



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  
**Monday June 10, 2019**  
**at 7:00 p.m.**

## **AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. April 8, 2019
  - b. April 22, 2019
4. Public Hearings
  - a. None
5. Business Items
  - a. Screening Requirements and Off-Street Parking Regulations in Rural Residential Zoning Districts
6. Communications/Updates
  - a. City Council Update – June 4, 2019
  - b. StarTribune Article - June 1, 2019 – “Suburban leaders allowing larger, denser developments in this building boom”
  - c. Staff Updates
    1. Upcoming Meetings:
      - June 24, 2019
      - July 8, 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 April 8, 2019**

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

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

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Planning Director Roberts

**Approve Agenda:**

M/S/P: Hartley/Weeks, move to approve the agenda as presented, ***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** March 25, 2019

M/S/P: Hartley/Weeks, move to approve the March 25, 2019 minutes as presented, ***Vote: 7-0, motion carried unanimously.***

**New Business - Easement Vacation and Final Plat – Easton Village 5<sup>th</sup> Addition**

Roberts started his presentation regarding the Easement Vacations and Final Plat for Easton Village 5<sup>th</sup> Addition. This request will create lots for 48 single family homes on 17.57 acres generally lying west of Manning Avenue and south of the existing railroad tracks. The final plat is generally consistent with the preliminary plat that was approved. This proposal is the fifth phase of a development that will ultimately have 217 single-family residences.

Director Roberts reviewed the proposal and the comments from the City Engineer. He noted that the Engineer is proposing a condition of approval that the applicant construct Village Parkway (with the trail and sidewalk) up to the railroad tracks on the north side of the site. The Commission discussed this proposed condition and discussed the importance of safety and proper barricades for the street and for the trail and sidewalk near the railroad tracks.

Roberts touched on the issue of water supply. This is a City wide problem and the City may need to implement watering restrictions. This would include limiting or prohibiting

the use of water outside to include watering grass. It might be wise to put a condition on this phase that home builders inform the buyers about the possible watering restrictions. He reminded the Planning Commission that the City had discussed such a condition earlier this year with another plat.

M/S/P: Holtz/Cadenhead, move to amend Condition #11 to include the sentence that the trails and sidewalks along Village Parkway be properly barricaded at the railroad tracks, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Cadenhead/Weeks, move to recommend approval of the request for the vacation of the drainage and utility easements within the site of the proposed Easton Village 5<sup>th</sup> Addition ***Vote: 7-0, motion carried unanimously.***

M/S/P: Cadenhead/Weeks, move to recommend approval of the Easton Village 5<sup>th</sup> Addition Final Plat with recommended findings and conditions of approval as amended, ***Vote: 7-0, motion carried unanimously.***

#### **City Council Updates – April 2, 2019**

1. Lake Elmo Inn – CUP Time extension

#### **Staff Updates**

1. Upcoming Meetings
  - a. April 22, 2019
  - b. May 13, 2019

Meeting adjourned at 7:50 pm.

Respectfully submitted,

Ken Roberts

Planning Director



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of April 22, 2019**

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

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

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Planning Director Roberts

**Approve Agenda:**

M/S/P: Hartley/Weeks, move to approve the agenda as presented, ***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** None

**Public Hearing: Final PUD Plan and Conditional Use Permit (CUP) – Metro Transit Park and Ride Facility (Manning Avenue and Hudson Boulevard)**

Roberts started his presentation about the proposed Park and Ride facility that would located on a new lot within the Four Corners Second Addition located west of Manning Avenue and south of the realigned Hudson Boulevard. The proposed facility would have parking for 550 vehicles on a 5.6 acre site and would have electric vehicle charging stations, bike racks, 2 bus shelters and a 10-foot-12-foot maintenance/restroom building.

Director Roberts noted that the lot for this facility is part of the Four Corners Second Addition plat for which the City Council had recently approved the preliminary plat, preliminary PUD plan and a Zoning Map Amendment. He also stated that the developer of the Four Corners Second Addition is working to prepare the final plat for his development but until that final plat is approved by the City, there is no lot for the park and ride facility.

Roberts stated that Park and Ride facilities require City approval of a conditional use permit in the Commercial zoning district. In this case, the proposed project plans are consistent with the approved preliminary PUD plans for this site and the proposal meets

the City's criteria for a conditional use permit. He noted that staff is recommending approval of the final PUD plan and the CUP, subject to several conditions.

