
(651) 439-8833 www.FFSurveying.com



- LEGEND**
- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
  - DENOTES FOUND MN DOT 3/4 INCH IRON PIN MONUMENT

**NOTES**  
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83, 1986 ADJUSTMENT



Revised: August 29, 2018; November 21, 2018; January 25, 2019

Prepared August 20, 2018

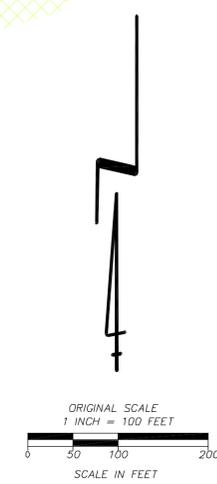
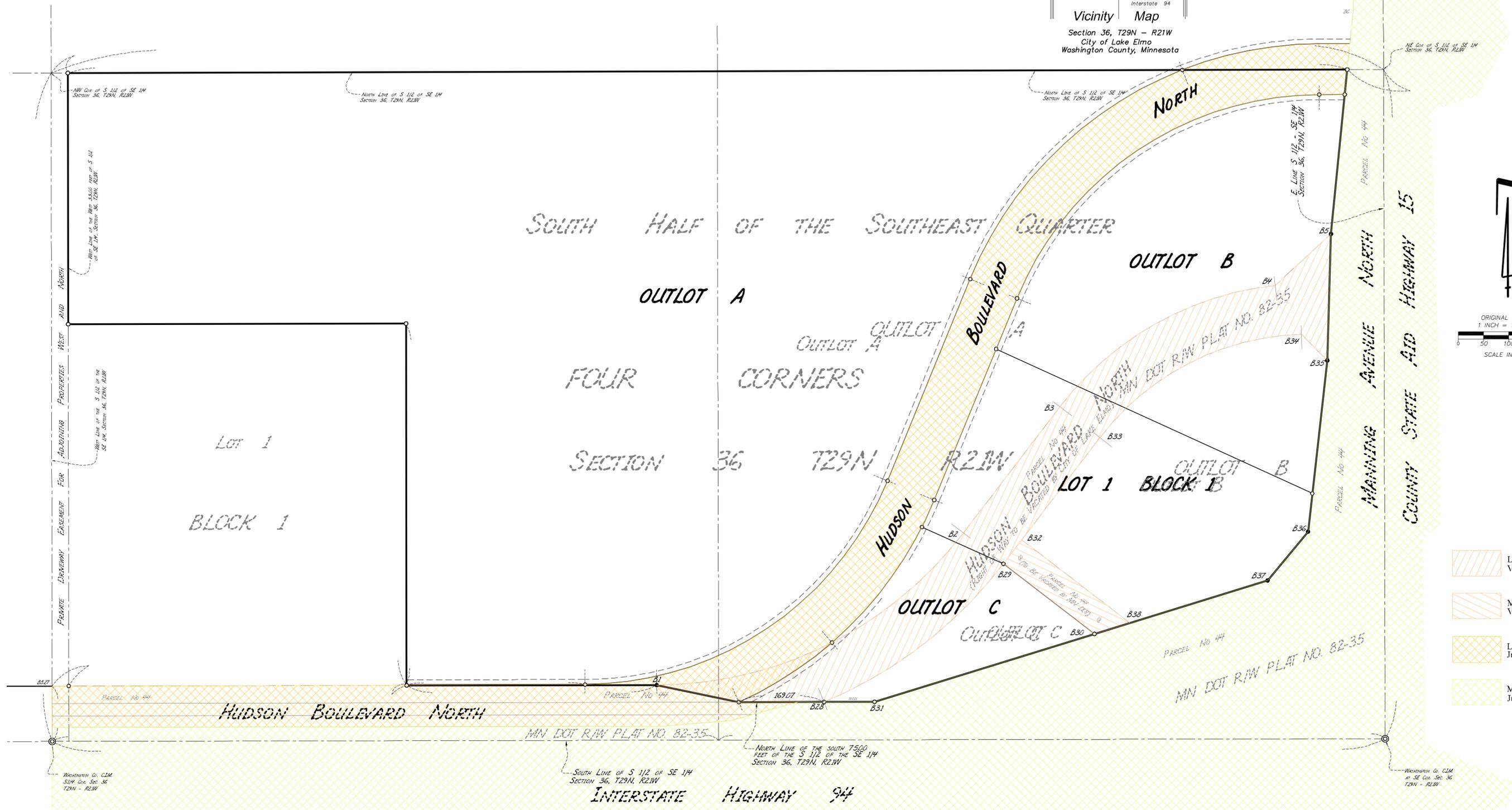
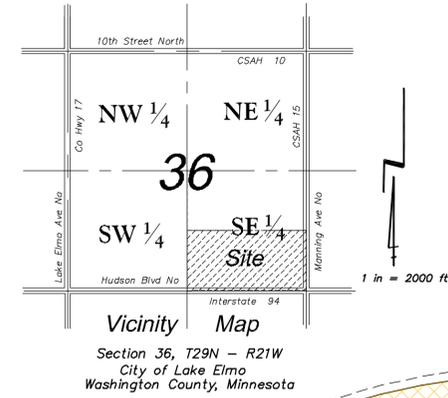


# FOUR CORNERS 2ND ADDITION

## PRELIMINARY PLAT

### Right of Way Vacation/Jurisdiction

Folz Freeman Surveying LLC  
 LAND PLANNING and SURVEYING  
 12445 55TH STREET NORTH  
 LAKE ELMO, MINNESOTA 55042  
 (651) 439-8833 www.FFSurveying.com



- Lake Elmo to Vacate R/W
- MN DOT to Vacate R/W
- Lake Elmo R/W Jurisdiction
- MN DOT R/W Jurisdiction

# CERTIFICATE OF SURVEY

## Lake Elmo Easement Vacation

Folz Freeman Surveying LLC  
LAND PLANNING and SURVEYING



12445 55TH STREET NORTH  
LAKE ELMO, MINNESOTA 55042  
(651) 439-8833 www.FFSurveying.com

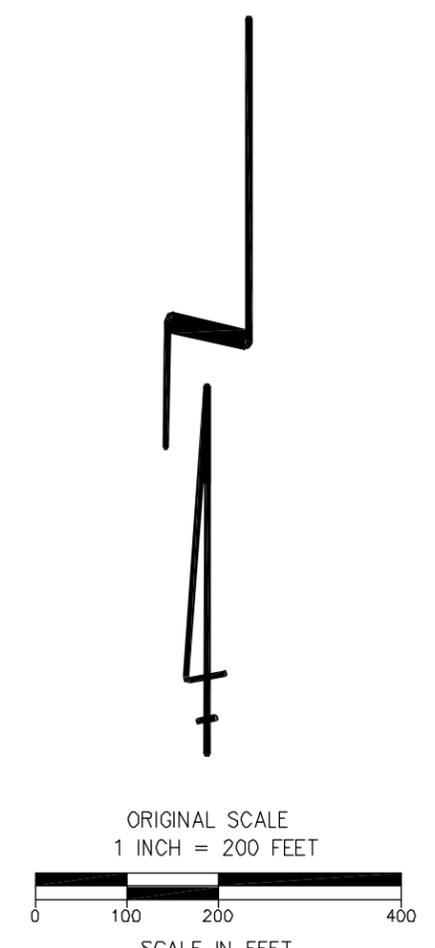
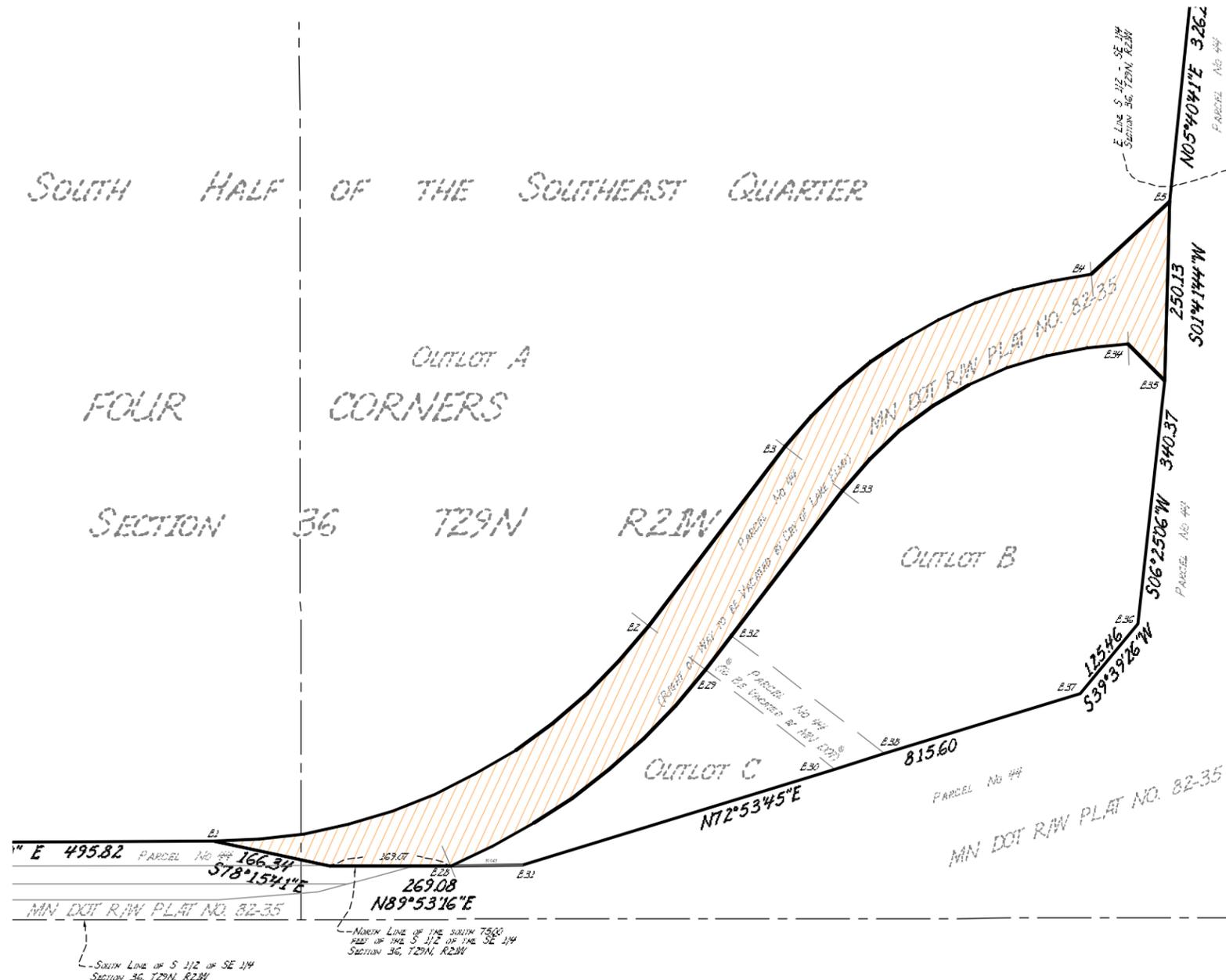
### SURVEY FOR:

EN Properties, LLC  
11530 Hudson Blvd. No., Suite A  
Lake Elmo, MN 55042

### LEGAL DESCRIPTION:

That part of the South Half of the Southeast Quarter of Section 36, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota contained within Parcel 44 of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-35, according to the plat thereof on file and of record in the office of the County Recorder, Washington County Minnesota described as follows:

Beginning at the right of way corner designated as B5; thence in a direct line to the right of way corner designated as B35; thence along the line of said Parcel 44 to the right of way corner designated as B34; thence along the line of said Parcel 44 to the right of way corner designated as B33; thence along the line of said Parcel 44 to the right of way corner designated as B32; thence in a direct line to the right of way corner designated as B29; thence along the line of said Parcel 44 to the right of way corner designated as B28, which is on the north line of the south 75.00 feet of said South Half of the Southeast Quarter; thence westerly along said north line of the south 75.00 feet a distance of 169.07 feet; thence in a direct line to the right of way corner designated as B1; thence along the line of said Parcel 44 to the right of way corner designated as B2; thence along the line of said Parcel 44 to the right of way corner designated as B3; thence along the line of said Parcel 44 to the right of way corner designated as B4; thence along the line of said Parcel 44 to the right of way corner designated as B5, the point of beginning.



