



3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday July 8, 2019
at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. May 29, 2019
 - b. June 24, 2019
4. Public Hearings
 - a. PUD Concept Plan Review – 39th Street Senior Housing (39th Street North)
 - b. Off-street parking and storage Ordinance update (Rural zoning districts)
 - c. Accessory Building size limits Ordinance update (Rural zoning districts)
5. Communications/Updates
 - a. City Council Update – July 2, 2019
 - b. Staff Updates
 1. Upcoming Meetings:
 - July 22, 2019
 - August 12, 2019
6. 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 29, 2019**

Chair Weeks called to order the meeting of the Lake Elmo Planning Commission at 7:00 PM

COMMISSIONERS PRESENT: Hartley, Risner, Steil, and Weeks

COMMISSIONERS ABSENT: Cadenhead, Holtz, and Johnson

STAFF PRESENT: Planning Director Roberts

Approve Agenda:

Hartley motioned to approve the agenda as presented. Seconded by Risner. ***Vote: 4-0, motion carried unanimously.***

Approve Minutes:

Hartley motioned to approve the minutes from the May 13th meeting. Seconded by Steil. ***Vote: 4-0, motion carried unanimously.***

Public Hearing – Road and Easement Vacations and Final Plat- Four Corners Second Addition-Property on the north side of Hudson Blvd, west of Manning Avenue.

Director Roberts gave a presentation regarding the vacation of easements and a road right-of-way and Final Plat for commercial development. The proposal includes the realignment of Hudson Boulevard and the creation of several lots for commercial development. On March 19, the City Council approved a preliminary plat, preliminary PUD plans and a zoning map amendment for the Four Corners Second Addition.

The proposed plans show the realigning of Hudson Boulevard about 470 feet to the north from where it now intersects with Manning Avenue. The new alignment 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.

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 proceeds through the City review process toward development.

Director Roberts explained that in order for this proposal to proceed the Final Plat needs to be consistent with the preliminary approval, it must be approved by the City. There are two motions up for recommendation; the approval of the Final Plat and PUD plans to allow realignment of Hudson Boulevard and the approval of the vacation of road right-of-way and easements for Hudson Boulevard.

The Commission discussed if a traffic study had been done and if there is talk about extending 5th street to Manning and putting in a traffic signal in the future. Director Roberts explained that the long term goal is to get 5th street to connect to Manning. He said that once that happens and the intersection meets the criteria for the County, they would consider doing a study for a traffic signal. Director Roberts mentioned that a traffic study had been done for this realignment.

Tim Freeman, 12445 55th Street North (the applicant representing Terry Emerson) spoke about the traffic study. He clarified that one was conducted and said that the findings at the moment have indicated that there is not a need for a traffic signal at the intersection.

The Chair opened the Public Hearing at 7:15 PM. ***No comments presented.***

The Chair closed the public hearing at 7:16 PM.

The commission made the following motions:

Hartley moved to recommend approval of the Final Plat and PUD Plans that includes the right-of-way and easements from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue. Seconded by Risner. Subject to recommended conditions of approval. ***Vote: 4-0, motion carried unanimously.***

Hartley moved to recommend approval of the proposed vacation of road right-of-way and easements for Hudson Boulevard. Seconded by Steil. ***Vote: 4-0, motion carried unanimously.***

Business Items

a. Zoning Code Amendment-Minimum lot sizes for multiple-family residential development

Director Roberts explained that back in March the Planning Commission conducted a public hearing about the proposed code amendment. They recommended approval of the code change as prepared by City Staff. The Commission is being asked to review additional information submitted by City staff. Staff are recommending that the Commission review this additional information and propose any changes they want to this ordinance.

City 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 their zoning code to determine maximum project density. Cities included in this study were: Maplewood, Cottage Grove, Roseville, and Ramsey. In cities that list minimum lot sizes per units clarify that their minimum lot size is the minimum lot area required per dwelling unit.

The Commission discussed that the code was not very clear on the lot size reference. Director Roberts explained that the code needs to be clarified for lot size density to better define the size. Discussion went on that if this language changes, if they would have to change the Comprehensive Plan. Roberts said that the Comp plan would not have to be amended. The Commission expressed concern with the way the Met Council defines density and they do not want to have different language than the Met Council.

The Commission agreed to make no changes to this zoning code amendment.

b. Zoning Code Amendment-Commercial kennels-Rural zoning districts

Director Roberts explained that the City has received a request to add commercial kennels as a possible land use in the rural transitional district and rural residential zoning districts. To add commercial kennels the City would need to amend section 154.401, Table 9-1 of the Zoning Code. The discussion is if the City should allow commercial kennels in rural areas. It was taken out of the zoning code three years ago and they are entertaining re-introducing it. Other cities have found that barking can be disturbing for neighbors and other cities only allow commercial kennels in commercial districts.

The Commission asked for clarification about how livestock is regulated in the zoning code. Director Roberts was not sure, Chair Weeks explained that on a 10 acre lot there are regulations for livestock in the agriculture zones. The discussion was that if the City allows livestock, they could allow commercial kennels in the zones. It was decided that livestock industry is a different use than commercial kennels. The Commission wants to keep rural zones rural.

The commission did not support adding this to the City.

c. Boat and trailer parking regulations in rural residential zoning districts

Director Roberts explained that City staff started the research process if addressing trailer/recreational vehicle storage on residential properties as directed by the Planning Commission. They found that there are two sections of the code related to this issue and they are not consistent with each other. In section 150.001 current code allows storage in the back yard 10 feet away from property line, so you cannot have it by your garage, front yard, or by the driveway. Staff is recommending dropping section 150.001

and using the language in 154.407 from the Code of Ordinances and then add clarifying language about parking and storage in the rural residential zoning districts. Staff included some clarifying language from other cities ordinances.

The Commission discussed that they are in favor of the change, but they do not want to stretch the rules too far because someone could start storing ATV's and four-wheelers. They do not want to limit people, but they do acknowledge that unlimited rules would not be fair. They want language the clearly states how many trailers can be stored based on lot size. They also want to clarify where on the lot they can be stored.

The Commission agreed to have City staff make changes to the code.

City Council Updates – May 21, 2019

1. No planning items

Staff Updates

1. Upcoming Meetings
 - a. June 10, 2019
 - b. June 24, 2019

Meeting adjourned at 8:50 pm

Respectfully submitted,

Alex Saxe
Deputy Clerk



**City of Lake Elmo
Planning Commission Meeting
Minutes of June 24, 2019**

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

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

COMMISSIONERS ABSENT: Johnson

STAFF PRESENT: Planning Director Roberts

Approve Agenda:

M/S/P: Hartley/Steil move to approve the agenda with the removal of the May 29th minutes which were not included in the packet, ***Vote: 6-0, motion carried unanimously.***

Approve Minutes:

M/S/P: Hartley/Cadenhead, move to approve the June 10, 2019 minutes as presented, ***Vote: 6-0, motion carried unanimously.***

Public Hearing –

Conditional Use Permit - Carmelite Hermitage Chapel (8249 Demontreville Trail)

Roberts reported that the Planning Commission will not be making a decision on a recommendation on this item today. The applicant and staff have items regarding access to the site that need to be resolved. He also stated that since the a number of individuals plan to speak, the public input portion of the meeting will be tonight.

The existing Hermitage site is proposing to add a chapel that seats 54 people and provide a new parking lot for 18 vehicles. They are not planning to hold regular public worship services in the chapel. The proposed materials for the building meet or exceed the requirements in the Zoning Code.

A place of worship requires a conditional use permit in the Public and Quasi-Public Open Space district, which the site does not have. The existing use on the property is considered legal non-conforming. Adding the chapel is considered an expansion of the non-conforming use. The City must approve a CUP to add the chapel. The City approved the Master Plan for the Carmelite Hermitage in 1991.

The site has an existing driveway that connects the property to Demontreville Trail that is within an access easement. The City approved a variance for the access to this site in 1991. The driveway access being located within an easement has challenged the concept of direct access to a major collector road.

The proposed parking lot meets the zoning requirements. The City requires one space per six seats. There are 54 seats within the chapel so the Code would require 9 parking spaces for the chapel. The applicant has proposed 18 parking spaces and of these, one would be handicap accessible, which meets the Americans with Disabilities Act (ADA) requirements.

The proposed parking lot is located in the center of the property away from street right-of-way and from any property lines. The existing trees on the site provide adequate screening and landscaping around the proposed parking lot. Additionally, the site has extensive areas of trees and the since the proposed chapel would not be removing any existing trees, staff does not recommend that the City require additional landscaping on the property.

The City Engineer recommends that the storm water facilities for this development remain privately owned and maintained and the applicant shall provide a drainage and utility easement for storm water including the 100-year HWL and pond maintenance access road and access bench.

Rev. John Burns, representing the applicant, spoke about how the easement was established, why the driveway is located in its current location and that retreatants staying at the Jesuit retreat often use the road to walk to the Carmelite site. He stated that it is an 18 foot wide road. He does not believe that building a road to Hidden Bay Trail for access to their site would be good for the neighborhood. He also wanted to assure people that they have no intention of advertising nor having additional traffic to the site by adding the chapel.

7:40 pm – Public Comment

Eric Littman – 8619 Hidden Bay Trail – in favor of the CUP without requiring a new access road to the south. He suggested that for the last 30 years the site has produced little impact on traffic and the proposed use will likely not increase traffic. The construction of a new access point would significant alter the character and disturb wildlife and quiet in the area.

Dave Carlson – 8554 Hidden Bay Trail – in favor of the CUP without requiring a new access road to the south.

Mark Fritch – 4563 Birch Bark Trail – do not support a new access road, but are in favor of the chapel. Currently a busy day on their road is 10 cars.

Elizabeth Schwab -1409 Granada Trail, Oakdale – attends mass at the sisters chapel, she said there is 2-3 cars on average daily.