Director Roberts noted some of the comments and suggested conditions of approval as outlined in the staff report including those from the Fire Chief and the City Engineer. He also noted that the City had received 2 comments from neighboring jurisdictions about the proposal. The City of Woodbury said they were supportive of the proposal and West Lakeland Township noted concerns about the possible need for a traffic signal on Manning Avenue at the realigned Hudson Boulevard.

Mac Swedian of the Metropolitan Council (the applicant) answered questions about the proposal.

The Chair opened the public hearing but there were no comments from the audience so he closed the public hearing.

M/S/P: Hartley/Weeks, move to recommend approval of the Metro Transit Park and Ride facility Final PUD plans with the recommended findings and conditions of approval as drafted by staff. **Vote: 7-0, motion carried unanimously.**

M/S/P: Hartley/Weeks, move to recommend approval of the Conditional Use Permit for a Park and Ride facility for Lot 1, Block 1, Four Corners Second Addition, subject to the conditions of approval as prepared by staff, **Vote: 7-0, motion carried unanimously.**

#### **City Council Updates – April 16, 2019**

1. Legacy at North Star Second Addition – Final PUD and Final Plat (approved)

#### **Staff Updates**

1. Upcoming Meetings
  - a. May 13, 2019
  - b. May 29, 2019

Meeting adjourned at 7:59 pm.

Respectfully submitted,

Ken Roberts

Planning Director



## STAFF REPORT

DATE: June 10, 2019

**REGULAR**

ITEM #:

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Screening Requirements 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:**

Since the May 29<sup>th</sup> meeting Staff has drafted new language that would address the accessory vehicle storage as well as firewood storage. Because Staff had not taken a comprehensive look at firewood storage, this report will include that and bring forward with the accessory vehicle storage code amendments.

### **Lake Elmo:**

Below are the two sections of Code that dictate the screening requirements for the City. Staff has merged the two existing sections and combined aspects of other communities to create new language for the City. This can be found in the recommendation section of the report.

### **§ 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.

## Firewood Storage Examples from Other Communities:

### **Mounds View:**

Their code is attached and relatively short and to the point. What Staff liked about their code is that they provided some expectations about stacking and sizing of piles.

### **City of Orono:**

The City of Orono requires firewood to maintain the same setbacks as their accessory structures. The setback requirements are different for each of their zoning districts. Staff was unable to determine if there were more specific standards for screening or stacking but it is interpreted that the storage would be kept to the side and rear yards.

### **City of Woodbury:**

Woodbury as well as the other communities do allow a certain level of wood to be stored before it is expected for screening.

### **Forest Lake:**

Forest Lake seems to be the most relaxed when it comes to the code. There is no sizing expectation, but staff appreciates that they do require the piles to be neat and orderly.

### **Maplewood:**

Firewood may be stored in the backyard if it is neatly stacked at least six inches off the ground and piled no higher than 6 feet. It must be screened from view from adjacent properties if it is stored in the front yard, on the street side of a corner lot, or within 5 feet of an interior property line (Chapter 18-33(22)).

## **FISCAL IMPACT:**

Staff does not directly foresee a fiscal impact. However, amending the code may decrease the number of complaints received which would reduce Staff time dedicated to code enforcement.

## **COMMENTS AND RECOMMENDATION**

Staff is looking for comments on the following proposed language. Please know that these items would be allowed without screening if approved in the rural zoning districts (A, RR, RT, RS, and RE). The proposed amendments are in red. No parking of commercial trailers is captured in section 154.210 H.

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 property.
4. Off-street parking and storage of trailers 25ft in length or less as regulated in Article 5, Section 154.210 that are licensed (when applicable) and kept in good and operable condition.
  - a. Trailers shall be licensed to a resident of the property, when applicable.
  - b. Residential properties are allowed to store one trailer (boat trailer, snowmobile trailer, utility trail, etc.) within the front yard. All other trailers must be stored either in the side or rear yard, must be at least 5 ft. from the side property line.
  - c. All trailers must be stored on a durable surface with suitable drainage.
  - d. Trailers must not be used as temporary or permanent storage of items described in Chapter 96 of the City Code.
5. Farm implements in the AG Zoning District; and/or
6. Firewood storage, for personal use only.
  - a. Piles must be neatly stacked in a stable manner and stored only in the side or rear yards. In the case of properties with multiple frontages, wood shall not be stored on a side that abuts a public street.