### SURVEYOR'S NOTE:

The right of way represented on this Lake Elmo Easement Vacation Sketch was transferred to the City of Lake Elmo by Quit Claim Deed from the State of Minnesota recorded as Document No. 3975938 in the office of the County Recorder, Washington County Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.

*Timothy J. Freeman*  
Timothy J. Freeman, LS  
Minnesota License No. 16989

1/23/19  
Date

Note: Official Copies of this map are crimp scaled

# MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4285

Date: May 20, 2019

---

To: Ken Roberts, Planner Director  
Cc: Chad Isakson, Assistant City Engineer  
From: Jack Griffin, P.E., City Engineer

Re: Four Corners 2nd Addition Final Plat  
Engineering Review Comments

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An engineering review has been completed for the Four Corners 2nd Addition Final Plat/Plans received on April 26, 2019. The submittal consisted of the following documentation:

- Four Corners 2nd Addition Final Plat, Sheets 1-2, not dated, prepared by Folz Freeman Surveying (FFS).
- Four Corners 2nd Addition Hudson Blvd Realignment & Trunk Utility Extension Plans, dated 04.26.2019, prepared by Larson Engineering.
- Four Corners 2nd Addition Stormwater Management Plan, dated 04.26.2019, prepared by Larson Engineering.
- Four Corners 2nd Addition Right-of-Way Vacation/Jurisdiction Exhibit, dated 01.22.2019, prepared by FFS.
- Four Corners 2nd Addition Lake Elmo Easement Vacation Request, dated 01.23.2019, prepared by FFS.
- Four Corners 2nd Addition MnDOT Right-of-Way Vacation Request, dated 01.23.2019, prepared by FFS.

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**STATUS/FINDINGS:** Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the completion of the final Construction Plans. Please see the following review comments relating to the Final Plat application.

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## FINAL PLAT: FOUR CORNERS 2ND ADDITION

- Lot 1, Block 1, Outlot A, Outlot B and Outlot C ownership has been identified as EN Properties LLC on the Construction Plans. The Final Plat must be contingent upon the Plat being revised to include a drainage and utility easement over all of Outlot C for maintenance of the storm water facilities.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- The proposed improvements cannot be constructed without the dedication of several critical drainage and utility easements being dedicated to the City as shown on the Construction Plans. Final Plat must therefore be contingent upon all drainage and utility easements, as required by the City Engineer and Public Works Director, being dedicated in the City's standard form of agreement, and signed by all parties prior to the release of the Final Plat for recording. Easements include:
  - An off-site roadway and utility easement to be acquired from the adjacent property north of the plat to accommodate the Hudson Boulevard realignment at the intersection with Manning Avenue (CSAH-15).
  - A roadway and utility easement with 80-foot right-of-way to be provided to facilitate a public street connection from the adjacent property to the north to Hudson Boulevard at the first intersection west of Manning Avenue (CSAH 15).
  - A drainage and utility easement for the drainage ditch on the north side of Hudson Boulevard, and for the storm sewer pipe stubs from STMH18 and CB27.
  - An on-site and off-site drainage and utility easement for the existing 100-year HWL ponding.

- Written landowner permission must be submitted as part of the final plat applications for any off-site grading work, easements and storm water discharges to adjacent properties.
- Final Plat must be contingent upon obtaining MnDOT and Washington County permits for completing the improvements as proposed, including the dedication of additional right-of-way along Manning Avenue, if required, sight triangle right-of-way matching existing, and additional intersection improvements at Hudson Boulevard and Manning Avenue (CSAH-15), if required.
- A State and Valley Branch Watershed District (VBWD) permit will be required. The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- The storm water facilities constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual dated March 2017, using City details, plan notes and specifications and meeting City Engineering Design Guidelines.
- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated May 20, 2019.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- No construction for Four Corners 2nd Addition may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.

February 15, 2019

Ken Roberts, Planning Director  
City of Lake Elmo  
3880 Laverne Avenue North  
Lake Elmo, MN 55042

**SUBJECT:** Four Corners Second Edition Preliminary Plat  
MnDOT Review #P19-002  
NW quad of I-94 and CSAH 15 (Manning Ave N)  
City of Lake Elmo, Dakota County

Dear Mr. Roberts:

MnDOT has reviewed the preliminary plat received 1/31/19 for the Four Corners Second Edition project in compliance with Minnesota Statute 505.03, subdivision 2, Plats. Before further development, please address the following:

### ***Design***

The preliminary plat shows the relocation of the frontage road (Hudson Blvd) and its intersection with CSAH 15 (Manning Ave N) within the MnDOT right-of-way, which extends several hundred feet north of I-94 along Manning Ave. Roadway configuration changes of this magnitude require a Level 2 layout, as noted in MnDOT's review of the EAW for the Manning Avenue Corridor Management and Safety Improvement Project (see MnDOT comment letter of 12/21/2016 attached).

MnDOT layout design guidance and layout requirements are provided at: <http://www.dot.state.mn.us/design/geometric/index.html>. Please direct questions regarding roadway design to Jeff Rones of MnDOT's Metro District Design Section at 651-234-7647 or [Jeff.Rones@state.mn.us](mailto:Jeff.Rones@state.mn.us).

### ***Traffic***

MnDOT strongly recommends that the city require a traffic impact study (TIS) to be performed, as the traffic volumes associated with the proposed development and uses are significant (likely exceeding 15,000 AADT) and meet MnDOT warrants for a TIS (2,500 or more new daily vehicle trips). See Chapter 5 of MnDOT's Access Management Manual for TIS guidance: [www.dot.state.mn.us/accessmanagement/docs/pdf/manualchapters/chapter5.pdf](http://www.dot.state.mn.us/accessmanagement/docs/pdf/manualchapters/chapter5.pdf).

Please direct questions regarding traffic to Kaare Festvog of MnDOT's Metro District Traffic Engineering Section at 651-234-7814 or [Kaare.Festvog@state.mn.us](mailto:Kaare.Festvog@state.mn.us).

### ***Right-of-Way***

The 60' drainage way shown on the future Lot 1 labeled "PARCEL No. 44 (TO BE VACATED BY MN DOT)" is currently owned in fee by MnDOT. Therefore, MnDOT will need to convey fee ownership of the parcel to the owner. Please contact Jennifer Matti in MnDOT's Metro District Surveys Section at 651-234-3474 or [Jennie.Bailey@state.mn.us](mailto:Jennie.Bailey@state.mn.us) regarding acquisition of the drainage way.

Please direct questions regarding right-of-way to Michael Lynch of MnDOT's Metro District Right of Way Section at 651-234-7558 or [Mike.Lynch@state.mn.us](mailto:Mike.Lynch@state.mn.us).

### ***Drainage***

A MnDOT drainage permit will be required to ensure that current drainage rates to MnDOT right-of-way will not be increased. MnDOT's Drainage Permits Checklist is attached. The drainage permit application is available online at: <https://dotapp7.dot.state.mn.us/OLPA> and requires the following information:

1. A grading plan showing existing and proposed contours.
2. Drainage area maps for the proposed project showing existing and proposed drainage areas. Any off-site areas that drain to the project area should also be included in the drainage area maps. The direction of flow for each drainage area must be indicated by arrows.
3. Drainage computations for pre- and post-construction conditions during the 2-, 10-, 50- and 100-year rain events.
4. Time of concentration calculations.
5. An electronic copy of any computer modeling used for the drainage computations.
6. See also the attached Drainage Permits Checklist for more information.

The application should be submitted to:

MnDOT – Metropolitan District Permit Office  
1500 West County Road B-2  
Roseville, MN 55113

MnDOT will perform a thorough review of the application and request any additional information that may be needed. For questions, please contact Bryce Fossand of MnDOT's Metro District Water Resources Section at 651-234-7529 or [Bryce.Fossand@state.mn.us](mailto:Bryce.Fossand@state.mn.us).

### ***Permits/No Impacts to Interstate Highway***

In addition to the drainage permit, any other work affecting or impacting MnDOT right of way on Manning Ave N will require a permit. No work within or impacts to the I-94 right-of-way will be allowed. Permit forms are available from MnDOT's utility website: <http://www.dot.state.mn.us/utility/forms.html>. Please include one 11"x17" plan set and one full size plan set with each permit application.

Please direct questions regarding these requirements to Buck Craig of MnDOT's Metro District Permits Section at 651-234-7911 or [Buck.Craig@state.mn.us](mailto:Buck.Craig@state.mn.us).

### ***Review Submittal Options***

MnDOT's goal is to review proposed development plans and documents within 30 days of receipt. Electronic file submittals are typically processed more rapidly. There are four submittal options:

1. Email documents and plans in .pdf format to [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us). Attachments may not exceed 20 megabytes per email. If multiple emails are necessary, number each message.
2. Upload .pdf file(s) to MnDOT's external shared internet workspace site at: <https://mft.dot.state.mn.us>. Contact MnDOT Planning development review staff at [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us) for access instructions and send an email listing the file name(s) after the documents have been uploaded.



**Public Works Department**

**Donald J. Theisen, P.E.**  
Director

**Wayne H. Sandberg, P.E.**  
Deputy Director/County Engineer

February 22, 2019

Ken Roberts  
Community Development Director  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, MN 55042

**RE: Washington County comments on Four Corners Second Addition Plat**

Dear Ken,

Thank you for providing Washington County with the Four Corners Second Addition, Proposed Concept Plat in the City of Lake Elmo. The plat consists of an express park-and-ride lot and outlots for future development. The property is located on the northwest corner of Interstate 94 (I-94) and County State Aid Highway (CSAH) 15/Manning Avenue. Our comments are as follows:

- The realigned access location of Hudson Boulevard, which aligns with the access road to the Holiday Gas station in West Lakeland Township at 2<sup>nd</sup> St N and CSAH 15, is acceptable to the County as shown. A new southbound right-turn lane and northbound left-turn lane will need to be constructed as part of the Hudson Boulevard realignment, along with removal of the in-place turn lanes and median opening at Hudson Blvd. Plans for those improvements will need to be prepared and approved by the county engineer via the county's permit process or a cooperative construction agreement.
- As this area continues to attract development the city may want to consider conducting an area traffic study to determine if the new intersection will meet warrants for a traffic signal. When traffic signal is warranted, the City of Lake Elmo will have a 25% cost share.
- A bicycle and pedestrian trail on the south side of Hudson Blvd is needed to connect these facilities to CSAH 15, and the trail to the east of CSAH 15. This trail parallels I-94, and is programmed in 2020 for improvements to connect to 2<sup>nd</sup> St. This connection is critical for cyclists and pedestrians to conveniently access the park-and-ride from the east side of CSAH 15. As shown in the plat, the lack of such a connection on the south side forces trail users from the east to cross to the north side of 2<sup>nd</sup> St, then CSAH 15, and finally cross again to the south side of Hudson Blvd at the park-and-ride entrance.
- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.