Martin Chambers – 4689 Birch Bark Trail – in favor of the chapel and not supportive of an access off Hidden Bay Trail. He values the quiet neighbors.

Steve Singer – 8628 Ironwood Trail – has been attending retreats at the Retreat House since 1983. When he is on retreat he walks the road way as a walking path and is concerned about safety with additional cars. He wants them to build their chapel, just wants it to work together.

John Meyer – 4731 Birch Bark Trail – agree with building the chapel without requiring a new access road to the south.

Eric Abraham – 8548 Hidden Bay Trail – in favor of the chapel without requiring a new access road to the south. He mentioned that safety could be as much a concern if a new driveway is constructed.

Mike McTege 1486 Violet Lane Eagan. He has attended programs for 45 years at the Jesuit Retreat. He believes that a public church is not needed for this order of the faith. He states if the traffic numbers are as low as people claim, it should not affect other neighbors and there should be a new access. He also believes the City should not approve the CUP.

Tom Vander – 105 Walker Ave, Wayzata – have been attending the Jesuit Retreat for 32 years. The use of the property from Monday thru Wednesday is very different than from Thursday through Sunday evening, specifically the use of the road. He also mentioned that the staff report does not include the information regarding the other access point and should be included in the public record.

Tim Keene, 60 South 6th St., Minneapolis - attorney for the Jesuit Retreat House. He stated that the subject property has a 3.5 mile long driveway in an easement that is not direct access to a public street. The Jesuits have a different take on the use of the existing easement and the right to expand on easement and possible expansion.

Brian Huntington, an attorney from Larkin & Hoffman in Bloomington. He supplied the Planning Commission with a letter of the stated objections from the Jesuit Retreat House. He read a condition from the variance that was granted – that any further expansion of this property shall comply with current zoning regulations. He pointed out that when the variance was obtained they represented that the property did not have

road frontage and would not be used for public worship. He also mentioned that the Carmelites have been fundraising for this chapel and feel that is advertisement.

Frank Sherwood – 800 LaSalle, Minneapolis – He stated he is real estate expert of 40 years and is opposed to the CUP.

M/S/P: Cadenhead/Steil moved to table the discussion and action until they received a clear defined request or requests from the applicant.

Temporary meeting recess called at 8:15.

8:25 pm resumed meeting.

Business Item – Screening Requirements and Off-Street Parking Regulations in Rural Residential Zoning Districts Draft Ordinance

Roberts read the draft ordinance language.

Commission members helped clean up some numbering and wording issues.

M/S/P: Hartley/Risner, move to finalize the language and legal review and hold a public hearing, ***Vote: 6-0, motion carried unanimously.***

City Council Updates – June 18, 2019

1. Springs Apartments amenity points was a discussion at the City Council meeting. The Council talked through each point and concluded that the project qualifies for 15 points and that if they completed the theming they would qualify for 17 points which would allow them to build 300 units.
Discussion regarding PUD points and revisiting the ordinance.

Staff Updates

1. Upcoming Meeting
 - a. July 8, 2019 – Ordinance amendment and another PUD along 39th next to Arbor Glen.

Meeting adjourned at 8:36 pm

Respectfully submitted,

Tanya Nuss
Permit Technician



STAFF REPORT

DATE: 07/08/19

PUBLIC HEARING

ITEM #:

TO: Planning Commission
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Planned Unit Development Concept Plan Review for Frisbee Properties Senior Housing – 39th Street North**
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The City has received a request from Frisbee Properties LLC (c/o Mathew Frisbee) for a review of a Planned Unit Development (PUD) Concept Plan for a 60 unit rental senior housing development on a 5 acre parcel on 39th Street North.

ISSUE BEFORE COMMISSION:

The Planning Commission is being asked to hold a public hearing, review the concept (sketch) plan, provide feedback and make a recommendation to the City Council on the above-mentioned request.

PROPOSAL DETAILS/ANALYSIS:

General Information.

- *Property Owner:* Lake Elmo Business Park Co., Stillwater Minnesota
- *Applicant:* Frisbee Properties (c/o Mathew Frisbee)
- *Location:* North side of 39th Street N, east of Arbor Glen Senior Housing and Lake Elmo Avenue
- *Site Area:* 5 acres
- *Land Use Guidance:* 2030 Comprehensive Plan – Village Mixed Use, 2040 Comprehensive Plan – Village Mixed Use
- *Zoning:* VMX – Village Center Mixed Use
- *Surrounding Land Use Guidance:* Vacant Commercial (VMX) to the East, Urban Low Density Residential to the North (Village Preserve), Arbor Glen Senior Housing to the West and vacant commercial and institutionally planned land across 39th Street to the South.
- *History:* The property has been used as vacant land.
- *Deadline for Action:* Application Complete: June 7, 2019
60-day timeline: August 7, 2019

Applicable Code: Article VII – Specific Development Standards
Article XI – Village Mixed Use District

City of Lake Elmo Design Guidelines and Standards Manual

CONCEPT PUD PLAN REVIEW

PUD Review Process. The City Code for PUD's requires several steps in the project review and approval process. Section 154.758 of the City Code (below) provides all the details about the review process and steps. As noted subsection in E2, the Planning Commission is to hold a public hearing about the concept plan and report its findings and recommendations to the City Council.

§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below.

- A. *Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.
- B. *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.
- C. *Preliminary Plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.
- D. *Final Plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.
- E. *Schedule for Plan Approval*
 1. Developer presents the general concept plan to the Planning Commission for their review and comment.
 2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
 3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
 4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
 5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.
 6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.

Concept Plan Review: The Staff review comments that follow are all based on conducting a high level review of the Concept Plan since the City does not require a lot of detailed information at this stage in the PUD review process. Staff has focused on the bigger picture items for general compliance with the Comprehensive Plan and the City Code and on those things that could be a concern or would otherwise not allow the development to move forward as proposed.

Ownership and Management: The applicant noted that Ebenezer will assist with the marketing and sales (rentals) of the units with the expectation of filling the facility within 2 years. Ebenezer also will be providing the on-site management (with 3 employees) and consulting services for the facility.

Site Plan. The proposed site plan includes 10 buildings – 42 units in a 3-story building near the north property line and 9 patio home buildings with 2 units in each for a total of 60 units. The apartment building would include amenities such as community room, multi-purpose rooms, fitness room, management office and a food serving kitchen for serving community room. This building also would have indoor parking for 42 motor vehicles.

The detached patio homes would surround the center garden/green area that is shown with gardens, gazebos, bocce ball and pickle ball courts. The patio homes would each have an attached, direct-access garage.

Site Character. The site is vacant and relatively flat. There is a row of large spruce trees and Amur Maples along the northern property line.

Vehicular Access. The proposed concept plan shows two access driveways into the site from 39th Street. The spacing of the western proposed driveway in relation the existing driveway for Arbor Glen to the west may not meet City standards. In addition, the City standards/expectations for driveways for each property on 39th Street was that each property would have one driveway. The two proposed driveways do not meet City access spacing guidelines. The developer should revise the plans to have one primary driveway into the site that meets the spacing requirement of at least 300 feet from the existing Arbor Glen driveway. The City Engineer's review memo (attached) provides more details about streets and access for this site.

Trails and Pedestrian Access. There is an existing trail along 39th Street North. The proposed project plans show sidewalks on both sides of the two entrance driveways going into the site that would connect to the trail along 39th Street. These sidewalks would provide pedestrian access to the one-level patio homes, to the gardens and recreation area in the center of the site and to the dog park proposed for the southwest corner of the property.

The plans also show a sidewalk going from the dog park proceeding west onto the Arbor Glen site. The applicant should revise the location of this proposed sidewalk as it would put pedestrians in a poor location to cross the Arbor Glen driveway. This potential crossing location does not appear safe as the pedestrians would have a long distance to travel to get to another sidewalk or safe location.

Setbacks. The proposed site plan shows a variety of building and parking lot setbacks on the site. These include a front setback for the buildings of 20 feet (from 39th Street), a setback of 35 feet for the patio buildings from the west property line and a 25 foot setback from the west property line for the apartment building, a 25 foot rear yard building setback (from the north property line) for the apartment building and a 50 foot interior side yard setback for the patio buildings from the eastern property line. All these setbacks meet or exceed the minimum required by code and as proposed (unless additional public street right-of-way is needed for 39th Street). (Please see the City Engineer's comments for additional information about the streets and access).

According to the applicant, the proposed concept plan has 49.6 percent of the site as impervious surface (buildings and hardscape) and 50.4 percent of the site with pervious surfaces (green space and landscape areas). The City Code for residential development in the VMX Zoning district requires that at least 25

percent of the site have pervious surfaces (a maximum of 75 percent impervious) so, as proposed, the PUD meets this requirement.

Proposed Design. The proposed design of the development is a mix of buildings including the 42-unit senior living, 3-story building (with a mix of one, two and three bedroom units) with internal parking and the 9 buildings with 2 units in each to create the 18 patio homes. These units will have a mix of 2 and 3 bedrooms and each will have an attached garage space.

According the applicant, the exterior of the buildings will complement the adjacent Arbor Glen facility and will have exteriors with brick, stone, cementitious siding (Hardi-plank) with a sloping asphalt shingle roof. All building designs will need to meet the Lake Elmo Design Guidelines and Standards for materials and colors.