## **ATTACHMENTS**

### Parking Requirements

- Mounds View Code for Parking
- City of Orono Code for Parking
- Woodbury Code for Parking
- Forest Lake Code for Parking

### Firewood Storage Requirements

- Forest Lake Code for Firewood storage
- Mounds View Code for Firewood storage
- Woodbury Code for Firewood storage
- Maplewood Code for Firewood storage
- Orono Code for Firewood storage

**607.03: NUISANCES ENUMERATED:**

- Subd. 1. Public Nuisances Affecting Health, Safety, Comfort Or Repose<sup>1</sup>: The following are hereby declared to be public nuisances affecting health, safety, comfort or repose:
- a. All ponds or pools of stagnant water.
  - b. All decayed or unwholesome food offered for sale to the public.
  - c. Carcasses of animals not buried or destroyed within twenty four (24) hours after death, excluding game animals.
  - d. Accumulations of manure or rubbish.
  - e. Privy vaults, garbage cans and garbage receptacles which are not fly-tight.
  - f. The effluence from any cesspool, septic tank, drain field or sewage disposal system discharging upon the surface of the ground.
  - g. All noxious weeds, “tall grasses” defined as anything over eight inches (8”) in height, and other rank growths<sup>2</sup>, except as exempted in Section 606.02 of this Code. (Ord. 594, 4-14-97)
  - h. Any accumulation of cans, bottles or trash or debris of any nature or description, and the throwing, dumping or depositing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, cans, glass, food containers or other material of any kind on private property.
  - i. Trades and businesses, as defined by statute or ordinance, not licensed as provided by law<sup>3</sup>.
  - j. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
  - k. Dense smoke, noxious fumes, gas and soot, or cinders in quantities as to render the occupancy of property uncomfortable to a person.

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<sup>1</sup> See also Section 607.07 of this Chapter for noise control regulations.

<sup>2</sup> See also subdivision 1005.05.03 of this Code.

<sup>3</sup> M.S.A. §145A.01 et seq.; see Title 500 of this Code for business and license regulations.

- l. The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person by someone properly licensed.
  - m. The keeping, maintaining or harboring of live wild animals, whether native to Minnesota or not, which in their wild state pose a threat to humans or domestic animals.
  - n. The keeping, maintaining or harboring of any combination of animals and/or fowl kept in such numbers or under such conditions that unreasonably annoy, injure or endanger the health, safety, comfort, repose or welfare of the public.
  - o. The failure to maintain basic repairs and upkeep on a vacant residence or building, including, but not limited to, snow removal, lawn maintenance and exterior maintenance.
  - p. All other acts, omissions of acts, occupations and uses of property which are deemed by the Minnesota State Board of Health to be a menace to the health of the inhabitants of the Municipality or a considerable number thereof.
- Subd. 2. Public Nuisances Affecting Morals And Decency: The following are hereby declared to be public nuisances affecting public morals and decency:
- a. All gambling devices, slot machines, and punch boards, not lawfully allowed by Minnesota State Statutes.
  - b. Betting, bookmaking and all apparatus used in such operations.
  - c. All places where intoxicating liquors are manufactured, sold, bartered or given away in violation of the law or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law or where intoxicating liquors are kept for sale, barter or distribution in violations of the law and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place<sup>1</sup>.
  - d. Any vehicle used for the illegal transportation of intoxicating liquor.
  - e. The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious methods or what is commonly known as “window peeping”.
- Subd. 3. Public Nuisances Affecting Peace And Safety: The following are declared to be nuisances affecting public peace and safety:

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<sup>1</sup> M.S.A. §340A.101 et seq.; see Chapters 501, 502 and 503 of this Code for liquor regulations.