February 22, 2019  
Four Corners Addition  
Page 2 of 2

- Access control should be dedicated to Washington County along the CSAH 15 frontage, except for the opening corresponding to Hudson Boulevard North.
- A Right-of-Way Permit will be required for any work in the CSAH 15 right-of-way as it relates to the development.
- All utility connections for the development require Washington County Right-of-Way Permits. Typically, these are the responsibility of the utility companies.

Thank you for the opportunity to comment on this preliminary plat. If you have any questions, please contact me at 651-430-4316 or [jan.lucke@co.washington.mn.us](mailto:jan.lucke@co.washington.mn.us). For permit applications, please contact Carol Hanson at [Carol.hanson@co.washington.mn.us](mailto:Carol.hanson@co.washington.mn.us).

Regards,

A handwritten signature in black ink that reads "Jan Lucke". The signature is written in a cursive style with a large, looping initial "J".

Jan Lucke  
Public Works Planning Director

C: Carol Hanson, Office Specialist

3. Mail, courier, or hand deliver documents and plans in .pdf format on a CD-ROM compact disc to:  
MnDOT – Metro District Planning Section  
Development Reviews Coordinator  
1500 West County Road B-2  
Roseville, MN 55113
4. Submit printed documents via U.S. Mail, courier, or hand delivery to the address above.  
Include one set of full size plans.

You are welcome to contact me with questions at 651-234-7795.

Sincerely,

David Elvin, AICP  
Senior Planner

**Copy via E-Mail:**

Adam Josephson, Area Engineer  
Ryan Coddington, Engineering  
Jeff Rones, Design  
Mike Lynch, Right of Way  
Jennifer Matti, Surveys  
Buck Craig, Permits  
Bryce Fossand, Water Resources  
Kaare Festvog, Traffic Engineering  
Carl Jensen, Transit Advantages  
Mike Nelson, Surveys  
Cameron Muhic, Multi-Modal  
Russell Owen, Metropolitan Council  
Michael Welling, Washington County Survey Division



## STAFF REPORT

DATE: 5/29/19

ITEM #: 5A

**TO:** Planning Commission

**FROM:** Ken Roberts, Planning Director

**ITEM:** **Zoning Ordinance Amendment – Minimum Lot Sizes – Multi-Family Housing**

**REVIEWED BY:** Ben Prchal, City Planner

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### **BACKGROUND:**

During the City's review of the proposed Bentley Village Townhouse development, staff became aware of a problem in the Zoning code. This involves the listed minimum lot size standards in the zoning code for single-family attached (townhouses) and multi-family housing in Lake Elmo. Staff is now proposing amendments to the text of the zoning code to correct this problem.

On March 25, 2019, the Planning Commission conducted a public hearing about the proposed code amendment. They recommended approval of the code change as prepared by City staff.

### **ISSUE BEFORE PLANNING COMMISSION:**

The Planning Commission is being asked to review the additional information in this staff report, reconsider the proposed zoning ordinance amendment and make a recommendation to the City Council about the proposed ordinance amendment. This amendment would delete the sections of the Zoning Code that now list a minimum lot size for single-family attached and multi-family dwellings and replace those with a reference to the density standards in the Comprehensive Plan.

### **PROPOSAL DETAILS/ANALYSIS:**

There are several sections of the Zoning Code that have standards for the minimum lot size (per unit) for single-family attached and multi-family housing. These include the MDR (medium density), HDR (high density), VMX (village mixed use), MU-C (mixed use commercial) and MU-BP (mixed use business park). The difficulty with having a minimum lot size per unit in these types of developments is that townhouses, when several are attached to form one building, typically are each on lots of 1,500 – 1,800 square feet. The City Code now requires between 1,800 -4,000 square feet per unit. The minimum lot sizes per unit do not account for overall project density as public streets, setbacks and required open space are all design factors that a project designer most account for when laying out a development with single-family attached or multi-family attached housing.

The City's Comprehensive Plan sets density standards for all residential land uses. These range from 2.5-4.0 units per acre for low-density residential development, 4.01 – 8 units per acre in the areas planned medium density residential (MDR) to 10-15 units per acre in the mixed use commercial (MU-C) land use area. It is important for the City to have future residential developments meet these density standards as these were the standards the City used when preparing the 2040 Comprehensive Plan for approval by the Metropolitan Council. In addition, the City has based the long-term design needs of the City's Sanitary Sewer and Water systems on the land use designations and housing densities set in the Comprehensive Plan.

The overall project density is the most important factor that the City should consider when reviewing a single-family attached or a multi-family housing development. The total number of units in any one site or development (and thus the total number of expected residents in an area), determines the need for public services such as emergency services, street maintenance and public utility services. Having a minimum lot size per unit in these areas limits and lowers the overall project density when a project needs to meet all the other City-required design standards.

#### **ADDITIONAL INFORMATION:**

Since, the Planning Commission meeting on March 25, staff has done further research of codes and ordinances of other area cities about minimum lot sizes for multiple family housing. Staff found that many cities do not have a minimum lot size for this type of housing. These cities rely on the density standards set by their Comprehensive Plans or they list a maximum density (in dwelling units per acre) in their zoning code to determine maximum project density. These cities include Maplewood, Cottage Grove, Roseville and Ramsey.

Other cities do list a minimum lot size per units similar to what Lake Elmo now has in the zoning code. These include Stillwater, Oakdale, Woodbury and Mounds View. They clarify, however, that their minimum lot size is the minimum lot area required per dwelling unit (averaged over the entire development site – not just the land area under each unit). For example, in Lake Elmo, in the HDR District with the listed minimum lot area for multi-family dwelling unit of 1,800 square feet per unit, a 10 acre site could have up to 242 units (10 acres times 43,560 square feet divided by 1,800 = 242 units) if the City calculated density using this method. This is a significantly larger number than the 150 units that would be allowed by the Comprehensive Plan standard at 15 units maximum per acre to calculate density. If the City set a minimum lot size in the HDR of 2,900 square feet, that would meet the maximum allowed density of 15 units per acre as set in the Comprehensive Plan. (10 acres times 43,560 square feet divided by 2,900 square feet equals 150.2 maximum total units or 15.1 units per acre.)

For another example, in Mounds View, they require at 6,500 square feet of lot area per dwelling unit for townhouses and at least 2,500 square feet of lot area for multiple-family dwelling unit. For a 10 acre site in Mounds View, the maximum number of multiple-family units would be 174 units (10 acres times 43,560 square feet divided by 2,500 = 174 units).

Woodbury requires an average of at least 4,500 square feet of lot area per townhouse unit, 2,925 square feet per 1 bedroom unit and at least 3,600 square feet of lot area per 2 bedroom unit. Stillwater requires at least 2,800 square feet of lot area per unit in their medium density zoning district and at least 1,500 square feet of lot per unit in their high density residential zoning district.

**OPTIONS:**

To remedy this problem, staff is proposing a Zoning Code text amendment that drops the minimum lot size per unit for single-family attached and multi-family dwelling developments from the Zoning Code. Instead, staff is proposing to have a note in the Zoning Code for these types of developments that states the density shall not exceed the maximum density allowed by the land use classification in the City's adopted Comprehensive Plan. This change will insure that minimum lot sizes do not overly restrict the number of units and it gives clear direction that the City intends to have new development meet the density standards in the Comprehensive Plan.

Another option would be to add language to the existing zoning code that clarifies that the listed minimum lot sizes are "the minimum lot area per dwelling unit (in square feet) averaged over the total project area." (An example of this is on page 3 of the draft ordinance).

**RECOMMENDATION:**

Staff recommends that the Planning Commission review the additional information in this report about minimum lot sizes for townhouses and multiple family residential housing. After this additional review, staff is requesting the Planning Commission direct staff as to what if any changes they want to make to the proposed ordinance amendment or to their recommendation from March 25 of this year about the proposed ordinance amendment. This amendment drops the minimum lot sizes for single-family attached and multi-family dwelling developments from the zoning ordinance and replaces those standards with references to the allowed densities in the Comprehensive Plan.

The following is the motion from the March 25 meeting:

***“Move to recommend approval of an ordinance amendment to Table 10-2 of Section 154.452; Lot Dimensions and Setback Requirements, Residential Districts, to Table 11-2 of Section 154.502: Lot Dimensions and Building Bulk Requirements; and to Table 14-2, Lot Dimensions and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts by deleting the minimum lot size standards for single-family attached dwellings and for multifamily dwellings on each table and adding a reference to each table to the residential density standards in the Comprehensive Plan.”***

**ATTACHMENTS:**

1. Proposed Ord. No. 08-XXX – Amending the Zoning Code

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

**ORDINANCE NO. 08-XXX**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
REMOVING THE MINIMUM LOT SIZE STANDARDS FOR CERTAIN SINGLE-  
FAMILY ATTACHED AND MULTI-FAMILY HOUSING**

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.452 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with strikethrough):

**§ 154.452 LOT DEMENSIONS AND BUILDING BULK REQUIREMENTS.**

Lot area and setback requirements shall be as specified in Table 10-2: Lot Dimension and Setback Requirements.

**Table 10-2: Lot Dimension and Setback Requirements, Residential Districts**

	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>
<b>Minimum Lot Area (sq. ft.)</b>			
Single family detached dwelling	8,000	7,000	5,000
Two-family dwelling (per unit) <sup>a</sup>	5,000	4,000	3,000
Single-family attached (per unit) <sup>b</sup>	-	<del>4,000</del> <u>See note i.</u>	<del>2,500</del> <u>See note i.</u>
Multi-family dwelling (per unit)	-	<del>4,000</del> <u>See note i.</u>	<del>1,800</del> <u>See note i.</u>
Secondary dwelling		See 154.454(c)	See 154.454 (c)
Live-work unit	-	-	3,600
Congregate housing	-	See 154.301(c)	See 154.301(c)
Manufactured home park	-	See 151.035-151.150	See 151.035-151.150-

<b>Minimum Lot Width (feet)</b>			
Single family detached dwelling	60	50	50
Two-family dwelling (per unit) <sup>a</sup>	35	30	20
Single-family attached (per unit) <sup>b</sup>	-	25	20
Multi-family dwelling (per building)	-	75	60
Live-work unit	-	-	25
<b>Maximum Height (feet)</b>	35	35	50
<b>Maximum Impervious Coverage</b>	40%	50%	75%
<b>Minimum Building Setbacks (feet)</b>			
Front yard	25 <sup>c</sup>	25 <sup>c</sup>	20 <sup>c</sup>
Interior side yard <sup>e</sup>			
Principal Buildings <sup>f,g</sup>	10	10	10 <sup>d</sup>
	<b>LDR</b>	<b>MDR</b>	<b>HDR</b>
<b>Minimum Building Setbacks (feet)</b>			
Interior side yard			
Attached Garage or Accessory Structures <sup>f,g</sup>	5	5	10 <sup>d</sup>
Corner side yard <sup>g,h</sup>	15	15	15
Rear yard	20	20	20

Notes to Urban Residential Districts Table

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. 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.

- c. 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.
- d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. Corner properties: The side 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 yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- i. The total number of housing units or residential density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City’s Comprehensive Plan. (Or use the following language: The listed minimum lot size is the minimum land area required per dwelling unit (averaged over the entire development site – not just the land area under each unit)).

**SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.502 is hereby amended by changing the following sections** (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

**§ 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 District**

	VMX
<b>Minimum Lot Area (sq. ft.)<sup>a</sup></b>	
Non-Residential Use	None
Single Family Detached Dwelling	5,000
Two-Family Dwelling (per unit) <sup>b</sup>	3,000
Single-Family Attached (per unit) <sup>c</sup>	<del>2,500</del> See notes a and h.
Multi-Family Dwelling (per unit)	<del>1,800</del> See notes a and h.
Secondary Dwelling	See 154.454.C
Live-Work Unit	3,000
Congregate Housing	See 154.454(c)
Other Structures	3,500
<b>Maximum Lot Area (acres)</b>	
Residential Structures	N/A
Other Structures	5
<b>Minimum Lot Width (feet)</b>	
Single Family Detached Dwelling	50
Two-Family Dwelling (per unit) <sup>b</sup>	30
Single-Family Attached (per unit) <sup>c</sup>	25
Multi-Family Dwelling (per building)	75
Live-Work Unit	25
<b>Maximum Height (feet/stories)</b>	35/3 <sup>d</sup>
	VMX
<b>Maximum Impervious Coverage</b>	
Residential Structures	75%
Other Structures	No Limit
<b>Minimum Building Setbacks (feet)</b>	
Front Yard <sup>e</sup>	See 154.452, 154.505 (A)(6) or 154.505(A)(7)

Interior Side Yard <sup>f</sup>	10
Corner Side Yard <sup>g</sup>	0
Rear Yard	10

Notes to VMX District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the Village Mixed Use land use category.
- b. 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.
- c. 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.
- d. Buildings up to 45 feet in height may be permitted as part of a PUD.
- e. The front yard setback for single family homes shall be 25 feet.
- f. 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.
- g. 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 yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be shown in the table.
- h. The total number of housing units or residential density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City’s Comprehensive Plan.

**SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.511 is hereby amended by changing the following sections** (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

**§ 154.511 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.**

Lot area and setback requirements shall be as specified in Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

**Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.**

	<i>MU-C</i>	<i>MU-BP</i>
<b>Minimum Lot Area (sq. ft.)<sup>a,c</sup></b>		
Single-family detached dwelling	4,000	5,000
Two-family dwelling (per unit)	3,000	4,000
Single-family attached dwelling (per unit) <sup>b</sup>	<del>3,000</del> — <u>See note 1.</u>	<del>4,000</del> <u>See note 1.</u>
Multifamily dwelling (per unit)	<del>1,500</del> <u>See note 1.</u>	<del>2,200</del> — <u>See note 1.</u>
Secondary dwelling	See Section 154.454 (C)	
Live-work unit	3,000	3,000
Non-residential uses	20,000	85,000
<b>Minimum Lot Width (feet)</b>		
Single-family detached dwelling	50	50
Two-family dwelling (per unit)	20	20
Single-family attached dwelling (per unit) <sup>b</sup>	20	20
Multifamily dwelling (per building)	60	60
Live-work unit	25	25
Non-residential uses	100	200
<b>Maximum Height (feet)<sup>i</sup></b>	50	50
<b>Maximum impervious coverage (non-shoreland areas)</b>	75%	75%
<b>Building setback requirements (feet)</b>		
<i>Residential uses</i>		
Front yard <sup>d</sup>	20	20
Interior side yard <sup>f</sup>		

Principal Buildings	<u>7</u>	<u>7</u>
Attached Garage or Accessory Structures <sup>e,f</sup>	<u>5</u>	<u>5</u>
Corner side yard <sup>g</sup>	<u>10</u>	<u>10</u>
Rear yard	20	20
<b><i>Non-residential uses</i></b>		
Front yard <sup>d</sup>	30	50
Interior side yard <sup>j</sup>	10	30
Corner side yard <sup>g</sup>	25	30
Rear yard	30	30
From Residential zones	50	150
<b>Parking setback requirements (feet)</b>		
Front yard	15	30
Interior side yard	10	15
Corner side yard	15	30
Rear yard	10	15
From Residential zones	35	50

Notes to Mixed Use Commercial and Mixed Use Business Park Districts Table

- a. Common open space areas may be used in determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. 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.
- c. 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 also is used for multifamily dwellings.
- d. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.

- e. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- f. Side yard setbacks shall apply to the ends of attached or two-family dwellings.
- g. Corner properties: The side 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 yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Attached garages and accessory structures on parcels on which single family homes are located may have a side yard setback of 5 feet.
- i. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- j. All accessory buildings for non-residential uses must be set back at least 10 feet from property lines.
- k. Ground mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section 154.308 (B).
- l. The total number of housing units or residential density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City's Comprehensive Plan.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 5. Adoption Date.** This Ordinance 08-XXX was adopted on this \_\_\_\_\_ day of April, 2019, by a vote of \_\_ Ayes and \_\_Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-XXX was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.



**STAFF REPORT**

DATE: May 29, 2019

**REGULAR**

ITEM #: 5B

**MOTION**

**TO:** Planning Commission  
**FROM:** Ken Roberts – Planning Director  
**AGENDA ITEM:** Zoning Text Amendment(s) – Commercial Kennels - Rural Zoning Districts  
**REVIEWED BY:** Ben Prchal – City Planner

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**BACKGROUND:**

The City of Lake Elmo has received a request to add commercial kennels as a possible land use in the RT (rural transitional district) and RR (rural residential) zoning districts.

On December 15, 2015, the City Council approved a Zoning Ordinance amendment that removed commercial kennels as a conditional use from the RT and RR zoning districts. Staff is not aware of why the City Council made this change to City Code.

**REVIEW AND ANALYSIS:**

To add commercial kennels back into the zoning code as a possible land use, the City would need to amend Section 154.401, Table 9-1, (below) to add commercial kennels as a conditional use.

**Existing Zoning Code**

**§ 154.401 PERMITTED, CONDITIONAL, AND INTERIM USES.**

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. “P” indicates a permitted use, “C” a conditional use, and “I” an interim 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.* Principal and accessory uses may be combined on a single parcel.

**Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts**

	RT	A	RR	RS	RE	Standard
<b>Residential Uses</b>						
<b>Household Living</b>						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
<b>Services</b>						
Self Service Storage Facility	I <sup>a</sup>	I <sup>a</sup>	-	-	-	154.404 (G)

**Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts**

	RT	A	RR	RS	RE	Standard
<b>Outdoor Recreation</b>						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
<b>Agricultural and Related Uses</b>						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
<b>Industrial and Extractive Uses</b>						
Motor Freight and Warehousing	I <sup>a</sup>	-	-	-	-	154.404 (G)
<b>Alternative Energy</b>						
Solar Farm	I	C	C	-	-	154.308 (A)
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
<b>Accessory Uses</b>						
Bed and Breakfast	P	P	P	P	P	154.310 (A)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.310 (E)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
Solar Energy Systems	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
<b>Open Space Preservation Development</b>						
OP Development	-	C	C	-	-	Article 16

Section 154.404 I (Site Design and Development Standards) of the Code states:

**Commercial Kennel, Commercial Stable or Accessory Kennel or Stable, RT, A, RR Districts.** The facility shall occupy a site at least ten (10) acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required.

This existing Code language could serve as a good starting point for performance standards in the Code for commercial kennels. The Planning Commission may wish to clarify this language or add more performance standards for **all** kennels to help ensure they would not be a nuisance to nearby property owners. As I noted above, as a CUP, the City would review each commercial kennel request on a case by case basis and could set applicable conditions of approval for each site.

Commercial kennels would best fit in the RT, A and RR zoning districts (and not in the smaller lot or urban-style zoning districts). As a conditional use, a person or property owner would need to apply for and receive a conditional use permit from the City in order to operate a commercial kennel. Such a review process gives the City, the neighbors, the Planning Commission and the City Council a chance to review each request on an individual basis and to set conditions for each request on a case by case basis.

Examples of the possible types of conditions for commercial kennels could include those about hours of operation, the maximum number of animals to be kept on a property, the size and location of buildings, exercise runs and play areas on a property, the use of fencing and/or screening around the site. Other possible topics/issues related to commercial kennels include:

- a. *Boarding – Daily stay (Not overnight) and Long term stay (defined as being overnight)*
- b. *Grooming – Grooming services (baths, clipping, etc.) that do not extend into veterinary service.*
- c. *Obedience training - Standard training and socializing of dogs.*

The City also would need to add the definition of a commercial kennel to Section 154.012(B) (13) of the Code. A possible definition would be:

**Commercial Kennel.** The boarding, breeding, raising, grooming or training of two or more dogs, cats or other household pets of any age not owned by the owner or occupant of the premises, regardless if for commercial gain or not.

### **FISCAL IMPACT:**

Staff does not foresee a fiscal impact with this possible code change. The City charges an application fee for every conditional use permit application.

### **COMMENTS AND RECOMMENDATION**

City staff is looking for direction from the Planning Commission about having commercial kennels in the RT, A and the RR zoning districts and if so, with what type of performance standards. If the Commission is supportive of this idea, then staff would prepare a Zoning Code Amendment and schedule a public hearing to add commercial kennels to the RT, A and RR zoning districts as a conditional use.

### **ATTACHMENTS**



**STAFF REPORT**

DATE: May 29, 2019

**REGULAR**

ITEM #: 5C

**MOTION**

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Boat and Trailer Parking Regulations in the Rural Residential Zoning District  
**REVIEWED BY:** Ken Roberts, Planning Director

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**BACKGROUND:**

City Staff is starting the research process of addressing trailer/recreational vehicle storage on residential properties, as directed by the Planning Commission work plan. Staff has been dealing with code enforcement regarding boat/trailer storage on a regular basis.

**REVIEW AND ANALYSIS:**

The City had discussed whether or not recreational vehicles should be allowed within the front yard or on approved parking pads, meaning driveways. The amendments that were proposed in 2011 would have allowed recreational vehicles in such a location. The following information outlines the current City Code that Staff is working with as well as some examples from other communities. Please understand that Staff has summarized the code used as examples from other communities, the full section(s) has been included as an attachment.

**Lake Elmo:**

Unfortunately there are two sections of code that Staff and the residents have to work with when it comes to screening, Section 150.001 and 154.407. Staff believes there was good intent when it was created but now the sections are so similar and seem to compete with each other which makes it difficult for Staff and Residents. Section 154.407 specifically outlines the screening requirements for the rural districts where sections 150.001 is more generic and does not specify its application. There are specific screening requirements for the urban residential district as well (154.455 H). Staff speculates that 150.001 was put into place to encompass all of the districts but as the code continued to developed it was “forgotten” as new language was added into the zoning code. The catch to all of this is that Staff must follow the more restrictive version of the Code. For trailers that is section 150.001. As of now Staff doesn’t necessarily interpret section 154.407 as prohibiting boat or trailer parking on the driveway.

**§ 154.407 ACCESSORY USES.**

*A. Exterior Storage in Residential Districts.* 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:

1. Laundry drying
2. 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.
3. Agricultural equipment and materials, if they are used or intended for use on the premises.
4. Off-street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section 154.102. (This reference does not make sense, it should be 210)
5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.
6. Outdoor parking

**§ 150.001 PROHIBITED WITHOUT SCREENING.**

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

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

As you can see the sections are somewhat similar but deliver a different expectation for where trailers can be stored. Section 150.001 states storage is fine without screening as long as it is in the rear yard, 10 ft. from the property line, and less than 25 ft. The City does not have a definition for what does and does not constitute “accessory equipment.” Perhaps the Code was left open but Staff is not convinced at this time that boats and trailers would not fall under the umbrella of accessory equipment. With that being said it would seem reasonable to place a limit on the number of equipment that should be allowed. As you can see in the Planning Commission minutes from 2011 they discussed allowing a limited number of trailers, you will see that other communities also place limits.