Proposed Unit Breakdown. The proposed number of units totals 60. The following provides a breakdown of the proposed unit types and the number of units of each:

Unit Type	Number of Units	Number of Units	Total Number of Units	
	Apartment Building	Detached Buildings		Required Parking Spaces
Studios	0	0	0	
1-Bedroom	5	0	5	5
2-Bedroom	32 (16 2-bedroom units and 16 1 bedroom plus den units)	15	47	94
3-Bedroom	5	3	8	24
Total	42	18	60	138 (123 plus 15 for visitor parking)

Parking. The City's Zoning Code requires one parking space per studio and 1 bedroom unit, two parking spaces per 2 and 3 bedroom unit and at least one visitor space per four units. With the proposed mix of 60 units, the City Zoning Code requires the developer to provide at least 138 parking spaces on site. If the City counts the 1 bedroom plus den units as 1 bedroom units (instead of as a 2 bedroom unit), then the amount of required off-street parking would be reduced by 16 parking spaces to 122 parking spaces. In this case, the developer is proposing a total of 117 parking spaces – including 42 parking spaces in the proposed apartment building, 29 surface parking spaces near the front entrance of the apartment building and 10 parking stalls along the entrance driveways (next to the center garden/court area). The proposed plans show that each of the 18 patio homes would have an attached garage parking space and a parking space on their driveway (for a total of 36 parking spaces) for these units.

If the applicant wants to move forward with development plans that have fewer parking spaces on site than the code requires, they should request City approval of a parking reduction as part of their preliminary PUD application. With such a request, the applicant would need to demonstrate to the City the amount of proposed parking would be adequate for the number of residents, staff and visitors.

The proposed width and length of parking stalls appear compliant with code, and the proposed width (shown to be 24') is adequate for a 2-way vehicle movement on the two main driveways on the site, according to the Zoning Code. The plans also show two parking spaces proposed to be Americans with Disabilities Act (ADA)-accessible.

Engineering Comments. The City Engineer has provided a detailed review memo (dated July 1, 2019) regarding the proposed General Concept PUD. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
 - The site plan must be revised to show only one driveway access to this property that should be at least 300 feet from the Arbor Glen Driveway.
 - No parking and construction staging, including the loading and unloading of materials and equipment will be allowed at any time on 39th Street during the construction of the site improvements and buildings.
 - A traffic impact study should be completed and submitted as part of the preliminary PUD and site plan application to determine if turn lanes will be required at the driveway access or at 39th Street North and Lake Elmo Avenue.
- *Municipal Sanitary Sewer*
 - Sanitary sewer is readily available to the site. The applicant or developer will be responsible for connecting to the City sanitary sewer system and extending sanitary sewer in to the property at the applicant's sole cost with private sewer service stubs installed for connection to each individual building.
- *Municipal Water Supply*
 - The existing City water system is readily available to this site. The applicant will be required to connect, at its sole cost, to the existing 8-inch DIP stub that was installed to serve this property.
 - The applicant will be responsible to place fire hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
 - Any watermain lines and fire hydrants placed within the development will require 30-foot-wide utility easements centered over the pipe. These easements must be dedicated to the City and provided in the City's standard form of easement agreement.
- *Stormwater Management*
 - The concept plan does not address storm water management. The proposed development is subject the construction of a storm water management plan and system that meets State, Valley Branch Watershed District (VBWD) and City rules. All stormwater facilities need to be designed and installed in accordance with City and Valley Branch Watershed District (VBWD) requirements.
 - All stormwater facilities constructed for this development are to remain privately owned and maintained. The city will require the applicant or developer to execute and record of a Stormwater Maintenance and Easement Agreement with the City in its standard form.
 - Even as privately owned and maintained facilities, the City requires the developer to provide maintenance access roads or drives that meet City engineering design standards for all storm water facilities.
 - The existing downstream drainage basins for the 39th Street storm sewer system do not have available treatment or storage capacity to accommodate new development. Therefore, any storm sewer connections to the 39th Street system must be at both reduced runoff rates and volumes.

Valley Branch Watershed District Comments: I have not received comments from John Hanson from the Valley Branch Watershed District about this proposal. However, he provided the City with the following comments about another recent development proposal that should be applicable to this site:

1. The project will require a Valley Branch Watershed District (VBWD) permit. Once the applicant submits a complete VBWD permit application, they will review it for conformance to the VBWD rules and regulations.
2. I understand the applicant is proposing underground facilities to control stormwater runoff rates and to provide the required stormwater runoff volume treatment. The VBWD will need to see soil borings and/or other infiltration testing results, computations

and design details to determine whether the proposed underground facility will conform to the VBWD rules and regulations.

Tree Removal and Preservation. The applicant has not yet submitted a proposed tree and landscaping plan for this site. The City will require the applicant to provide a complete tree inventory and tree preservation/replanting and landscaping plans as part of any site development applications going forward. The City's tree preservation ordinance allows for 30% removal of significant trees on a site and the City requires a tree mitigation plan showing how the developer will replace any removed trees.

Landscaping/Screening: There is a row of significant large trees along the north property line of the site. These trees provide screening between the existing single-family homes to the north and this development site. The developer/architect should design the project to preserve as many of the existing trees as possible. The City Code requires a screening/landscape barrier between a less intense land use and a more intense land use that is at least 90 percent opaque. This standard will apply for the northern property line of this site.

The applicant has not yet provided the City with any details about landscaping for the site (nor are they required to at this point of the review). The City will require the applicant to submit detailed landscape plans with their preliminary PUD application and those plans will need to meet or exceed the City's Landscape Requirements for the replanting of trees and for screening.

The landscape ordinance requirements are as follows:

1 tree per 50 lineal feet of street frontage, plus
5 trees for every 1 acre of development.
The required trees must be 25% deciduous, and 25% coniferous.

Landscape requirements for the site are as follows:

$$450 \text{ lin. Ft. of frontage} / 50 = 9 \text{ trees} + 5 \text{ acres} \times 5 = 25 \text{ trees} = \text{for a total of } 34 \text{ trees}$$

All tree removal, screening and landscape plans will subject to review by the City's Landscape Architect.

Building Official and Fire Chief Review. The Building Official and Fire Chief have reviewed the proposed concept plan and have provided several comments. Specifically, the Fire Chief noted:

- Ensure compliance with all applicable codes in the 2015 MN State Fire Code.
- Also, ensure compliance with MN State Fire Code Appendix D, with particular attention to address Section 105 if applicable based on current proposed building height.
The applicant has made a change from the original concept drawing to address this. They have proposed a 22' wide Fire Access Lane on the East end of the building. If the building height meets the criteria of Section D105 AERIAL FIRE APPARATUS ACCESS ROADS, this road will need to be increased to 26' in width to accommodate Aerial Apparatus.

It appears that access to the rear of the building, (using the proposed Fire Access Lane to the East and the Arbor Glen Drive to the West) does not meet the 150' requirement as stated in Section 503.1.1 of the 2015 MN State Fire Code. I would like to discuss this further with the Building Official and the applicant to determine if there are any possible exceptions in the Code to address this.

Moving forward, some of the items we'll need to address are as follows:

- FDC (Fire Department Connection) locations.
- Fire hydrant locations, will review Utility Plan w/Engineer.
- Ensure proper access and turning radius's throughout the site, meet Engineering Standards
- Lockboxes
- Road widths
- No Parking areas, will review w/Engineer

The City Building Official (Kevin Murphy) also provided me with comments about the concept plan. He noted the following:

- Plans shall be prepared an Architect, Structural Engineer and Mechanical Engineer
- The plumbing plans shall be submitted to the State for review
- The elevator requires a permit issued by DOLI (Minnesota Department of Labor and Industry)
- All fire suppression plans shall be submitted to the State Fire Marshall's Division for review.

2040 Comprehensive Plan. The 2040 Comprehensive Plan has designated this site Village Mixed Use (VMX) in the land use plan. The Comprehensive Plan identifies VMX as “an area where a mix of vertically integrated commercial/business and residential uses provide development types that benefit from proximity to each other. Land with this designation is assumed to redevelop or develop with a minimum of 50 percent residential use with a density ranging from 5 to 10 dwelling units per acre.”

The proposal is to have 60 units on a 5 acre site – 12 units per acre. The developer will be asking the City for amenity points to allow for an increase density to 60 units – 10 more than the 50 units allowed by the Comprehensive Plan. The proposed density and amenity points are discussed in more detail later on this report.

Consistency with Village Mixed Use Zoning District. As mentioned, the zoning of the site of the proposed development is VMX (village mixed use). Section 154.500 of the Zoning Code includes the purpose and description of the VMX zoning district. It states in part “the purpose of the VMX district is to provide an area for compact, mixed-use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. Development within areas zoned VMX will occur at a density of 6-10 units per acre. The placement of building edges and treatment of building, parking, landscaping and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district.”

For comparison, staff reviewed the proposed General PUD Concept Plan against the standards including setbacks, impervious coverage, etc. of the Village Mixed Use zoning district, as shown below.

Standard	Required	Proposed
Impervious Surface Maximum	75%	49.6%
Minimum Lot Width	75 feet	450 feet on 39 th Street North
Front Yard Setback	20 feet	20 feet
Interior Side Yard	10 feet	35 feet
Corner Side Yard	10 feet	N.A.
Rear Yard Setback	10 feet	25 feet
Maximum Building Height	45 feet (by PUD)	35 feet
Parking	Not to be located in the front yard or between the front façade and public street.	Parking is located in front of the proposed apartment building, though this proposed parking lot would setback about 300 feet from 39 th Street and would be screened from the street by

		buildings and the proposed garden areas.
Open space	200 square feet of common open space provided per unit. In this case, at least 12,000 square feet of common open space for the 60 proposed units.	It appears there is at least 60,000 square feet of open space provided on site with the garden areas, bocce ball and pickle ball courts and the dog park in the southwest corner of the site.

Adherence to Lake Elmo Design Guidelines and Standards.

The proposed development will need to meet the standards of the Lake Elmo design guidelines. It appears that the project will meet the Lake Elmo Design Guidelines and Standards in that:

- The proposed structures are located and oriented in a manner that allows for pedestrian accessibility and provides visual interest from the public right-of-way.
- The buildings are located as close to the public street as possible, easily accessible from the street; setbacks are varied slightly; recreational and common spaces are located at the interior or rear of the site.
- The parking areas do not account for more than 50% of street frontage.
- Examples of past developments adhere to building design requirements. It is a recommended condition of approval that the applicant include a detailed architectural plan proposal for the development.