- a. All trees and hedges, billboards or other obstructions<sup>1</sup> which prevent persons from having a clear view of street signs and/or a clear view of all traffic approaching an intersection.
- b. All limbs of trees which are less than eight feet (8') above the surface of any public street or alley.
- c. The outside piling, storing or keeping of old machinery, junk, furniture, household furnishings or appliances or component parts thereof, rusting metal inoperable/unusable equipment, or other debris visible on private or public property.
- d. The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances which may injure any person or animal or damage any pneumatic tire when passing over the same.
- e. The depositing of, maintaining, permitting or failing to remove, garbage, trash, rubbish, bottles, cans and other refuse on any property within the City, including large quantities of organic debris and materials, which accumulated by other than natural means, except properly maintained compost piles.
- f. Property in a residential district not seeded, sodded or otherwise planted with a ground cover more than two hundred forty (240) days after any disturbance to the property caused by construction, grading, or other activity; or any time prior to the two hundred forty (240) days if the property is causing erosion or drainage problems on the same or nearby properties, including the public streets.

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<sup>1</sup> See Chapter 1008 of this Code for signs and billboards; see also subdivision 607.03.3s of this Chapter and subdivision 1103.08.2 of this Code.

g. The outside storage of cut wood, unless all of the following requirements are satisfied: (Ord. 694, 3-11-02)

(1) Shall be stored in the side or rear yard. (Ord. 694, 3-11-02)

(2) Shall be stacked or secured in a stable manner so as to avoid collapse. (Ord. 694, 3-11-02)

(3) Shall not exceed five feet (5') in height. (Ord. 694, 3-11-02)

(4) Combined stacks shall not exceed a volume of five feet (5') high by ten feet (10') wide, by twenty five feet (25') long. (Ord. 694, 3-11-02)

(5) Shall not be closer than five feet (5') from side or rear property line unless screened by a solid fence or wall. (Ord. 694, 3-11-02)

h. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their fair market value or which are so situated as to endanger the safety of the public.

i. Any structure, or portion thereof, in a residential district whose exterior is not completed in accordance with City-approved construction plans within one hundred eighty (180) days after the date the City building permit was issued, whichever occurred first.

j. Any construction materials, including piles of dirt, sand, and sod, left on the property more than sixty (60) days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.

k. All buildings and all alterations to buildings made or erected in violation of fire codes concerning manner, materials or construction.

l. Any vehicle that deposits mud, dirt, sticky substances, litter or other material on any street or highway.

m. Any discarded construction material or other litter at a construction site which is not placed in an adequate waste container or which is allowed to blow around or off the site.

- n. All explosives, inflammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than provided by law or ordinance<sup>1</sup>.
- o. Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks or public grounds, except under such conditions as are provided by ordinance and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such a manner as to attract people<sup>2</sup>.
- p. All use or display of fireworks, except as provided by law or ordinance.
- q. Radio aerials strung or erected in any manner except that provided by law or ordinance<sup>3</sup>.
- r. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds or people to gather, obstructing traffic and the free use of public streets or sidewalks.
- s. All hanging signs, awnings, and other similar structures over public streets or sidewalks or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance or without proper permit<sup>4</sup>.
- t. The allowing of rain, water, ice or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk.
- u. All dangerous, unguarded machinery, equipment or other property in any public place or so situated or operated on private property as to attract the public.
- v. The distribution of handbills, except as provided by law or ordinance<sup>5</sup>.
- w. Throwing, dropping or releasing printed matter, paper or any other material or objects over the City from an airplane, balloon or other aircraft or in such manner as to cause such material to fall or land in the City.

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<sup>1</sup> See Chapter 1002 of this Code for Fire Code.

<sup>2</sup> See Chapter 902 of this Code.

<sup>3</sup> See Title 1100 of this Code for zoning regulations.

<sup>4</sup> See Chapter 1008 of this Code for sign regulations.

<sup>5</sup> See subdivision 909.07.16a of this Code.

- x. Placing entrance culverts or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks, without proper permit<sup>1</sup>.
- y. Making repairs to motor vehicles or tires in public streets or alleys, except for emergency repairs when it will not unduly impede or interfere with traffic.
- z. The placement of mailboxes and other delivery receptacles on public rights of way except those which are in compliance with United States Postal Service requirements for location and type.
  - (1) The post shall be installed as far back from the street pavement as reasonably practical to avoid snow plowing damage.
- aa. The placement, erecting or painting of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks. (Ord. 556, 3-20-95)

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<sup>1</sup> See Chapter 907 of this Code for sewer use and service and Chapter 1302 of this Code for storm water drainage management regulations.

## 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)

Sec. 78-349. - Accessory uses.