**Other Communities:**

**Mounds View:**

- Parking in Yards: No person shall allow any motor vehicle or trailer to be parked in any yard adjacent to a public street, except in a designated off-street parking space.
- Parking in Boulevards: No person shall allow any motor vehicle or trailer to be parked upon the boulevard of a public roadway.
- Recreational Vehicles and Equipment<sup>1</sup>: No person shall allow any recreational vehicle or equipment to be parked off-street closer than fifteen feet (15’) to the paved surfaces of a public roadway.

**City of Orono:**

The City of Orono has created a categories for certain trailers. Staff is focusing in on boats/boat trailers and utility trailers. The R District seems to represent their residential districts.

- Non-boat trailers can be stored for longer than 24 hours as long as they are stored on the side or rear yard and are 5 ft. or more from the lot line.
- All vehicles stored on any property shall be operable and licensed and in the case of boats licensed to the property owner/occupant.
- Lakeshore lots. Boats may be stored in a side yard, street yard, side street yard and lakeshore yard as long as they meet required setbacks and have no significant impact on lake views enjoyed by adjacent neighbors.
- Nonlakeshore lots. Boats maybe stored in a side yard and rear yard; trailerable boats may be stored on trailers in a driveway in a front yard or side street yard.
- Required setbacks. Boats and unoccupied boat trailers shall be stored no less than five feet from any lot line and no less than 15 feet from the principal residence structure on any adjacent lot.

**City of Woodbury:**

Rec. Equipment as defined by Woodbury:

“Recreational equipment. Camping trailers including those which telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, converted buses, converted vans, snowmobiles, boats, trailers, toppers and vans are units designed and used for human living quarters and meeting the following qualifications similar equipment. Camping trailers, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, converted buses and converted:...”

In residential districts recreational equipment up to 24 feet in length may be parked or stored outdoors as follows:

- (a) One piece of recreational equipment per dwelling unit. When recreational equipment is on a trailer, the trailer and piece of recreational equipment shall be considered as one. Measurement does not include tongue of trailer or motor (if applicable).
- (b) On any rear or side lot not within five feet of the lot line on concrete or blacktop.
- (c) In the front lot, not within 15 feet of the curb on concrete or blacktop.
- (d) Recreational equipment may not be parked or stored on a public street.
- (e) Recreational equipment shall be maintained in good condition and currently licensed if applicable.

Staff believes their code coupled with some aspects of the Orono or Forest Lake could provide some solid language for Lake Elmo. At first glance Staff believes that it may be a good idea to limit the number of trailers/equipment per dwelling. The Woodbury code is structured in a way that is almost identical to ours. There are however, changes to make the code fit with th4e goals and ideas of each City.

**Forest Lake:**

The Forest Lake code is very similar to ours as well as Woodbury’s. Section 153.260 has been included as an attachment. But in summary it lists out boats, trailers, and other equipment.

A) All material and equipment related to and located on agricultural and residential property shall be stored within a building or fully screened, as required herein, so as not to be visible from streets, highways, or neighboring property except for the following:

- (4) Motorized or non-motorized recreational vehicles. See § 153.260 for further requirements;
- (3) Off-street parking of licensed and operable passenger automobiles and pickup trucks. See § 153.260 for further requirements;

**FISCAL IMPACT:**

Staff does not foresee a fiscal impact.

**COMMENTS AND RECOMMENDATION**

Staff believes that there is room for improvement in Lake Elmo City Code regarding parking and screening. Staff would be recommending removing section 154.001 from the Code of Ordinances and then add clarifying language into Section 154.407 about parking and storage in the rural residential zoning districts.

- Direct Staff to prepare draft code amendments to section 154.407
- Do not direct Staff to proceed with amendments.

**ATTACHMENTS**

- Minutes from 2011 Planning Commission meeting
- Mounds View Code
- City of Orono Code
- Woodbury Code
- Forest Lake Code

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of September 12, 2011**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 6:38 p.m. COMMISSIONERS PRESENT: Bidon, Fliflet, Hall, Haggard, Obermueller, Van Zandt and Ziertman. Absent: Pelletier and Williams. STAFF PRESENT: Planning Director Klatt and Planner Matzek.

**Business Item - Discussion of Accessory Building and Exterior Storage Ordinance with Exterior Storage Work Group.**

Planning Director Klatt stated that this workshop requires no formal action by the group, but offers a chance for the commission and staff to dialogue regarding potential changes to the applicable ordinances. He said the members of the commission's subcommittee are Chairman Van Zandt and Commissioners Hall, Fliflet and Ziertman. He said it is difficult to enforce the exterior storage ordinance as the rule is consistently broken throughout the City and in some cases does not make sense. For example a small camper or ATV technically needs to be against the rear property line where nothing is allowed to be built. Instead, people typically keep those items next to the garage or in the front yard. Planning Director Klatt suggested having a public hearing or town hall meeting as this ordinance impacts many residents.

Chairman Van Zandt said lakeshore lots have their own storage challenges like having odd configurations, being heavily wooded or having steep slopes.

Commissioner Haggard asked if new buildings in the Village Area or the future sewer areas along I-94 would have more restrictive covenants.

Planning Director Klatt said our current regulations do not decipher between lot sizes, so the exterior storage location is the same for a ten acre lot as it is for a 1/5 acre lot.

Commissioner Ziertman suggested having seasonal allowances as snowmobile trailers are not typically able to be stored along rear property lines because of large snow volumes. She agreed there should be different requirements based on zoning districts.

Chairman Van Zandt suggested that screening be a consideration in storage location.

Commissioner Fliflet suggested looking at existing neighborhood association language as an example.

Planner Matzek pointed out that there is a variety of lot sizes within a zoning district.

Commissioner Obermueller suggested that some people avoid associations when buying a home as they do not want the additional restrictions.

Planning Director Klatt asked the group what is it the code should accomplish – is it to protect views, combat health and safety hazards or to protect neighboring property values.

Commissioner Fliflet said the City should adopt a strict code and hold itself to a higher standard. She said she doesn't believe anyone has a right to do something that adversely affects their neighbor. She suggested the City allow a resident to drop something off for free instead of charging them.

Chairman Van Zandt thought the side yard might be okay for storage.

Commissioner Hall said he is in favor of allowing exceptions by permit in unique situations.

Commissioner Ziertman said lakeshore lots should be separated as they are often small, but have boats.

Commissioner Haggard suggested limiting the number of trailers and boats allowed.

Planning Director Klatt said Section 154.001 lists what items do not need to be screened. He asked the commission if that list was still okay in all districts.

Commissioner Ziertman pointed out that it says “prohibited without screening” but should say “allowed without screening.”

Commissioner Fliflet said she thinks people could park items if they were covered, but feels differently about larger items like RVs and large boats. She thinks the number of items stored outside should be regulated and should vary depending on lot size.

Commissioner Ziertman suggested putting the 25 foot limit back into the code and thinks there should be a limited number of items stored outside.

Planning Director Klatt asked where in the yard the items should be allowed to be stored.

Commissioners Hall and Haggard stated they were in favor of allowing storage in the side yard.

Commissioner Ziertman said she would like to see the setback to be 10 feet, from the 5 suggested.

Commissioner Ziertman said for larger lots, the side yard may not be the best location. She suggested that if an item is being stored 300 feet from a property line, it should not have to also be screened.

Commissioner Fliflet said if the item is being stored near an accessory building or home that would be okay. She suggested “recreational vehicles defined” should read

“recreational vehicles and accessory equipment defined.” She suggested changing “storage location surfaces” to “storage and accessory equipment location surfaces.”

Commissioners Fliflet and Ziertman thought it was too restrictive to say an item must be on a surface free from weeds or other vegetative growth.

Planning Director Klatt said if something is stored in one place it will kill the grass underneath and may increase runoff.

Commissioner Ziertman suggested adding “free from weeds” and eliminate “vegetative growth.” She suggested identifying the area must be “free from tall grass and weeds.”

Commissioner Haggard asked if at the bottom of page four, the 20 foot reference should be changed to 25 to be consistent.

Commissioner Fliflet suggested on page five, that residents should have 48 hours instead of 24 hours for the storage of a recreational vehicle for loading and unloading purposes.

Planning Director Klatt said he would like to bring this back to the work group again and not the entire commission just yet.

**Adjournment**

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Kelli Matzek  
Planner

**TITLE 800**

**MOTOR VEHICLES AND TRAFFIC**

Subject	Chapter
General Traffic Regulations.....	801
Parking Regulations .....	802
Snowmobiles.....	803

## CHAPTER 801

**GENERAL TRAFFIC REGULATIONS**

## SECTION:

- 801.01: Adoption Of Statutes
- 801.02: Unreasonable Acceleration
- 801.03: Vehicle Load Limit Restrictions
- 801.04: Unlawful Deposits On Public Ways
- 801.05: Violation Of Provisions

801.01: **ADOPTION OF STATUTES:** The regulatory provisions of Minnesota Statutes, chapters 168, 169 and 171, as amended from time to time, including amendments enacted by the Minnesota legislature at its regular and special sessions, as regulatory ordinances relative to the use of highways, streets and alleys and of motor vehicles and drivers and all other vehicles within Mounds View, are hereby incorporated in and made a part of this Code as completely as if set out herein in full. A copy of said provisions is on file in the office of the City Administrator for public use and inspection. (1988 Code §80.01; 1993 Code) (Amended, Ord. 844, 5-20-10)

**801.02: UNREASONABLE ACCELERATION:**

- Subd. 1. Definitions: When used in this Section, the following words and phrases shall have the meanings ascribed to them in this subdivision:
- a. **MOTOR VEHICLE:** Any vehicle propelled by an engine and authorized to be driven on a public highway.
  - b. **UNREASONABLE ACCELERATION:** To cause squealing or screeching sounds by the tires, and/or fishtailing of the motor vehicle or the throwing of sand or gravel by the tires of said vehicle or both.
- Subd. 2. Unreasonable Acceleration Prohibited: “Unreasonable acceleration” of any motor vehicle on any public highway or private property within Mounds View, as defined herein, is hereby declared to be a public nuisance and is prohibited.
- Subd. 3. Evidence Of Violation: It shall be prima facie evidence of a violation of this Section if a motor vehicle shall be observed accelerating in such a manner as to cause squealing or screeching sounds by the vehicle’s tires, fishtailing of the vehicle or the throwing of sand and gravel or other material by the tires of said vehicle, or any combination of the herein described actions. (1988 Code §§80.02)

**801.03: VEHICLE LOAD LIMIT RESTRICTIONS:**

- Subd. 1. Seasonal Load Restrictions: Pursuant to Minnesota Statutes, sections 169.80 through 169.88, the Director of Public Works shall establish appropriate seasonal load restrictions for Municipal streets and shall cause notice of such restrictions to be posted as required. Such restrictions shall be for the purpose of minimizing damage to Municipal streets during the annual spring thaw.
- Subd. 2. Special Permit Requirements: The Director of Public Works/City Engineer may issue special permits authorizing vehicle loads in excess of established restrictions. Such special permits shall be for good cause, including maintenance of the orderly progress and timely completion of private and public improvement projects, and shall be issued only when such cause does not conflict with the purpose of this Section.
- Subd. 3. Application For Permit; Fee: The operator of each overload vehicle shall make application for such special permit and provide such information as required by the Director of Public Works/City Engineer. A fee as established by resolution of the City Council for each overload trip shall be paid with the application. All fees collected pursuant hereto shall be deposited in the General Fund. (1988 Code §80.03; 1993 Code)

801.04: **UNLAWFUL DEPOSITS ON PUBLIC WAYS:**

Subd. 1. Snow And Ice Accumulations<sup>1</sup>: All snow accumulated from clearing or plowing operations on private property shall be stockpiled on the property from which the snow is cleared or upon other private property for which the property owner has written permission. In clearing snow and/or moving snow, it shall be unlawful to operate in such a manner as to cause any snow to be deposited in the street, on sidewalks, in the boulevard of any street or on private property for which the property owner does not have written permission for storage of snow. Snow cleared from the portion of a driveway or sidewalk in the boulevard of a street may be placed on the boulevard adjacent to the driveway or sidewalk, but may not be moved across the street to other areas without express permission of the property owner receiving the snow.