Consistency with Planned Unit Development Regulations. The applicant has requested City approval of a PUD for this development because it will have multiple buildings on one property and to allow for an increase in density through the use of amenity points. Staff has reviewed the proposed plan for its consistency with requirements of Article XVII: Planned Unit Development (PUD) Regulations and has found the following:

- **Intent.** The intent of a PUD is to provide for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. A PUD is required for the proposed development, as more than one principal building is proposed to be placed on a platted lot and the proposed residential density would be greater than the 10 units per net acre as allowed by the Comprehensive Plan.
- **Identified Objectives.** When reviewing requests for PUDs, the City is to consider whether one or more objectives as outlined in Section 154.751: Identified Objectives of the Zoning Code will be served or is achieved. Staff has found that the proposed development would meet the following objectives:
 - A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.*
 - The proposed development is in part not a typical, multi-story apartment building and instead proposes some of the units with a one-level townhouse design with private, ground-level entrances and attached garages for each unit.
 - B. Promotion of integrated land use, allowing a mixture of residential, commercial and public facilities.*

- The proposed development is a mixture of housing types in an area with a variety of land uses including a building for seniors to the west, single-family homes to the north and vacant properties to the east and across 39th Street.
- C. *Provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques.*
- The proposed development is proposing a number of recreational amenities to residents within the PUD including pet playground, gardens, gazebos, bocce ball and pickle ball courts.
- D. *Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.*
- The proposed development will provide additional housing opportunities within the City, as there are currently very few multi-family buildings within the City.
- G. *Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.*
- The design of the buildings should be compatible with those of the adjacent Arbor Glen and the single-family homes to the north.
- J. *Higher standards of site and building design than would otherwise be provided under conventional land development technique.*
- The City may impose design guidelines and standards on high density residential development such as this proposal.
- a. **Minimum Requirements.** PUDs must meet the following minimum requirements:
- A. *Lot Area. A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development.*
- The proposed development meets this requirement as it is a 5-acre development.
- B. *Open Space: For all PUDs, at least 20% of the project area not within street rights-of-way to be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.*
- The applicant indicated in the application materials that about 29 % of the proposed development would be open space (including pet areas, green spaces, ball courts and landscaped areas).
- C. *Street Layout... In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.*

- The proposed development site has about 450 feet of frontage on 39th Street North. The applicant is not proposing any new public streets but rather two private driveways from 39th Street to serve the development. The City Engineer, however, is recommending that the City only allow one driveway for this site because of spacing and access management concerns. It is a recommended condition of approval that the developer address all the comments outlined in the Engineering memo dated July 1, 2019 before submitting plans for a preliminary plat and preliminary PUD plans for this site.

Density. The proposed density for this development is 12 residential units per acre – 60 proposed units on a 5 acre site. The VMX land use designation allow up to 10 residential units per acre. For this site, the maximum allowed density, without amenity points, would be 50 residential units. The developer will be requesting City approval of amenity points to allow for an increased density of 10 additional units.

Proposed Amenities. The City’s PUD ordinance provides that developers may provide amenities with their projects for increased density. In this case, because the applicant is proposing a housing density of 12 units per gross acre (or 12 units per net acre), the developer will need to provide amenities with the project to justify the increased housing density above the expected allowed density range 6-10 units per acre of the VMX land use designation. In addition, a PUD should offer the City (and future residents) amenities in exchange for the flexibility of allowing more than one building on a parcel. In this case, the developer is proposing several amenities that he believes are worthy of points for increased residential density. They include:

- *Underground or structure parking.* The 18 patio-style units each have an attached, direct-access garage space. The proposed apartment building has 42 indoor parking spaces. It has not been indicated that these designs will reduce the surface parking area outside the footprint of the principal structure by 25%, however, as required by the PUD Code.
- *Additional Open Space.*
- *Contained Parking.* By proposing 50 garage spaces for its residents, the proposed development limits the amount of visible surface parking.
- *Pedestrian Improvements.*
- *Plaza.*
- *Enhanced Landscaping.*
- *Theming.*
- *Additional Amenities?* Additionally, the City may also consider the allotment of amenity “points” for site amenities that are not otherwise specified within the ordinance.

I have attached a narrative from the applicant explaining site density, each of the proposed amenities and the points the applicant believes the City should award for each of these project elements for your consideration.

Parkland Dedication. The Parks Commission will need to review the proposed development to make a recommendation about park dedication requirements. The proposed development does not propose a public park but does provide recreation for its residents through the gardens, play areas and open space.

The proposed development consists of 5 acres, and the required parkland dedication for the Village Mixed Use zoning district is 10%. The required amount of fees would be 10% of the purchase price of the property, which has yet to be determined.

Recommended Findings. Staff recommends approval of the Concept PUD Plan for the proposed 39th Street Senior Living development as proposed by Ayers Associates based on the following findings:

1. That the PUD Concept Plan meets the general intent of the Village Mixed Use Land Use designation in the Comprehensive Plan and the Village Mixed Use zoning district with PUD modifications.
2. That the PUD Concept Plan generally complies with the City's Subdivision regulations.
3. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated July 1, 2019.
4. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
5. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and higher standards of site and building design than would otherwise be provided under conventional land development technique.

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend to the City Council approval of the Concept PUD for the 39th Street Senior Living Development as proposed by Ayers Associates with the following conditions:

1. That the applicant prepare any future preliminary plat and preliminary PUD plans showing all of the site perimeter property lines - including any revisions for any additional right-of-way or easements that may be needed for 39th Street.
2. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the Zoning Code including having fewer off-street parking spaces on the site than required by the City Code.
6. That the applicant address all comments in the City Engineer's Memorandum dated July 1, 2019 with the future preliminary plat and preliminary PUD Plans submittal. These include having only one driveway for the site and managing all storm water on the site.
7. That the Preliminary Plat and PUD Plans submittal include a complete tree inventory and tree preservation/replanting and landscape plans to be reviewed and approved by the City's Landscape Architect.
8. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.
9. That fees in lieu of park land dedication be provided as required by 153.14 with future final plat.
10. That the preliminary plat and preliminary PUD Plans submittal include detailed architectural plans for all the proposed buildings.
11. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
12. That all comments of the Fire Chief be addressed with any future preliminary plat plans and preliminary PUD plan submittal.
13. That all comments of the Building Official be addressed with any future preliminary plat plans and preliminary PUD plan submittal.
14. That the proposed sidewalk to Arbor Glen be revised to minimize the potential pedestrian conflicts for those attempting to cross the existing driveways on that site.

FISCAL IMPACT:

There would be no fiscal impact to the City at this time. Concept Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like that the developer and/or contractors will pay.

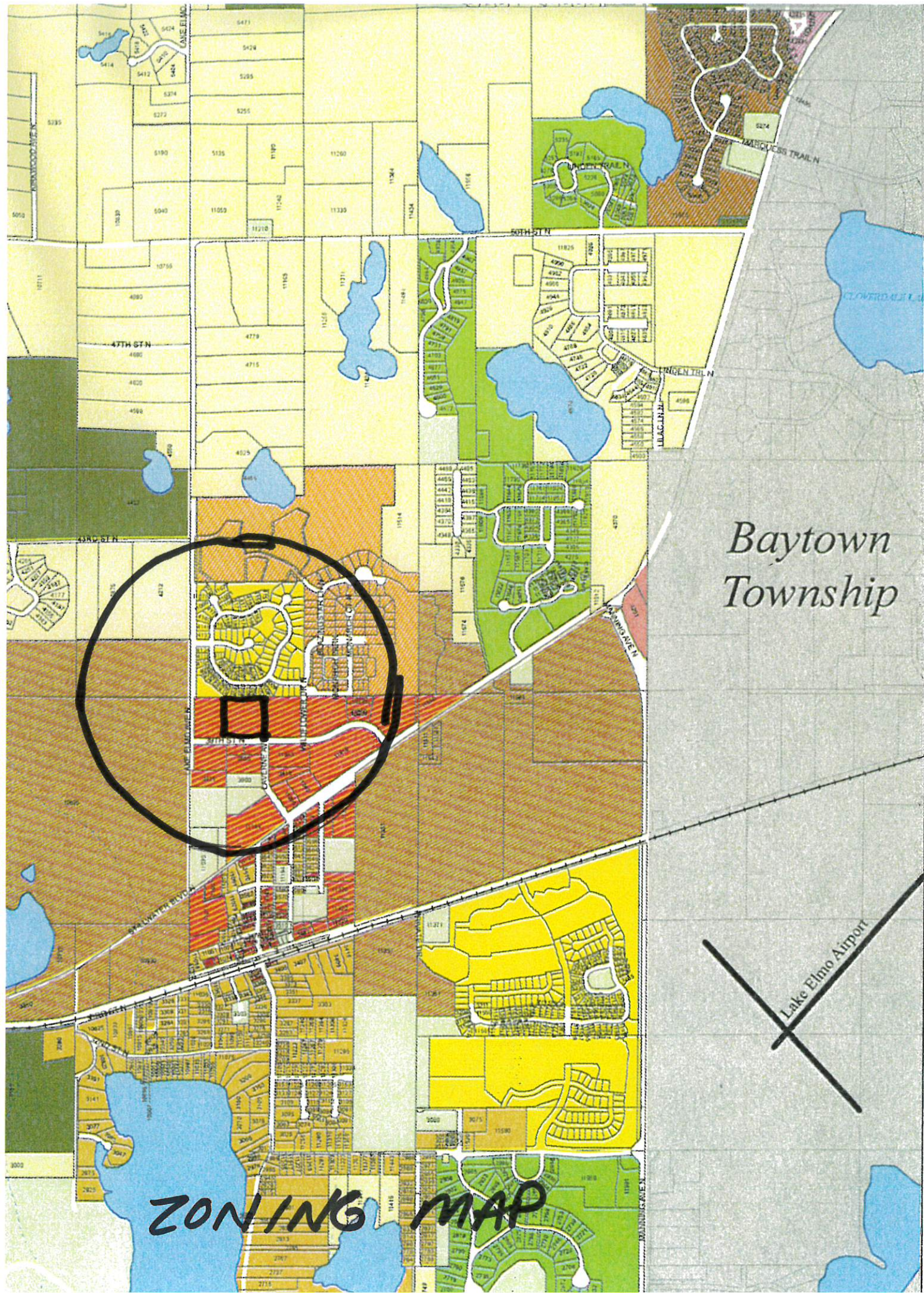
RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed PUD Concept Plan for the proposed 39th Street Senior Living development as proposed by Ayers Associates to be located on 39th Street North with the recommended conditions of approval.