Within any LR-1C one-family lakeshore residential district, the only permitted accessory uses and structures are the following:

- (1) Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary for such constructing.
- (2) Driveways, sidewalks and parking spaces.
- (3) Detached private garages and buildings subject to the performance standards of this chapter.
- (4) [Reserved].
- (5) Private docks, subject to this code and other applicable regulations, including boat storage density requirements. The accessory use of a private dock shall not include renting space.
- (6) Kennel structures and dog runs, subject to the provisions of chapter 62, article 3.
- (7) Fencing subject to the provisions of section 78-1405(7).
- (8) Signs, as regulated in this chapter.
- (9) Flagpoles, subject to accessory structure location and height requirements of this chapter.
- (10) Gardening and other horticultural uses, including arbors, trellises, aviaries and decorative landscape features, and lawn sprinkler systems.
- (11) Compost structures and firewood piles, subject to the accessory structure location requirements of this chapter.
- (12) Home occupations, as defined in this chapter. All home occupations shall comply with the provisions of section 78-1376, and the licensing provisions of [section] 26-76, when applicable.
- (13) One temporary roadside stand offering for sale only farm products produced on the premises, provided such stand does not exceed 200 square feet in area and is located at least 30 feet back from the public right-of-way.
- (14) Storage of recreational vehicles and equipment such as RVs, boats, snowmobiles, etc., subject to the provisions of sections 78-1511 through 78-1515 and 78-1577. Ice fishing houses and similar structures equipped with wheels or mounted on a trailer shall be regulated as recreational vehicles. Ice fishing houses and similar structures not equipped with wheels or mounted on a trailer shall be regulated as accessory buildings and subject to accessory building regulations.
- (15) Garage sales, yard sales, estate sales or rummage sales, limited to a maximum of four consecutive days and occurring no more than two times within one calendar year per property; and sales of personal or recreational vehicles and equipment, limited to no more than two items per calendar year, and such items for sale shall not be parked in any portion of the public right-of-way, public boulevard, or required front yard except a designated, improved driveway.
- (16) Laundry drying equipment.
- (17) Other uses that are customarily incidental to, and subordinate to, the allowed permitted and conditional uses in this district.

(Code 1984, §§ 10.20(4), 10.25(5); Ord. No. 161 2nd series, § 6, 6-7-1997; Ord. No. 221 2nd series, § 3, 9-23-2002; Ord. No. 82 3rd series, § 16, 12-13-2010; Ord. No. 93 3rd series, § 3, 6-25-2012; Ord. No. 96 3rd series, § 3(3.01, 3.02), 11-13-2012; Ord. No. 106 3rd series, § 7, 6-10-2013; Ord. No. 222 3rd series, § 10, 12-10-2018)

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## 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.

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)



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## City Code Frequently Asked Questions

### **Can I park a Recreational Vehicle, boat, trailer, etc. on my property?**

One recreational vehicle or piece of equipment up to 24 feet in length may be stored outdoors. If equipment is on a trailer, the trailer and equipment shall be considered as one. Equipment must be setback 15 feet from the curb, five feet from the side and five feet from the rear property lines. Recreational vehicles and equipment shall be on an established driveway surface, such as concrete or blacktop.

### **Are there any ordinances affecting the placement of play structures, etc.?**

Swing sets, sandboxes, play structures, dog kennels, concrete slabs, satellite dishes and similar structures shall be at least five feet from side and rear lot lines, and may not be within the front yard.

### **Can I store my trash can in the driveway?**

All trash containers and recycle bins shall be stored indoors, or be fully screened from view.

### **I would like to expand my driveway. Are there any ordinances affecting this?**

Driveways shall be a minimum of 10 feet in width, with a maximum width of 30 feet at the property line. Driveways within the R-4 zoning district shall be constructed of plant mixed bituminous or concrete surface. Driveways shall be set back at least five feet from side and rear lot lines.

### **Can commercial equipment be parked in residential areas?**

Commercial vehicles and equipment may not be parked or stored in a platted residential district except when loading, unloading or rendering a service. This includes vehicles over three-quarter ton capacity, maximum 8000 pounds GVW, and commercial trailers.

### **My neighbor has a dismantled lawnmower, ladders, and old appliances in his backyard. Can he store these things outside?**

All materials and equipment shall be stored within a building, or be fully screened by a five foot fence, so as not to be visible from adjoining properties.