Subd. 2. Debris: Debris, including but not limited to tree branches, leaves, dirt and other materials, shall be properly disposed for the type of material<sup>2</sup>. It shall be unlawful to place any type of debris into the street right of way or on private property for which the property owner does not have written permission.

Subd. 3. Exemptions: Nothing in this Section shall be deemed to apply to governmental agencies involved in the maintenance of streets and sidewalks or involved in snow or ice control operations. (Ord. 522, 2-8-93)

801.05: **VIOLATION OF PROVISIONS:** Any violations of the provisions of this Chapter or of the statutes adopted by reference herein is a violation of this Code when it occurs within Mounds View. Any person violating any provisions of this Chapter shall be guilty of a misdemeanor or, where authorized, a petty misdemeanor. (1988 Code §80.05)

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<sup>1</sup> See also subdivisions 607.03.3t and 1005.05.2 of this Code

<sup>2</sup> See Sections 603.05 of this Code for disposal of yard waste.

## CHAPTER 802

**PARKING REGULATIONS**

## SECTION:

802.01:	Definitions
802.02:	Public Parking
802.03:	No-Parking Zones
802.04:	Oversize Vehicle Parking
802.05:	Impeding Traffic
802.06:	Parking During Snow Accumulation
802.07:	Off-Street Parking
802.08:	Restricted Hours
802.09:	Parking Vehicles for Sale
802.10:	Vehicle Towing Provisions
802.11:	Violation of Provisions

802.01: **DEFINITIONS:** As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

- Subd. 1. **BOULEVARD:** That portion of any right of way of a public roadway, other than the paved surface of such roadway, which is not designated for use as an off-street parking facility.
- Subd. 2. **DESIGNATED OFF-STREET PARKING:** Any private garage or properly surfaced off-street parking facility as provided under Chapter 1121 of this Code.
- Subd. 3. **DRIVER:** Every person who drives or is in actual physical control of a motor vehicle.
- Subd. 4. **MOTOR VEHICLE:** Any vehicle propelled by motor and engine and commonly used upon the streets and highways.
- Subd. 5. **OWNER:** A person who owns a legal title to a vehicle.
- Subd. 6. **PARK, STAND or STANDING:** The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the receiving or discharging of passengers.

- Subd. 7. **PERSON:** Every natural person, firm, co-partnership, association or corporation.
- Subd. 8. **PUBLIC PARKING AREA:** All areas dedicated for public use and maintained by a political subdivision.
- Subd. 9. **RECREATIONAL EQUIPMENT:** Any trailer, boat, snowmobile or other equipment mounted on a trailer and designed and primarily used for recreational purposes.
- Subd. 10. **RECREATIONAL VEHICLE:** Any motor vehicle designed and primarily used for recreational purposes.
- Subd. 11. **STOP:** Complete cessation from movement.
- Subd. 12. **TRAILER:** Any nonmotorized vehicle designed for carrying property on its own structure and for being drawn by a motor vehicle.
- Subd. 13. **TRUCK:** A motor vehicle with a gross weight classification of “G” (12,001 – 15,000 pounds) or higher, as identified on the license plate and specified in Minnesota Statutes. Ordinary pick-up trucks and passenger vans customary in residential districts with such a weight classification shall not be considered a TRUCK for purposes of this Chapter. (1988 Code §81.01; Ord. 886, 4-28-14)

802.02: **PUBLIC PARKING:** Unless permitted by an authorized parking sign, no person shall park, remain in or leave standing any motor vehicle in or upon any public park, bathing beach or public land, road or highway adjoining public waters. (1988 Code §81.02)

802.03: **NO-PARKING ZONES:** No person shall stop, stand or park a motor vehicle, except as otherwise provided or unless directed to do so by a police officer, on any street or highway where the Municipal Council has established by resolution a “no-parking zone”, and such zone is marked by a sign or a yellow curb. (1988 Code §81.02)

802.04: **OVERSIZE VEHICLE PARKING<sup>1</sup>:** No person shall allow any recreational equipment, recreational vehicle or truck to remain parked on a public street or highway within Mounds View for a period of more than two (2) hours per day. (1988 Code §81.02)

802.05: **IMPEDING TRAFFIC:** No person shall allow a motor vehicle to remain parked on public property when said motor vehicle impedes, impairs or prohibits the free flow of traffic

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<sup>1</sup> See also subdivision 802.07(4) and (5) of this Chapter and subdivision 1110.07(2) of the Code.

or prohibits maintenance or construction equipment from properly conducting their functions. (1988 Code §81.02)

802.06: **PARKING DURING SNOW ACCUMULATION:** No person shall park or permit to be parked any vehicle within any block on any public street when, within the preceding forty eight (48) hours, melting or blowing snow or a combination thereof has accumulated to a depth of three inches (3”) or more at street level anywhere within that block. Provided, however, that parking shall be permitted within any block of any public street where not otherwise prohibited whenever the entire length of the roadway of such block has been cleared of snow from curb to curb or, in the case of streets without curbs, between the outer edges of the shoulders of such streets. Any vehicle parked in violation of this Section may be removed as provided by Section 802.10 of this Chapter. (1988 Code §81.02)

802.07: **OFF-STREET PARKING:**

Subd. 1. Compliance with Zoning Provisions: The location, design and number of off-street parking facilities shall be as specified in Chapter 1121 of this Code.

Subd. 2. Parking in Yards: No person shall allow any motor vehicle or trailer to be parked in any yard adjacent to a public street, except in a designated off-street parking space.

Subd. 3. Parking in Boulevards: No person shall allow any motor vehicle or trailer to be parked upon the boulevard of a public roadway.

Subd. 4. Recreational Vehicles and Equipment<sup>1</sup>: No person shall allow any recreational vehicle or equipment to be parked off-street closer than fifteen feet (15’) to the paved surfaces of a public roadway.

Subd. 5. Trucks<sup>2</sup>: No person shall allow any truck to be parked in any residential district, except as provided in Section 607.06. Subd.4 and Section 802.04. (1988 Code §81.02; Ord. 886, 4-28-14)

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<sup>1</sup> See also Section 801.04 of this Chapter and subdivisions 1110.064(4) and 1110.07(3) of this Code.

<sup>2</sup> See also Section 802.04 of this Chapter

**802.08: RESTRICTED HOURS:**

Subd. 1. Generally, 2:00 A.M. to 6:00 A.M.: No person shall stop, stand or park a motor vehicle or trailer on any street or highway in the City between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M., except as otherwise authorized by this Chapter or unless directed or authorized by a police officer or traffic-control device. The City Council may authorize exceptions from this Section. Any street or highway so excepted must be posted with a sign indicating that parking between two o'clock (2:00) A.M. and six o'clock (6:00) A.M. is allowed. (Ord. 511, 6-22-92)

Subd. 2. Specific Areas, 9:00 P.M. to 2:00 A.M.: No person shall stop, stand or park a motor vehicle on the following sections of City streets between the hours of nine o'clock (9:00) P.M. and two o'clock (2:00) A.M., except as otherwise authorized by this Code or unless directed to do so by a police officer or traffic-control device:

Bronson Drive, north side between Edgewood Drive and Jackson Drive;

Clearview Avenue, between Irondale Road and Edgewood Drive;

Edgewood Drive, between Woodale Drive and County Road H-2 except adjacent to 2400 County Road H-2;

Greenfield Avenue, between Woodale Drive and County Road H-2 except adjacent to 2400 County Road H-2;

O'Connell Drive, between Jeffrey Drive and Greenfield Avenue. (Ord. 540, 6-13-94)

802.09: **PARKING VEHICLES FOR SALE:**

- Subd. 1. Purpose: In order to preserve civic beauty, to insure public health, safety and welfare by preventing congestion and traffic hazards, to prevent unauthorized use and trespass on vacant land and to prevent damage and erosion problems associated with off-road vehicle traffic on unimproved surfaces, the following prohibitions are required.
- Subd. 2. Vehicle Parking for Sale Prohibited: No person shall park, store, display or permit the parking, storage or display of a motor vehicle, as defined in subdivision 802.01(4) of this Chapter for the purpose of sale, consignment, lease, trade or exchange upon:
- a. Any public property including public right of way and easements; or
  - b. Any private property unless the vehicle is parked on an improved hard surface designed and improved for vehicle travel and only if the vehicle is registered to the property owner or occupant of said property and, when applicable, if said owner or occupant has a license issued pursuant to Chapter 510 of this Municipal Code. (1988 Code §81.03)

802.10: **VEHICLE TOWING PROVISIONS:** Police officers are hereby authorized to remove, or cause to be removed, a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department or otherwise maintained by this City under the circumstances hereinafter enumerated:

- Subd. 1. Obstruction of Traffic: When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube, tunnel or underpass where such vehicle constitutes an obstruction to traffic.
- Subd. 2. Disabled Car: When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
- Subd. 3. Unattended, Illegally Parked Vehicles: When any vehicle is left unattended upon a street and is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic or snow plowing.
- Subd. 4. Violation of Provisions: When any vehicle is parked upon a public street in violation of the provisions of this Chapter. (1988 Code §81.02)

**802.11: VIOLATION OF PROVISIONS:**

- Subd. 1. Evidence: The operation or use of a motor vehicle in violation of this Chapter shall be prima facie evidence that said motor vehicle was, at the time of such violation, controlled, operated and used by the owner thereof. (1988 Code §81.01)
- Subd. 2. Misdemeanor: Any person who shall do or commit any act that is forbidden by the provisions of this Chapter shall be guilty of a misdemeanor. (1988 Code §81.04)

## CHAPTER 803

**SNOWMOBILES**

## SECTION:

- 803.01: Adoption of Statutes  
803.02: Restrictions on Operation  
803.03: Hours of Operation  
803.04: Violation of Provisions

803.01: **ADOPTION OF STATUTES:** Any person operating a snowmobile in Mounds View, unless provided otherwise herein, shall be subject to the provisions of sections 84.81 to 84.911, inclusive, Minnesota Statutes, and to the regulations of the Commissioner of Natural Resources, which are incorporated herein by reference. (1988 Code §202.01)

803.02: **RESTRICTIONS ON OPERATION:**

- Subd. 1. No person shall operate a snowmobile in Mounds View, except:
- a. On any privately owned land with the express permission of the property owner.
  - b. In an emergency during the period of time when and at location where the condition of the roadway renders travel by automobile impractical.
  - c. By City maintenance personnel and members of the City Police Department in the performance of their duties.
- Subd. 2. No person shall operate a snowmobile in the City upon the paved portion or boulevard of any trunk highway, County road or Municipal street. (1988 Code §202.02)

803.03

803.04

803.03:     **HOURS OF OPERATION:** No person shall operate a snowmobile in Mounds View between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., prevailing time in Ramsey County, Sunday through Thursday, and from one o'clock (1:00) A.M. to seven o'clock (7:00) A.M. on other days, including the day preceding a national holiday. (1988 Code §202.03)

803.04:     **VIOLATION OF PROVISIONS:** Any person who violates any of the provisions of this Chapter, Minnesota Statutes 84.81 to 84.911 or the Regulations of the Commissioner of Natural Resources shall be guilty of a misdemeanor. (1988 Code §202.04)

## City of Orono

### Sec. 78-1577. - Exterior storage in R districts.

In all R districts, it is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas; including courtyards and the like, of the property and adjacent rights-of-way in a manner that complies with the following requirements. All recreational vehicles, mobile homes, camping trailers, motor homes, pickup coaches, travel trailers, special mobile equipment, and utility trailers shall meet the requirements of this Code. Additionally, all exterior storage must comply with subdivision (6) of this section.