“Motion to recommend approval of the PUD Concept Plan as requested by Matt Frisbee (Ayers Associates) for PID# 13.029.21.22.0013 for the project to be known as the 39th Street Senior Living located on the north side of 39th Street North, east of Arbor Glen, subject to recommended conditions of approval.”

ATTACHMENTS:

- Zoning Map
- Address Map
- Aerial Photo
- Concept Site Plan
- Apartment Bldg – Proposed First Floor Plan
- Apartment Bldg – Proposed Second Floor Plan
- Apartment Bldg – Proposed Third Floor Plan
- Patio Home Plan
- Patio Home Plan
- Applicant’s Project Summary dated June 7, 2019 (2 pages)
- Applicant’s Site Calculation Information Sheet dated 6-10-19
- Applicant’s PUD Density and Amenity Points Narrative
- City Engineer review memo dated July 1, 2019 (2 pages)

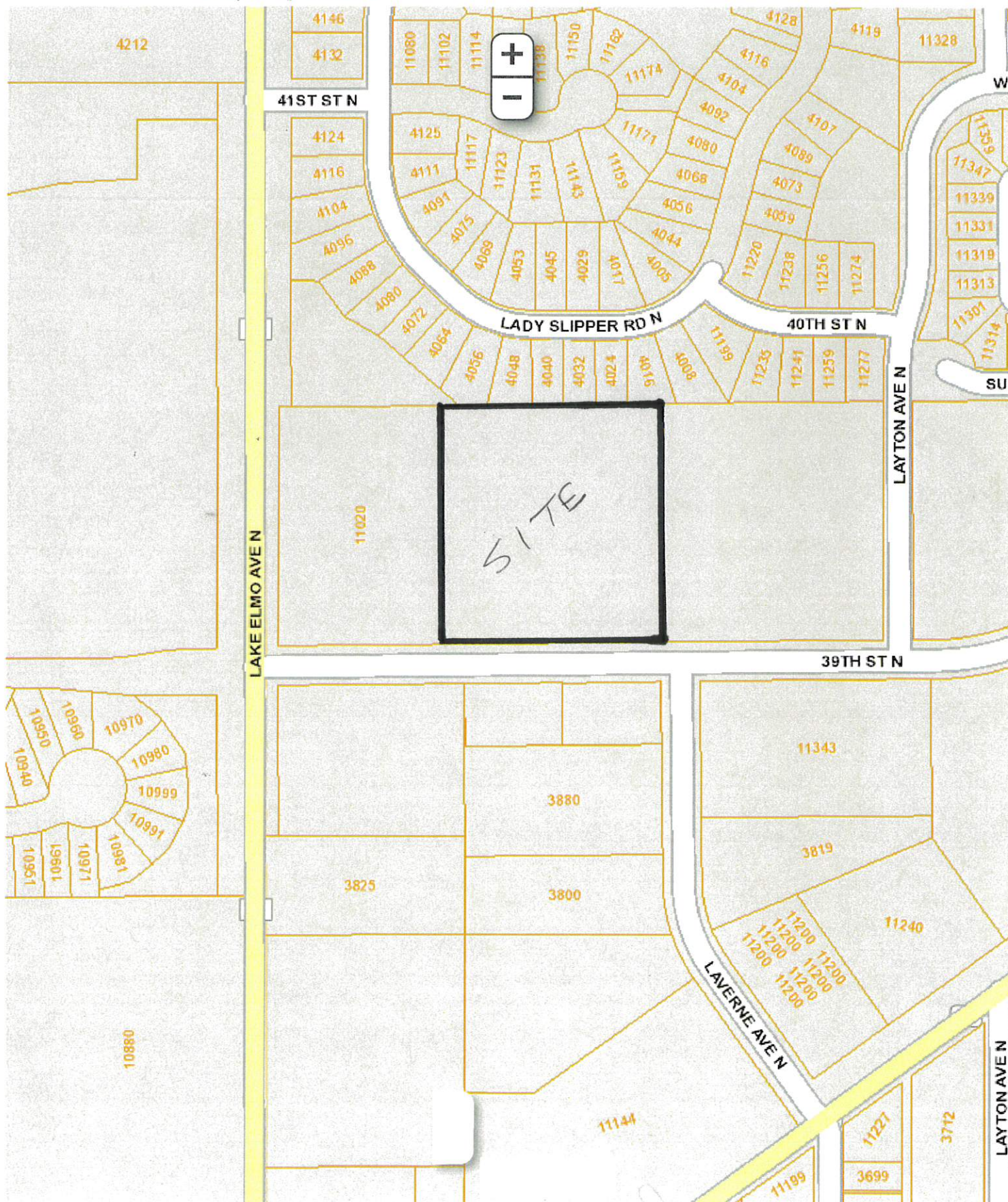


*Baytown
Township*

ZONING MAP



Property Viewer

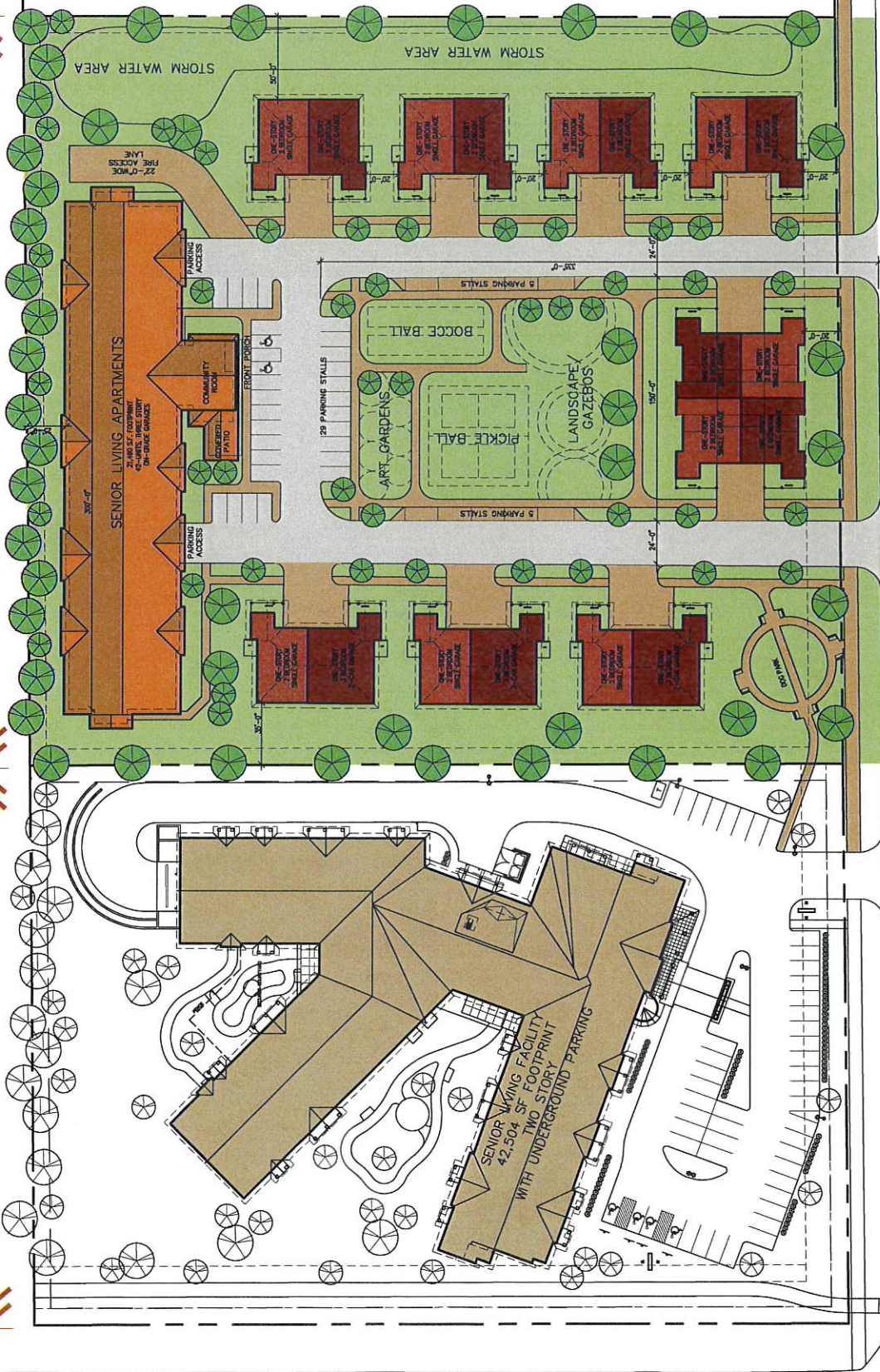




EXISTING SENIOR ASSISTED LIVING

PROPOSED INDEPENDENT SENIOR LIVING

5-ACRE SITE



SCALE: 1" = 60' - 0"



LAKE ELMO
SENIOR
DEVELOPMENT

AVRES
ASSOCIATES

JUNE 7, 2019

39th Street N

Lake Elmo Senior Living Project Summary

To: City of Lake Elmo, MN

7 June 2019

From: Mathew Frisbie – Ayres Associates Inc

The following describes the overall project summary.