Exceptions:

- Laundry drying. Recreational equipment. Construction and landscaping materials. Equipment currently being used on the premises. Agricultural equipment and materials, if they are used or intended for use, on the premises.
- Off-street parking of passenger vehicles and pickup trucks on approved surfaces.
- Firewood must be five feet from property lines and in side or rear yards only. Quantities over one cord must be fully screened from view.

### **Do I need a permit to put up a fence?**

A Permit is not required to build a fence. See Fence Ordinance summary on website.

<http://www.ci.woodbury.mn.us/images/stories/building-docs/fenceordinancesummary.pdf>

**Each development may have its own private covenants that may be more restrictive than the city's ordinances. The Homeowner Association is responsible for enforcing the development's private covenants.**

## 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.

**§ 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)

**§ 153.260 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)

Sec. 18-33. - Nuisances affecting peace and safety.

The following are declared to be nuisances affecting public peace and safety:

- (1) All wires which are strung less than 15 feet above the surface of any public street or alley.
- (2) All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value or which are so situated as to endanger the safety of the public.
- (3) All explosives, inflammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law or ordinance.
- (4) The use or display of fireworks, except as provided by law or ordinance.
- (5) The operation of any motor vehicle radio receiving set, tape player, compact disc player, paging system or any other device for the production or reproduction of sound in a distinctly and loudly audible manner so as to unreasonably disturb the peace, quiet and comfort of any person nearby or at a distance of 25 feet or more.
- (6) All buildings and all alterations to buildings made or erected in violation of this Code and other fire ordinances concerning manner and materials of construction.
- (7) Obstructions and excavations affecting the ordinary use of the public of streets, alleys, sidewalks or public grounds, except under such conditions as are provided by ordinance, and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such manner as to attract minor children. Excavations for utility or street construction shall be backfilled at the end of each workday. Fencing may be approved only by the city engineer as an alternate to backfilling. During the workday all excavations for utility or street construction shall be either actively worked on or under direct supervision. If work is suspended during the day and workers are not in immediate proximity, the excavation shall be fenced. Manholes or other underground structures shall not be left open without a worker in immediate attendance.
- (8) Radio aerials strung or erected in any manner, except as provided by law or ordinance.
- (9) The city prohibits the outside storage of items such as but not limited to pails, barrels, lumber, scrap wood, cans, recyclable materials, vehicle parts, inoperable machinery, equipment parts, brushes, pipes, household appliances, household furniture, building materials, scrap metal, junk or similar materials. This subsection shall not apply to the following:
  - a. Building materials or equipment being actively used in new construction.
  - b. Firewood meeting the requirements of subsection (22) of this section.
  - c. Any of such materials that are being used as part of a legal business. This exemption shall not apply to junk or waste materials.
- (10) The use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of public streets or sidewalks.
- (11) All hanging signs, awnings and other similar structures over public streets or sidewalks or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance, or without proper permit.
- (12) The allowing of rain, water, ice or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk.
- (13) All dangerous, unguarded machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.
- (14) The distributing of handbills, except as provided by law or ordinance.

- (15) Throwing, dropping or releasing printed matter, paper or any other material or objects over the city from an airplane, balloon or other aircraft or in such a manner as to cause such materials to fall on land in the city.
- (16) Placing entrance culverts or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks without proper permit.
- (17) Making repairs to motor vehicles or tires in public streets or alleys, excepting only emergency repairs which will not unduly impede or interfere with traffic.
- (18) Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds, grass or other material in the streets, alleys or gutters.
- (19) Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks.
- (20) All unnecessary interference and disturbance of radios or TV sets caused by defective electrical appliances and equipment or improper operation thereof.
- (21) Driving, putting, chipping and/or in any manner playing and/or practicing golf in any park, playground and/or recreation area within the city, except in areas specifically designated and posted for such use.
- (22) The storage of wood in a residential district, where wood is stored in a front yard, on the street side of a corner lot, or within five feet of an interior property line, unless screened from view from the adjacent property or written permission is received from the adjacent property owner. All wood must be neatly piled at least six inches off the ground and not over six feet in height. Firewood must be cut to stove lengths. Storage of diseased wood is prohibited.
- (23) All other conditions, acts or things which are liable to cause injury to the person or property of anyone. This shall include but not be limited to the parking or storage of vehicles in the front yard of a residential property on grass, unimproved areas or areas without a hard surface.
- (24) Lights on any building or property that annoy or cause a nuisance to a neighboring property owner, occupant or resident. For the purpose of determining allowable lighting, the guidelines listed in section 44-20(c)(1) shall apply.
- (25) No property owner or person shall store on a residential property a portable on-demand storage unit (POD) more than 60 days in any 12-month period starting with the day/date the POD is first moved on site. All PODs must be stored on an impervious surface on the property. The city may grant a time extension of an additional 60 days provided the property owner gets a tracking permit for the POD from the city. In no case shall a POD be stored on a property more than 120 days in any 12-month period. This provision applies to all residential properties including townhouses, condominiums, and multi-family complexes. PODs stored on residential properties in conjunction with a building permit or home improvement project are exempt from this provision, except for the requirement to keep the POD on an impervious surface. In such a case, the property owner shall make every effort to adhere to the 120-day-maximum time limit.