(1) *Definitions:*

- a. *Blight* means a deteriorated condition, something that impairs or destroys.
- b. *Junk* means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic, or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, regardless of perceived market value or requiring reconditioning in order to be used for its original purpose.
- c. *Recreational vehicle. Mobile home and recreational vehicle* shall mean and include the following definitions, and shall not include any manufactured housing unit bearing a State of Minnesota manufactured housing seal or certificate, for uses including but not limited to those listed below:
  1. *Camping trailer* means a folding structure, mounted on wheels and designed for travel, recreation and vacation uses, also called a pop-up camper.
  2. *Motor home* means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
  3. *Pickup camper* means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
  4. *Travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer.
- d. *Special mobile equipment* means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging equipment, moving dollies, pump hoists and other well-drilling equipment, street sweeping vehicles, and other machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving equipment. The term does not include travel trailers, dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other motor vehicles designed for the transportation of persons or property to which machinery has been attached.
- e. **Utility trailer means** any motorless vehicle, other than a boat trailer or personal watercraft trailer, designed for carrying of snowmobiles, motorcycles, all terrain vehicles, or property on its own structure and for being drawn by a motor vehicle but shall not include boat trailers, a trailer drawn by a truck-tractor semitrailer combination, or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

- (2) *[Parking regulated.]* Parking of recreational vehicles, mobile homes and utility trailers shall be regulated as follows:

- a. It is unlawful for any person to park a mobile home or recreational vehicle upon public property for human habitation
  - b. It is unlawful for any person to park or store a utility trailer, mobile home, recreational vehicle in any "R" district for more than 24 hours, except in a side or rear yard at least five feet from any property line.
  - c. It is unlawful to use a mobile home or recreational vehicle for human habitation on any private property for more than 72 hours without a permit from the city.
- (3) *Vehicle storage.* All vehicles parked or stored on any property within the city shall be operable and currently licensed. The parking of vehicles, other than recreational vehicles, in "R" districts is regulated as follows:
- a. Parking of vehicles other than recreational vehicles, with a maximum gross vehicle weight (GVW) of 14,000 pounds or less is allowed in all "R" districts.
  - b. Parking of vehicles in "R" districts in excess of 14,000 pounds GVW has the potential to create negative impacts on the surrounding neighborhood. These impacts may include noise (from operation as well as maintenance of vehicle); vibration; glare; odors; soil/water contamination (from dripping, washing, etc.); hazards to pedestrians by way of proximity, especially on private roads; wear and tear on local or private roads; propensity to offload remaining cargo on site at end of day; and visual incompatibility with the character of a neighborhood. Such use may be acceptable under certain conditions in zoning districts where lot areas are generally two acres or larger. Therefore, parking of such vehicles requires each of the following conditions be met:
    - 1. Property owner must be vehicle owner or operator.
    - 2. Vehicle must be set back 50 feet from property lines.
    - 3. Vehicle must not be visible from neighboring properties and public streets; vegetative screening is preferred.
    - 4. Maintenance of said vehicle shall occur within an enclosed building.
    - 5. The vehicle shall not constitute a nuisance at any time.
    - 6. In a shared driveway situation, the applicant shall demonstrate that the appropriate easement exists.
    - 7. Minimum lot size of five acres. For any property at least two acres but less than five acres in area, where it can be shown that prior to the effective date of this section such a vehicle was previously stored on a regular basis prior to and after January 1, 2004, a vehicle storage permit may be granted if the above conditions a. through f. are met, subject also to the following limitations:
      - i. A vehicle storage permit may only be issued for properties within the RR-1B, RR-1A, and LR-1A zoning districts.
      - ii. Such permit shall be granted only to the current property owner and only for the specific vehicle applied for. The current owner may replace the vehicle in kind, but shall not add other such vehicles. Any replacement vehicle must be registered with the city within 30 days to transfer its permitted status.
      - iii. This permit shall not apply to subsequent property owners, subsequent property owners shall not be considered as having a grandfathered permit by virtue of their predecessor's permit.
      - iv. This permit shall automatically and permanently expire if the vehicle storage is voluntarily discontinued for a period of one year.
- (4) *[Storage of boats and boat trailers.]* Boats, unoccupied boat trailers, and boats on trailers shall be subject to the following storage requirements when not stored for commercial purposes:

- a. *Licensing, operability and restorations.* All boats stored outside on a residential property shall be licensed to the owner or occupant of the property. All boats stored on a property shall be in operable condition, except that inoperable boats under active restoration may be stored on a property for not more than two years, the intent being to discourage the long-term storage of inoperable boats on residential property.
  - b. **Principal residence required.** No boat shall be stored on a property or on a group of contiguous commonly owned properties that does not contain a principle residence structure.
  - c. **Maximum length.** Boats and unoccupied boat trailers exceeding 30 feet in length shall not be stored on any residential property except within a fully enclosed building meeting all applicable zoning and building code standards. Exception: Existing boats over 30 feet in length which are documented to have been stored on the property within the 24 months prior to the effective date of the ordinance from which this section is derived shall be allowed to continue such storage practice until the property is sold, and shall meet the setback requirements of this section.
  - d. **Allowed storage locations.** Boats and unoccupied boat trailers up to 30 feet in length may be stored outside on residential property as follows:
    1. **Lakeshore lots.** Boats may be stored in a side yard, street yard, side street yard and lakeshore yard as long as they meet required setbacks and have no significant impact on lake views enjoyed by adjacent neighbors.
    2. **Nonlakeshore lots.** Boats maybe stored in a side yard and rear yard; trailerable boats may be stored on trailers in a driveway in a front yard or side street yard.
  - e. **Required setbacks.** Boats and unoccupied boat trailers shall be stored no less than five feet from any lot line and no less than 15 feet from the principal residence structure on any adjacent lot.
  - f. *Screening.* Screening is not required for outside boat storage when in conformance with this section. If boats are shrink wrapped, white is the preferred color but is not mandatory.
  - g. *Dispute resolution.* Complaints regarding boats stored in lakeshore yards and potentially impacting a neighbor's views of the lake will be referred to a dispute resolution committee, consisting of the planning director, the building official, and a member of the planning and zoning staff.
- (5) *[Prohibited parking or storage.]* Outdoor parking or storage of special mobile equipment as defined in this section shall be prohibited in any "R" district.
  - (6) *Prohibited material storage.* Any violation of this section is subject to abatement upon seven days' written notice to the owner of private premises on which such material is found or any conditions in violation of this code section exist. The owner of the property will be determined as shown by the records of the office of the county recorder. The city may remove such matter or correct any conditions in violation, and certify the cost of such removals or corrections as any other special assessment. Additionally, the city may also seek injunctive relief for violation of this section. Owners of private property shall remove and keep removed from all exterior areas of all residential properties the following items:
    - a. *Pest harborage.* All exterior property shall be free from rodent harborage and infestation. Boxes, lumber, scrap metal, and similar materials shall not be allowed to accumulate outside a structure in a manner that attracts an infestation of pests. Materials permitted and approved for exterior storage shall be neatly stacked.
    - b. *Trash and debris.*
      1. All household garbage, offal, dead animals, animal and human waste, and waste materials.

2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, plastic bags or trash.
  3. Accumulations of clothing and any other items not designed for outdoor storage.
- c. *Non-trash items.*
1. Accumulations of wood pallets.
  2. Accumulations of vehicle parts or tires.
  3. All construction and building materials unless such materials are being used at the time in the construction of a building, in which case such construction must be permitted and on a continuous, uninterrupted basis.
  4. All appliances or appliance parts.
  5. All indoor or upholstered furniture of a type or material which is deteriorated by exposure to outdoor elements.
  6. All recycling materials except for reasonable accumulations, amounts consistent with a policy of regular removal, which are stored in a well-maintained manner according to Chapter 50 and Chapter 54.
  7. All other non-trash items which:
    - (i) Are of a type or quantity inconsistent with normal and usual use; or
    - (ii) Are of a type or quantity inconsistent with the intended use of the property; or
    - (iii) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.
- d. *Fertilizer and burial of waste.* No person shall leave, deposit, or cause to be placed on any private ground any garbage, sewage, waste, debris, carcass, or other substance or matter which is offensive or unhealthy by decomposition unless the same be buried at least three (3) feet under the surface of the ground; provided, that the use of manure and phosphorous free fertilizer in the normal course for agriculture or horticulture is permitted.

(Code 1984, § 10.60(13); Ord. No. 206 2nd series, § 1, 9-10-2001; Ord. No. 4 3rd series, § 2, 11-11-2003; Ord. No. 21 3rd series, § 1, 11-8-2004; Ord. No. 29 3rd series, §§ 1—3, 10-24-2005)

**Sec. 90-1.** - Prohibited use and parking of mobile homes and recreational vehicles.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) *Recreational vehicle. Mobile home and recreational vehicle* shall mean and include the following definitions, and shall not include any manufactured housing unit bearing a State of Minnesota manufactured housing seal or certificate, for uses including but not limited to those listed below:
    - a. *Camping trailer* means a folding structure, mounted on wheels and designed for travel, recreation and vacation uses, also called a pop-up camper.
    - b. *Motor home* means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
    - c. *Pickup camper* means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

- d. *Travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer.
- (2) *Utility trailer* means any motorless vehicle, other than a boat trailer or personal watercraft trailer, designed for carrying of snowmobiles, motorcycles, all terrain vehicles, or property on its own structure and for being drawn by a motor vehicle but shall not include boat trailers, a trailer drawn by a truck-tractor semitrailer combination, or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.
- (b) *[Parking regulated.]* Parking of recreational vehicles, mobile homes and utility trailers shall be regulated as follows:
  - (1) It is unlawful for any person to park a mobile home or recreational vehicle upon public property for human habitation.
  - (2) It is unlawful for any person to park or store a utility trailer, mobile home, recreational vehicle in any "R" district for more than 24 hours, except in a side or rear yard at least five feet from any property line.
  - (3) It is unlawful to use a mobile home or recreational vehicle for human habitation on any private property for more than 72 hours without a permit from the city.

(Code 1984, § 9.52; Ord. No. 4 3rd series, § 3, 11-11-2003)

**Cross reference**— Stopping, standing and parking generally, § 66-76 et seq.

## City of Woodbury

### Sec. 24-239. - Location of parking areas and additional parking criteria.

#### *Residential:*

- (a) Spaces accessory to one- and two-family dwellings shall be located on the same lot as the principal use served.
- (b) Spaces accessory to multiple family dwellings shall be located on the same lot as the principal use served or within 300 feet of the main entrance to the principal building served.
- (c) Vehicle parking on single-family attached and single-family detached parcels shall comply with the following:
  - (1) All portions of a vehicle shall be located on the dwelling side of a curb.
  - (2) Vehicles shall not obstruct a trail or sidewalk.
  - (3) Vehicles shall be located on an approved parking surface as referenced within section 24-240.
- (d) Vehicles parked/stored outdoors shall have license plates visible at all times.