Lake Elmo Senior Living Project with Ebenezer Management

Lake Elmo, MN

The Location and Demand

This proposed independent senior living project is the 5-acre parcel adjacent to Arbor Glen Senior Living (11020 39th Street) in Lake Elmo.

Lake Elmo is a suburban community of 9,916 people (2018 estimate) in Washington County. While lower-density, Lake Elmo is surrounded by larger neighbors. To the northeast is Stillwater (population 19,750) and Oak Park Heights (4,740). On the southwest is Woodbury (69,500) and on the west is Oakdale (28,100).

Lake Elmo is an appealing residential location as it combines a picturesque rural character with excellent access to shopping and services in the surrounding area. Based on the resident draw pattern of the existing Arbor Glen Senior Living, community orientation, proximity to other senior housing properties in the surrounding area, geographic barriers, and our knowledge of senior housing draw areas, we estimate that a new senior rental housing development on the Site in Lake Elmo would attract approximately 65% of its residents from a draw area (Primary Market Area, or "PMA") that includes Lake Elmo, West Lakeland Township, and Baytown Township. The remaining portion of the senior housing demand (35%) would come from outside the PMA, particularly parents of adult children living in the PMA.

The preliminary senior housing study was completed by Viewpoint Consulting Group, Inc. Based on pent-up demand and the growth in senior households, the Market Study identified an unmet demand for independent senior living units, assisted living units and memory care units. These numbers conservatively reflect a capture rate of 45% of the market area excess demand. The senior population is projected to continue to see an increase for the next five years. This provides for a very healthy and growing senior population.

The Project

The site development for this project, managed by Ebenezer, is a total 60 units designed around a common park-like green space and site amenities for senior independent living. This would consist of a 42-unit senior living three-story apartment building with larger one-bedroom units and two-bedroom units with internal parking. The site plan layout will also include 18 patio homes (9 buildings with either twinned two-bedroom or three-bedroom units). The rent structure is comparable to neighboring facilities and other new campuses that are currently being constructed across the region.

The apartment building will incorporate typical senior building amenities such as a community room, multi-purpose rooms, fitness room, management office and a food serving kitchen for serving community room.

The exterior of the buildings will complement the adjacent Arbor Glen facility and will incorporate brick, stone and Hardi-type siding (cementitious siding) with a sloping asphalt shingle roof. The building will be set back off the adjacent streets with extensive patios, landscaping, gardens, walks and courtyards.

The Management Team – Ebenezer Senior Services:

Founded in 1917 by Minneapolis Lutherans to provide community-centered care for homeless older adults and others in need, Ebenezer Society programs and services today include:

- Independent Living (including condominiums, cooperatives and senior apartments)
- Assisted Living
- Memory Care
- Transitional and Long-term Care
- Adult and Intergenerational Day Programs
- Community-based Services
- Management and Consulting Services
- The Ebenezer Foundation

Part of Fairview Health Services since 1995, their combined resources and expertise offer access to a full range of choices for vibrant senior living. In partnership with the University of Minnesota, they are also part of an academic health system improving the patient's clinical experience, conducting nation-leading research and achieving academic prominence.

Ebenezer will assist in analyzing the market, establishing a strategic marketing plan, producing sales collateral, coordinating a public relations plan, and training sales staff. Through Ebenezer's system for managing leads, maximizing sales, and monitoring programs to reach occupancy projections, this new senior living facility hopes to fill this facility within two years of opening.

Ebenezer will provide effective on-site management as well as consulting services in all areas of management. Ebenezer has proven that quality patient care and a positive bottom line can go hand-in-hand. Ebenezer will evaluate the facilities' strengths and weaknesses and they will assess current programs, any service gaps, as well as opportunities and threats in the external market environment. From this, recommendations for new service options tailored to the needs of seniors will be developed and include an individualized implementation plan.

The anticipated number of employees for this independent senior living facility project will be approximately 3 employees. This will include a director, staff for activities, and maintenance.

Please contact me if you have any questions or comments.

Sincerely,



Mathew J. Frisbie, AIA
Vice President – Ayres Associates Inc

Lake Elmo Senior Living - Site Calculations			Printed 6-10-19	
Ayres Associates Inc				
	Acres:	Square Feet:	Percent:	
Total Site	5	217,800	100.00%	
Total Buildings and Hardscape (Impervious)		108,000	49.59%	
Smaller twin home = 4,600 s.f. with driveway (each)				
Larger twin home = 5,300 s.f. with driveway (each)				
All Sidewalks				
All roads, drives, and parking				
Total Green space (pervious)		109,800	50.41%	
Landscape and grass areas				
(includes Bocce Ball and Pickle Ball courts)				
<u>Other misc. Calculations:</u>				
	Acres:	Square Feet:	Percent:	
Common Space		63,028	28.94%	
Common Road and Parking				
Center area in the "Village" site layout				
Landscape gardens and paths				
Bocce Ball courts				
Pickle Ball Courts				
Southwest corner in site layout				
Dog park and walking paths with benches				
	Acres:	Square Feet:	Percent:	
Common Road and Common Parking		30,328	13.92%	
(not counting the twinhome driveways)				

THIS PAGE
LEFT
BLANK

PUD Density Calculations Information

Site for Proposed Lake Elmo Senior Living Project

Parcel Number: 13.029.21.22.0013

Legal Description: BROOKMAN 3RD ADD LOT 2 BLOCK 2 SUBDIVISIONCD 37102

Summary:

The Concept Site Plan shows 60 total units – 42 in the three-story apartment building and 18 in the one-level patio home buildings. The existing zoning of the site, VMX, shows the density for development at 6-10 units per acre. So, the summary of the density of the proposed concept site plan starts with the 10 units/acre = 50 units and then we meet several of the PUD “density increases” to meet the 20% increase which adds another 10 unit for a total of 60 units.

Please see our density increase calculations below from the City Zoning Code

From the City of Lake Elmo Zoning Code:

§ 154.754 DENSITY.

The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least 1 or a combination of site amenities that equal the required amount of amenity points to achieve the desired density bonus.

A. *Amenity Points and Equivalent Density Increases.* Increases in density will be awarded through a 1:1 ratio with amenity points. For every increase in amenity points for a

Planned Unit Development, the applicant will be allowed an equivalent amount of

density increase, up to a maximum increase of 20%. Table 16-1 outlines the required amount of amenity points to achieve various density increases.

Table 16-1: Amenity Points and Equivalent Density Increases

<i>Amenity Points</i>	<i>Density Increase</i>
5	5%
10	10%
15	15%
20	20%

B. *Site Amenities.* Site amenities that are eligible for amenity points are listed in Table 16-2, including the associated standards of implementation. Some of the amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity. Where the amenity does not meet all of the standards required in Table 16-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as otherwise allowed in Table 16-2.

C. *Site Amenities Not Listed.* The city may also consider the allotment of amenity points for site amenities that are not otherwise specified within this ordinance as part of the preliminary plan phase of the planned development.

Table 16-2: Site Amenities

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.
<i>Points</i>	<i>Amenity</i>	<i>Standards</i>

+10
points

+0
points

+10
points

+0
points

+0
points

+5
points

+0
points

10	Additional Open Space	A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Contained Parking	The purpose of this amenity is to better integrate surface parking into the site and reduce the amount of visible surface parking from the public right-of-way. Parking should be rear-loaded and hidden by the building facade, or integrated into the site in some other fashion that is acceptable to the city. This amenity is separate from underground or structure parking.
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
+5 points	5	Pedestrian Improvements A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and /or around the site that comply with the Americans with Disabilities Act accessibility requirements.
+0 points	5	Adaptive Reuse Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
+5 points	5	Plaza The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
+5 points	1-5	Enhanced Landscaping A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.
+3 points	3	Enhanced Storm Water Management Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
+3 points	1-3	Theming Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
+0 points	3	Natural Features Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.

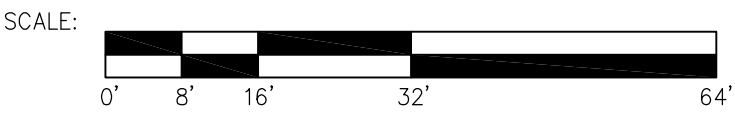
Estimated total of +/-46 potential points awarded
Max points allowed is 20 points for 20% density increase



FIRST FLOOR: 21,964 SF.

3 UNITS:

- 2 TWO-BEDROOM
- 1 ONE-BEDROOM



7 June 2019

LAKE ELMO SENIOR DEVELOPMENT





SECOND FLOOR: 21,732 SF.

19 UNITS:

- 2 TWO-BEDROOM+DEN
- 7 TWO-BEDROOM
- 8 ONE-BEDROOM+DEN
- 2 ONE-BEDROOM

SCALE:



7 June 2019

**LAKE ELMO
SENIOR DEVELOPMENT**





THIRD FLOOR: 21,732 SF.