(Code 1982, § 19-9; Ord. No. 813, § 1, 5-14-2001; Ord. No. 826, § 2, 4-8-2002; Ord. No. 922, § 1, 6-11-2012)

EAST METRO

# Suburban leaders allowing larger, denser developments in this building boom

Many are skirting development restrictions to meet housing demand.

By Shannon Prather (<http://www.startribune.com/shannon-prather/188067161/>)

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The White Bear Lake City Council soon will consider the fate of a 193-unit apartment complex on about 5 acres, a project that is taller and has more units than the city code allows.

But city planners say the project meets a local housing need, so it's worth exempting the developer from a few city restrictions.

White Bear Lake is among a growing number of suburbs that are working around longtime development restrictions to transform oddly shaped or blighted lots into new apartments, homes and businesses.

Increasingly, suburban officials are relying on these projects to rejuvenate stagnant corners of their communities and draw new residents of varying ages and incomes.

"Suburban zoning codes are often not keeping up with the changing market and consumer expectations," said Anne Kane, White Bear Lake's director of community development.

White Bear Lake is relying on a mechanism called a planned-unit development (PUD), which allows developers to break from city code on building height and unit numbers in exchange for giving city leaders a say in expansive, multimillion-dollar projects.

The trade-off is clear: Developers get a more lucrative project, and the city welcomes new residents, businesses and tax revenue.

Some residents say the partnership that forms between city planners and developers means the public is largely cut out of the process.

Shoreview resident Richard Braun said he was saddened when the city allowed the construction of the McMillan, a 134-unit, four-story apartment building at Rice Street and Interstate 694 that's taller and denser than city code allows. Crews tore down a flagging strip mall to make room for it.

"They had their minds made up way before the public meeting and there was nothing we could do to change them," said Braun, a retiree. "We kind of figured out residents don't matter as much."

Suburban leaders say the measures are justified to meet demand and alleviate the region's housing shortage.

"So much has changed in the market in the last five years. Cities are trying to play catch-up and capture part of the market," said Cathy Capone Bennett, director of advisory services at Urban Land Institute Minnesota.

## Looking for flexibility

Such development tools are increasingly popular as suburbs move from the straightforward development of vacant land to thornier redevelopment that often involves teardowns and hazardous cleanups, said Plymouth Community Development Director Steve Juetten.



Loden.

ANTHONY SOUFFLE

At the 204-unit Loden apartments in Shoreview, the developer added amenities including green space and a seating area for small groups.

City leaders also are using code exemptions to entice developers to build better projects. For instance, in exchange for height and density concessions, the developer is giving White Bear Lake land for a trail and a more appealing design.

"It's got a lake lodge feel," Kane said. "We want distinctive architecture that reflects our community."

North St. Paul is leaning on the PUD process to [revive its downtown](http://www.startribune.com/north-st-paul-finds-itself-in-a-building-boom-with-400-new-homes-apartments-in-the-works/507741822/) (<http://www.startribune.com/north-st-paul-finds-itself-in-a-building-boom-with-400-new-homes-apartments-in-the-works/507741822/>) and add more housing. It has nearly 400 new townhouses and apartments in the works on four different sites, which city leaders hope will attract more shops and cafes.

The new housing projects are denser than city code allows. But after watching the city be overlooked by developers for years, community leaders say they are thrilled at the surge in new investment.