#### *Non-residential:*

- (a) 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, easement or long-term lease, of the subject property. The owner shall file a recordable document with the city council requiring the owner and his heirs and assigns to maintain the required number of his/her off-street spaces during the existence of the principal use.
- (b) Off-street parking spaces shall not be utilized for overnight parking, camping and/or sleeping, storage of goods and/or equipment, or for the storage of vehicles unless approved by the zoning administrator.
- (c) Parking shall not be allowed in areas that are not designated for off-street parking.
- (d) Parking areas may not be used for snow storage unless approved by the zoning administrator through a snow storage plan.

(Ord. No. 1863, § 1863.01, 10-24-2012; Ord. No. [1957](#), § 6, 12-12-2018)

### Sec. 24-254. - Exterior storage.

- (a) **Residential districts.** All materials and equipment shall be stored within a building or be fully hidden with a solid fence or wall not less than five feet in height so as not to be visible from adjoining properties except for the following in good order.

*Exceptions:* The following items which are in use, or usable, and in good condition, are exempt:

- (1) Clothes lines or similar.
- (2) **Recreational equipment in compliance with section 24-255.**
- (3) Outdoor cooking grills and the like.
- (4) Play structures.
- (5) Construction and landscaping materials and equipment currently being used on the premises.

*Exception:* Materials and equipment located outdoors and in view in excess of six months.

- (6) Agricultural equipment and materials, located on permitted agricultural use property, if they are used or intended for use on the premises.
  - (7) Firewood. Firewood shall be located outside of easements, at least five feet from property lines and within side and rear yards only. Firewood shall not exceed three feet in length. Quantities larger than one cord shall be fully hidden (see above) from adjacent properties.
  - (8) Rain barrels, meaning a storage container that holds rain water for reuse including a manufactured, built-in outlet, spigot or faucet for draining and use of the stored water.
  - (9) One storage container, with gate(s)/door(s), not exceeding five feet in height and 25 square feet in area. Containers shall be located outside of easements, at least five feet from property lines and within side and rear yards only.
  - (10) Outdoor furniture. Outdoor furniture may include up to two deck boxes.
  - (11) Hose and/or hose reel when adjacent to an exterior faucet and neatly kept.
  - (12) Lawn, garden, and holiday ornamentation.
- (b) *Nonresidential districts.* All exterior storage shall be fully hidden from view. Merchandise on display without a permit is considered exterior storage and is prohibited except where specifically allowed by zoning district regulations.

(Ord. No. 1863, § 1863.01, 10-24-2012; Ord. No. [1957](#), § 10, 12-12-2018)

**Sec. 24-255.** - Recreational equipment in residential areas.

In residential districts recreational equipment up to 24 feet in length may be parked or stored outdoors as follows:

- (a) One piece of recreational equipment per dwelling unit. When recreational equipment is on a trailer, the trailer and piece of recreational equipment shall be considered as one. Measurement does not include tongue of trailer or motor (if applicable).
- (b) On any rear or side lot not within five feet of the lot line on concrete or blacktop.
- (c) In the front lot, not within 15 feet of the curb on concrete or blacktop.
- (d) Recreational equipment may not be parked or stored on a public street.
- (e) Recreational equipment shall be maintained in good condition and currently licensed if applicable.

(Ord. No. 1863, § 1863.01, 10-24-2012; Ord. No. [1957](#), § 11, 12-12-2018)

#### **Definition**

***Recreational equipment.*** Camping trailers including those which telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, converted buses, converted vans, snowmobiles, boats, trailers, toppers and similar equipment. Camping trailers, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, converted buses and converted vans are units designed and used for human living quarters and meeting the following qualifications:

- (1) Are not used as the residence of the owner or occupant.
- (2) Are used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities.
- (3) Are self propelled or towed on the public streets or highways incidental to such recreational or vacation activities.

## EXTERIOR STORAGE IN RESIDENTIAL DISTRICTS; SCREENING AND FENCE REGULATIONS

### § 153.145 EXTERIOR STORAGE IN RESIDENTIAL DISTRICTS.

(A) All material and equipment related to and located on agricultural and residential property shall be stored within a building or fully screened, as required herein, so as not to be visible from streets, highways, or neighboring property except for the following:

- (1) Construction and landscaping materials and equipment currently being used on the premises;
- (2) Recreational, play, and laundry equipment, if these are used on the premises;
- (3) Off-street parking of licensed and operable passenger automobiles and pickup trucks. See § 153.260 for further requirements;
- (4) Motorized or non-motorized recreational vehicles. See § 153.260 for further requirements;
- (5) Agricultural equipment and materials in agricultural zoning districts;

(6) Firewood piles that are neatly stacked and free from vermin shall be stored in the rear and side yards only. In the case of corner lots, both yards abutting a public right-of-way are considered a front yard.

(B) All parking and driveways to parking areas of multiple-family dwellings shall be screened, as required herein, from adjacent property. See §§ 153.125*et seq.* for further requirements.

(C) All parking and driveways to parking areas for non-residential uses in residential districts shall be screened, as required herein, from adjacent property. See §§ 153.125*et seq.* for further requirements.

(D) All multi-family structures shall be subject to the building design requirements in § 153.323

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

### § 153.146 SCREENING.

(A) *Types of screening materials.* Screening required in this chapter shall consist of: earth mounds, berms, or ground forms; fences and walls; or landscaping (plant materials) or landscaped fixtures (such as timbers), used in combination or singularly, so as to block direct visual access to an object from adjoining properties and public streets throughout the year.

(B) *Placement, height, and traffic visibility.* The screening required in this chapter shall not be less than 6 feet in height. All screening shall be approved by the city. On a corner lot, no screening or landscaping shall be placed in such a manner so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any driveway or street right-of-way. Visibility shall be unobstructed between a height of 3 feet and 10 feet above the center line grades of the intersecting driveways and/or streets, within a triangular area described as follows: beginning at the intersection of the edge of an intersecting driveway and/or curb line of an intersecting street right-of-way, thence to a point 30 feet along the edge of the intersecting driveway or curb line, thence diagonally to a point 30 feet from the point of beginning on the curb line of the intersecting street right-of-way.

(C) *Responsibility for screening.* The owner or occupant of the premises containing the use or features to be screened shall provide the required screening.

(D) *Approval for screening.* Plans for screening shall be approved in the site plan review process.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

### § 153.147 FENCE REGULATIONS.

(A) *General.* All fences in any district shall conform to the following regulations. In the case where a fence is located in the Shoreland Overlay District, refer to § 153.343 for further regulations.

- (1) Fences within all districts shall require a certificate of compliance.
- (2) Barbed wire or electrical fences shall be prohibited, except when located in an agriculture zone to confine livestock or protect crops.
- (3) Alternative forms of fencing in commercial areas may be allowed upon approval by the city when safety or security is an issue.

(B) *Residential fence material requirements.*

- (1) Fences shall only be constructed of the following materials:
  - (a) Treated wood, cedar, or redwood;
  - (b) Simulated wood;
  - (c) Decorative brick or stone;
  - (d) Wrought iron or aluminum designed to simulate wrought-iron;
  - (e) Coated or non-coated chain link;
  - (f) Split rail;
  - (g) Other materials or fence types as approved by the city.

(C) *Height.*

- (1) *Fence height measurement.* Fence height is measured from the fence owner's yard grade to the top of the fence.
- (2) *Fences greater than 6 feet in height.* Fences greater than 6 feet in height require a building permit and must conform to all the setback and yard regulations in the same manner as building walls, unless located in a commercial or industrial district and approved by a conditional use permit.
- (3) *Fences 5 to 6 feet in height.* Fences 5 to 6 feet in height may be placed anywhere on a lot but not in a required front yard.
- (4) *Fences 4 feet in height and less.* Fences 4 feet in height and less may be placed anywhere on a lot, provided they comply with traffic visibility requirements set forth herein.

(D) *Fences around swimming pools.* All swimming pools 24 inches or greater in depth shall be fenced with a chain link or other type of impenetrable barrier fence at least 4 feet in height and if equipped with a self-locking gate, it must be self-closing and self-locking unless otherwise stated in the Building Code.

(E) *Placement of fences along property lines.*

- (1) Where a property line is not clearly defined, a certificate of survey shall be required to establish the location of the property line.
- (2) Fences may be placed along a property line, provided no physical damage of any kind results to abutting property.
- (3) Fences on or within 3 feet of the property line shall give consideration as to the maintenance of the fence and yard.
- (4) Fences shall not restrict drainage. Solid wall style fences shall be placed a minimum of 4 inches above finish grade to not impede site drainage. A solid wall style fence may exceed its allowable height by 4 inches to facilitate drainage.
- (5) The finished side of fences shall face abutting property.
- (6) No fence shall be constructed on public rights-of-way.

(F) *Fence maintenance.* Every fence shall be constructed in a high quality manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not by reason of age, decay, accident, or otherwise be allowed to become and remain in a state of disrepair so as to be or tend to be a nuisance to the injury of the public or any abutting property. Any fence that is dangerous by reason of its construction or state of disrepair or is otherwise injurious to the public safety, health, or welfare is a nuisance; any such fence that has become or tends to be a nuisance shall be repaired or removed as necessary to abate the nuisance caused.

(G) *Traffic visibility.* On a corner lot, no fence or landscaping shall be placed in such a manner so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any driveway or street right-of-way. Visibility shall be unobstructed between a height of 3 and 10 feet above the center line grades of the intersecting driveways and/or streets within a triangular area described as follows: beginning at the intersection of the edge, an intersecting driveway, and/or curb line of an intersecting street right-of-way, thence to a point 30 feet along the edge of the intersecting driveway or curb line, thence diagonally to a point 30 feet from the point of beginning on the curb line of the intersecting street right-of-way.

(H) *Hedges or plantings.* In all residential districts, hedges or plantings used as fences for screening or privacy shall be allowed without height restrictions if the hedges or plantings comply with traffic visibility requirements.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010)

**§ 153.260 VEHICLES.**

(A) Vehicles, boats, trailers, and other equipment in an inoperable state and/or unlicensed shall not be parked and/or kept in any district, except in a location authorized by this chapter or in an enclosed building.

(B) Recreational vehicles, including but not limited to trailers, campers, motor homes, boats, pop-up campers, and trailers that transport snowmobiles, wave runners, ATV's, and the like are restricted as follows:

(1) Recreational vehicles exceeding 30 feet in length may not be stored in any residential district.

(2) No recreational vehicles or equipment shall be parked in the public right-of-way.

(3) Recreational vehicles exceeding 30 feet in length may be temporarily parked in residential driveways for a maximum of 72 hours for trip preparation and unloading purposes.

(4) Recreational vehicles shall be parked meeting accessory structure setback requirements.

(5) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes in any zoning district unless otherwise authorized by this chapter.

(6) This section does not apply to recreational vehicles offered for sale in any approved outdoor sales and display area of a motor vehicle or recreational equipment sales dealership.

(B) No more than 1.5 vehicles per licensed driver within the household may be stored on a residential parcel unless kept within an enclosed building. All vehicles shall be licensed to a member of the household. This does not pertain to guest parking.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)