20 UNITS:

- 3 TWO-BEDROOM+DEN
- 7 TWO-BEDROOM
- 8 ONE-BEDROOM+DEN
- 2 ONE-BEDROOM

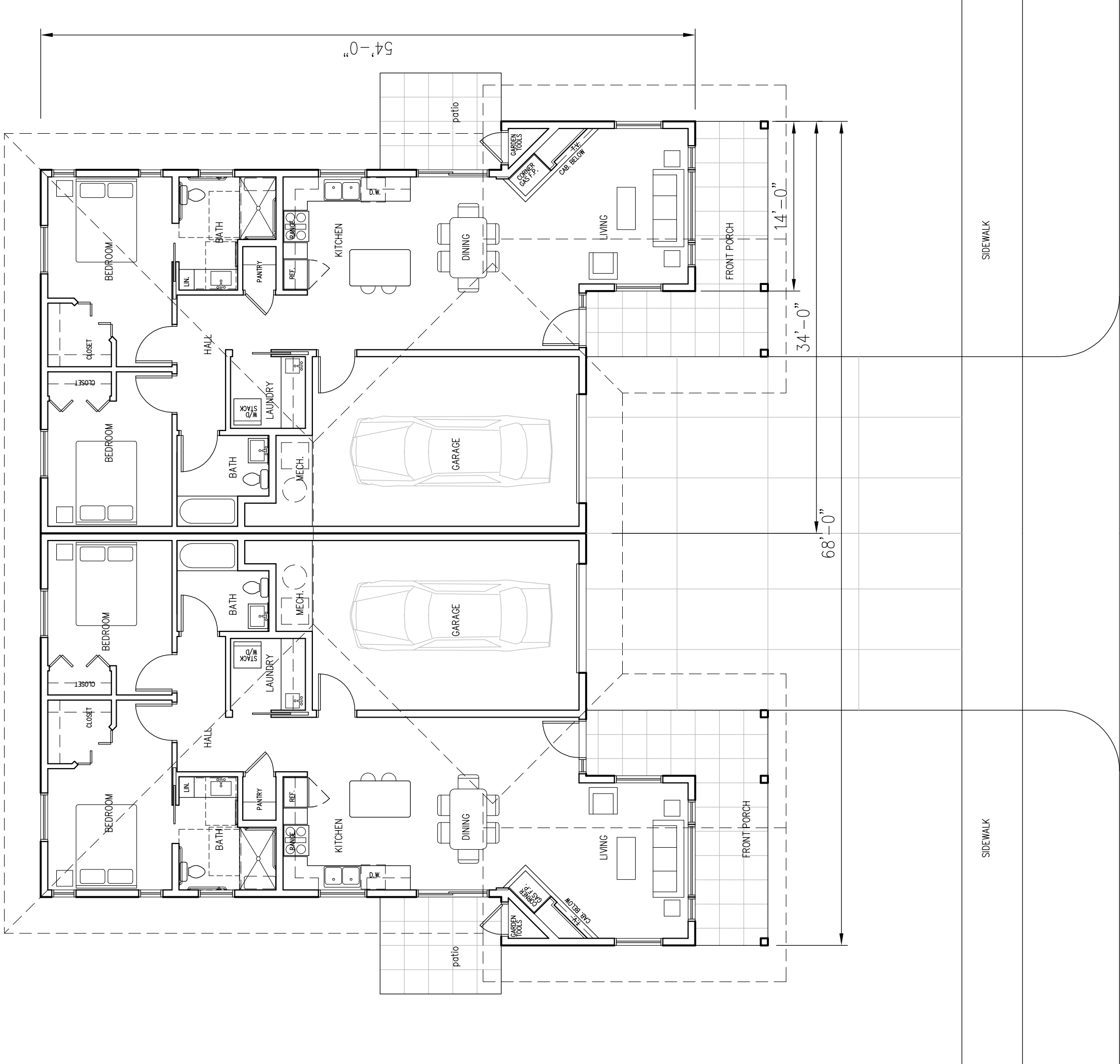
SCALE:



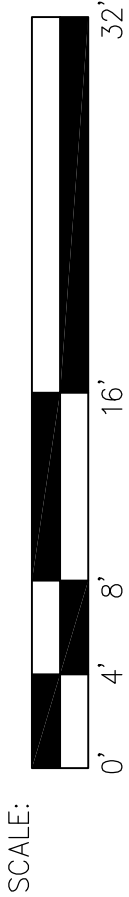
7 June 2019

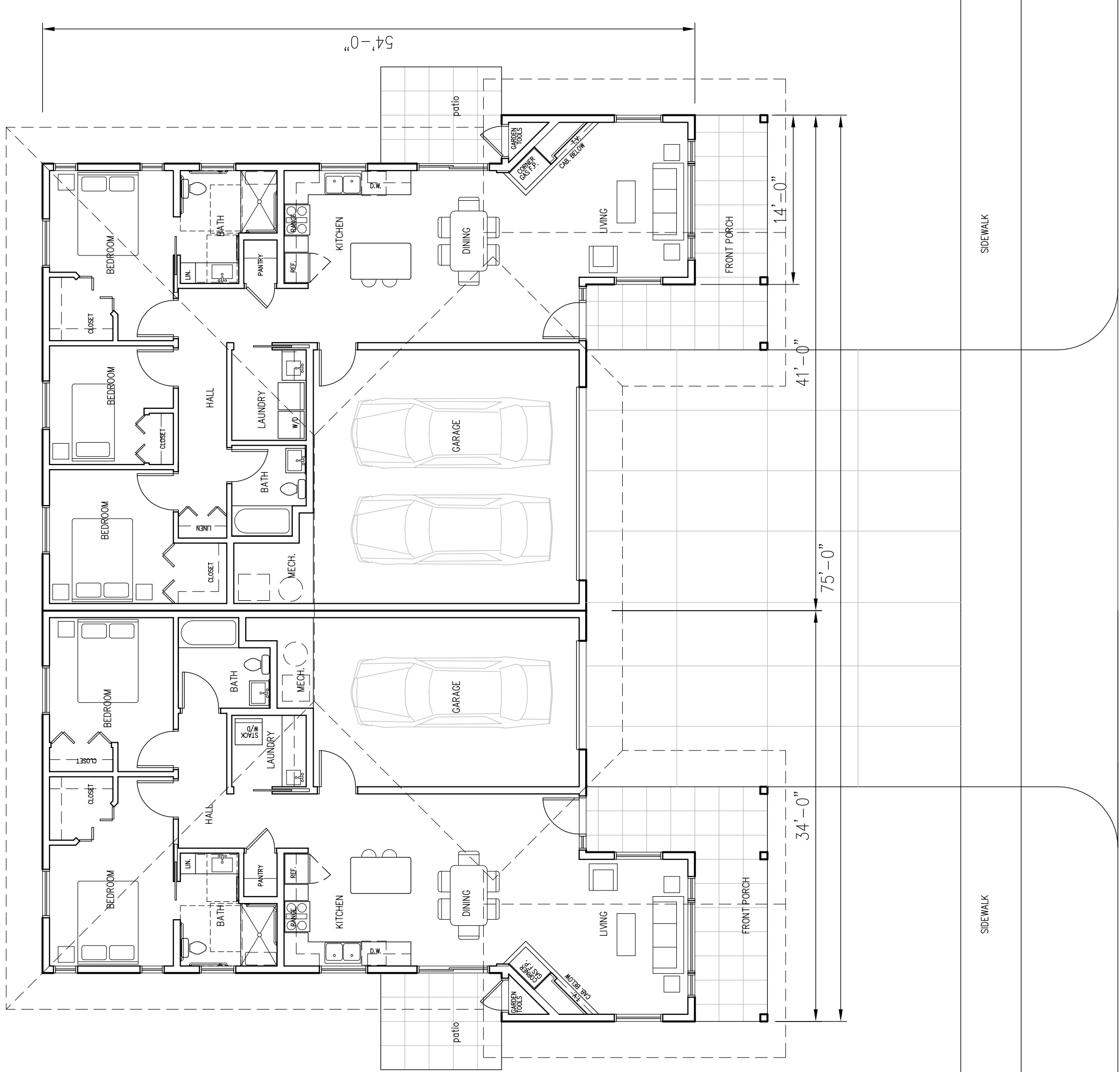
**LAKE ELMO
SENIOR DEVELOPMENT**



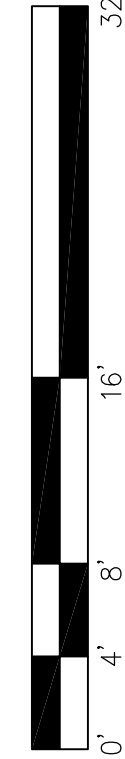


PATIO HOME PROTOTYPE
1,504 S.F. INCLUDING GARAGE – EACH SIDE
1,150 S.F. NOT INCLUDING GARAGE – EACH SIDE





3-BEDROOM
PATIO HOME PROTOTYPE
1,820 S.F. INCLUDING GARAGE – EACH SIDE
1,332 S.F. NOT INCLUDING GARAGE – EACH SIDE



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: July 1, 2019

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

Re: Lake Elmo Senior Development
Concept Plan Review

Engineering has reviewed the Concept Site Plan for the Lake Elmo Senior Development to be located along 39th Street North, just east of Arbor Glenn Senior Living. The submittal consisted of a Concept Site Plan dated June 7, 2019 prepared by Ayres Associates.

STREETS AND TRANSPORTATION

- Site Access/Access Management. With the potential for many new commercial buildings along 39th Street North, access management will need to be carefully implemented to ensure that 39th Street continues to function as intended. As parcels develop and subdivide, the access points to 39th Street will need to be coordinated and minimized. The Concept Site Plan shows two commercial driveway accesses to 39th Street North that do not meet appropriate access spacing guidelines. The site plan must be revised to show only one driveway access to this property that should be at least 300 feet (preferably 330 feet) from the existing driveway at Arbor Glen.
- Alternative second access. A second driveway access could be considered by combining the west access and the Arbor Glen driveway together as one access located on the westly property line and creating a new second access located 300 feet to the east.
- 39th Street North Right-of-Way Dedication. No additional right-of-way dedication appears to be required along 39th Street North. However, the application should demonstrate that the existing right-of-way provides a minimum of 40 feet from street centerline along the entire length of the property.
- 39th Street North Utility Easement Dedication. A 10-foot utility easement for small utilities must be dedicated to the City along the entire north boulevard of 39th Street North. The site plans must be prepared in a manner to preserves the full 10-feet for small utility installation with no obstructions (e.g. signs, trees, structures, etc.). The utility easement must be graded as boulevard with maximum 4% slope.
- Construction parking and staging (preservation of 39th Street North). As part of any development or site improvement agreement the developer will be required to manage all construction parking, construction staging and material deliveries internal to the site. No parking and construction staging, including loading and unloading materials and equipment will be allowed along 39th Street North at any time during the construction of the site improvements and buildings. All street and boulevard damage caused by the construction activities must be repaired or replaced at no cost to the City.
- Site easements/landscaping. The site plans must be revised to maintain all tree plantings outside of the front, side and rear drainage and utility easements.
- Traffic Impact Study. A traffic impact study should be completed and submitted as part of the site plan application to determine whether turn lanes will be required at the driveway access(s) or at 39th Street North and Lake Elmo Avenue.