"Traditional zoning does not allow for much flexibility," said Molly Just, a senior planner with WSB who does work for North St. Paul. "PUDs are really intended to provide flexibility and creativity for developers, but at the same time meeting stated objectives set by municipalities."

Shoreview has used such incentives for decades, allowing developers to build townhouses, condos and the Rice Creek Corporate Park area.

It recently approved more than 1,000 new apartments in four complexes. The city exempted developers from existing codes on the maximum height of new buildings, the density of new units and the number of parking spots.

The incentives "are used in exchange for higher-end amenities and other elements in the projects," said Shoreview Mayor Sandy Martin.

She said some redevelopment projects would be nearly impossible without them. One of the newer apartments, Lakeview Terrace, replaced an aging strip mall and had to be built around railroad tracks and a pond. It required a street realignment.

"Redevelopment projects are more complex and expensive," she said. "Developers tend to shy away from those if [the codes] are too rigid."

So far, the new suburban apartments are filling up.

The first phase of the Loden apartments at Interstate 694 and Lexington Avenue opened in Shoreview last winter. All 204 apartments were rented in four months, and there's a waiting list for the next phase.

The developer, Greco Properties, and East Ridge Partners tore down a long-vacant industrial building close to the freeway. In exchange for more units, the developer added green space, a dog run, a pickleball court and a pool. Greco officials also agreed to make about two dozen units affordable for lower-income families.

"This is probably the highest quality development we've ever done," said Greco Properties President Josh Brandsted, sitting in the Loden's expansive commons room with a pool table, fireplace and ample high-end finishes.

Greco had primarily built apartments in Minneapolis, so this market-rate suburban complex was "uncharted territory." Brandsted said Shoreview's willingness to partner with them rather than treating them like the "big, bad developer" was critical.

"I think they are doing it right," he said.

### **Making a course correction**

Not everyone thinks such incentives are the best tools.

Roseville leaders said they felt developers were abusing the process, so they stopped offering incentives in 2010.



ANTHONY SOUFFLE

Residents used the gym facilities at the Loden.

"If someone wants to break the rules, so to speak, all they had to do is get the council to approve a PUD," said Roseville Mayor Dan Roe. "It was completely unpredictable for surrounding neighbors. That kind of thing left a bad taste in residents' mouths."

Instead, Roseville overhauled its city codes and zoning to better reflect the market, which makes the process more straightforward for residents and developers.

"The last major rewrite had been in 1950s. We had a lot of outdated provisions," Roe said.

Roseville did reinstate the use of PUDs in 2015 but with strict limits, the mayor said. So far, not one has been approved.

Other communities have joined Roseville in adding new restrictions.

This spring, the city of Vadnais Heights added more requirements for developers seeking PUDs, including public meetings.

The issue came to a head in 2017 when Mendota Heights approved (<http://www.startribune.com/mendota-heights-residents-battle-city-over-apartment-project/462942083/>) two 70-unit apartment buildings on Hwy. 13, prompting a lawsuit by a group of residents. They argued that the project's size, limited parking, proximity to wetlands and large swaths of paved surfaces violated city ordinances. But they lost in the Minnesota Court of Appeals, and the apartments are now under construction.

Suburban leaders say they are also making longer-term changes to their codes to accommodate new, denser kinds of development.

In recent years, several suburbs changed their local comprehensive plans to permit more density and allow some commercial areas to become residential neighborhoods. Cities are now finishing up their 2040 comprehensive plans and more changes could come, said Lisa Barajas, the Metropolitan Council's director of community development.

Kane said suburban development is in the middle of a much-needed course correction after decades of antiquated planning and land-use policies.

"After World War II, planners really liked to separate things — residential here, jobs here, commercial and recreational here," she said. "Planners now recognize it was forced separation and not how humans want to live. They want walkable, mixed-use communities."



ANTHONY SOUFFLE

Individual and small group seating spaces filled the common area at the Loden.

**Shannon Prather** covers Ramsey County for the Star Tribune. Previously, she covered philanthropy and nonprofits. Prather has two decades of experience reporting for newspapers in Minnesota, California, Idaho, Wisconsin and North Dakota. She has covered a variety of topics including the legal system, law enforcement, education, municipal government and slice-of-life community news.

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