STORMWATER MANAGEMENT

- 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.
- Storm water facilities proposed for meeting permitting requirements must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website.
- 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.
- The Concept Site Plan shows an elongated storm water facility along the east side of the property which encroaches the east side yard drainage and utility easement. It is likely that this stormwater area will not provide sufficient stormwater management for the site and additional land will be needed to meet both storm water permitting and management requirements.
- The storm water facility 100-year HWL must be fully contained within the subject property and must be a minimum of 2-feet below all adjacent low floor building elevations.
- The existing downstream drainage basins for the 39th Street storm sewer system do not have available treatment or storage capacity to accommodate new development. Therefore, any storm sewer connections to the 39th Street system must be at both reduced runoff rates and volumes.
- Connection to 39th Street storm sewer requires verification of existing capacity within all downstream storm sewer systems and availability of downstream storm sewer ponding at the discharge location(s). Detailed storm sewer calculations must be submitted demonstrating sufficient capacity and meeting all current City Engineering Design Standards.

MUNICIPAL WATER SUPPLY

- The proposed property is located in the Old Village MUSA and intermediate water system pressure zone.
- Connection to the municipal water supply is readily available to serve this property. The applicant will be required to connect, at its sole cost, to the existing 8-inch DIP stub that was installed to serve this property. A minimum 8-inch diameter watermain will be required to be extended internal to the site with private water services stubbed for connection to each individual building.
- The applicant may be required to construct a looped watermain with a second connection point, depending upon site layout, and may be required to install a watermain stub to the adjacent property.
- The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants and connecting watermains shall be owned and maintained by the City.
- Any watermain lines and hydrants placed internal to the site will require minimum 30-foot easements centered over the hydrant or pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.
- Water availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the WAC/Connection charges for each building.

MUNICIPAL SANITARY SEWER

- The proposed property is located in the Old Village MUSA current Regional Sewer Staging Plan and would discharge to the MCES Cottage Grove Ravine Interceptor.
- Connection to the municipal sanitary sewer system is readily available to serve this property. The applicant will be required to connect, at its sole cost, to the existing 8-inch PVC stub that was installed to serve this property. An 8-inch diameter sanitary sewer main will be required to be extended internal to the site with private sewer service stubs installed for connection to each individual building.
- All public sanitary sewer mains internal to the site require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths). Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.
- The applicant may be required to install a sanitary sewer stub to the adjacent property.
- Sewer availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the SAC/Connection charges for each building.



STAFF REPORT

DATE: July 8, 2019

PUBLIC HEARING

ITEM #: 4b

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

BACKGROUND:

The Planning Commission has reviewed drafted language for exterior storage and screening requirements on two occasions. The first being June 10th and the second on June 24th of 2019. At this point City Staff is looking for final amendments, if any and then a recommendation to bring forward to City Council.

ISSUE BEFORE THE COMMISSION

Would the Planning Commission like to recommend approval of the proposed ordinance amendments?

REVIEW AND ANALYSIS:

With previous reports focusing in on vehicle storage and firewood, this report will incorporate the final drafted language of the entire section (154.407). If the discussed section is amended, Staff will be recommending the removal of Section 150.001 because each residential district has its own section to address screening and leaving it in place will continue to cause conflicts. Going forward Staff will also look at the language for the other zoning districts to see if there needs to be corrections.

Lake Elmo:

Each residential district, Rural, Urban and Village Mixed use has their own screening requirements. Those sections are 154.407, 154.456, and 154.507. Realizing that each district might have different expectations Staff has chosen to specifically focus in on the rural district (154.407). Below are the two sections of Code that would have influence over the rural district for screening requirements in the City. Staff has merged the two existing sections and combined aspects of other communities to create new language for the City (*see 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 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.

Other communities do allow trailers to be stored on the driveway, side, and rear yard. Since number 4. Of section 154.407 says “Off-street parking and storage of vehicles and accessory equipment...” Staff is under the impression that trailers could be stored in the front yard as long as they were on an improved surface. A very brief explanation of other Community codes are provided below.

Forest Lake: The location of the vehicles is limited to the setback requirements of accessory structures. Generally this means storage would not be allowed between the front of the home and the street. They allow firewood without screening in the side and rear yards.

Mounds View: Mounds View has a simple code in that it restricts recreational vehicles and equipment from being stored closer than 15 ft. to a paved surface of a public roadway.

Orono: They do allow for boats to be stored in the front yard (on the driveway) if it is on a trailer. However, they only allow utility trailers to be stored for a duration of 24 hours.
Staff Comment: Staff understands there is a visual difference between boat trailers and utility trailers (or other) but does not necessarily believe there needs to be different standards for different trailers.

Woodbury: One trailer may be stored in the front yard as long as there is 15ft. of separation between the trailer and the curb. Firewood is allowed without screening only on the side and rear yard of the property.

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.

OPTIONS:

Staff is recommending approval of the drafted ordinance. However, the Commission may:

- Recommend approval of the drafted amendment.
- Recommend approval with amendments to the drafted language.
- Recommend denial to the proposed amendments.

COMMENTS AND RECOMMENDATION

Staff is looking for final comments on the following amended code language. As proposed, the items listed below would be allowed without screening in the rural zoning districts (A, RR, RT, RS, and RE). The proposed Code amendments (below) are in red. No parking of commercial trailers (semi) is covered in Section 154.210 H. The attached ordinance provides a comprehensive look at what is proposed for removal and for addition to the City Code.

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 7, Section 154.210, are licensed (when applicable) and kept in operable condition.
 - a. Trailers shall be licensed to a resident of the property.
 - b. Residential properties are allowed to store one trailer (boat trailer, snowmobile trailer, utility trailer, recreational vehicle, etc.) within the front yard. All other trailers must be stored either in the side or rear yard, and must be at least 5 ft. from all property lines.
 - c. All trailers must be stored on a durable surface with suitable drainage that is not subject to rutting and/or erosion.
 - d. Trailers must not be used as temporary or permanent storage of items as described in Chapter 96 of the City Code.
5. Firewood storage, for personal use only.
 - a. Firewood must be stacked in a stable manner, cannot exceed 5 feet in height, and stored only in the side or rear yards. In the case of properties with multiple street frontages, fire wood shall not be stored on a side that abuts a public street.

ATTACHMENTS

- Draft Ordinance 08-XXX
- 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

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-__

**AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF
ORDINANCES BY REMOVING AND ADDING ADDITIONAL STANDARDS AND
LANGUAGE FOR SCREENING REQUIREMENTS.**

SECTION 1. The City Council of the City of Lake Elmo hereby removes Title XV Land Use: Chapter 150 General Provisions; Exterior Storage: 150.001 Prohibited Without Screening;

~~150.001 PROHIBITED WITHOUT SCREENING.~~

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

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

~~—(B) In non-residential districts, exterior storage of personal property may be permitted by conditional use permit provided the property is so stored for purposes relating to a use of the property permitted by the zoning code and will not be contrary to the intent and purpose of the zoning code.~~

~~(1997 Code, § 1340.03)~~

~~—(C) Existing uses. Existing uses shall comply with the provisions of §§ 150.001 et seq. within a reasonable time, not to exceed 6 months following the enactment of this code.~~

~~(1997 Code, § 1340.02) Penalty, see § 10.99~~

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XI Rural District: by amending Section 154.407 Accessory Uses;

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~~Property.

~~4. Off-street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section 154.102.~~

4. Off-street parking and storage of trailers 25ft. in length or less as regulated in Article 7, Section 154.210, are licensed (when applicable) and kept in operable condition.

a. Trailers shall be licensed to a resident of the property.

b. Residential properties are allowed to store one trailer (boat trailer, snowmobile trailer, utility trailer, recreational vehicle, etc.) within the front yard. All other trailers must be stored either in the side or rear yard, and must be at least 5 ft. from all property lines.

c. All trailers must be stored on a durable surface with suitable drainage that is not subject to rutting and/or erosion.

d. Trailers must not be used as temporary or permanent storage of items as described in Chapter 96 of the City Code.

5. Firewood storage, for personal use only.

a. Firewood must be stacked in a stable manner, cannot exceed 5 feet in height, and stored only in the side or rear yards. In the case of properties with multiple street frontages, fire wood shall not be stored on a side that abuts a public street.

~~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~~

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

(Ord. 2012-073, passed 3-19-2013)

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-___ was adopted on this _____ day of ____ 2019, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2019.

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.

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 PARKING¹:** 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

¹ 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 Equipment¹:** 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. **Trucks²:** 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)

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

² See also Section 802.04 of this Chapter

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. 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)

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.

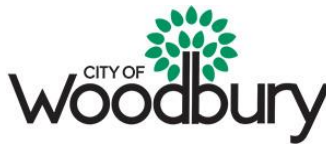
Exceptions: The following items which are in use, or usable, and in good condition, are exempt:

- (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)



8301 Valley Creek Road • Woodbury, MN 55125-3300 • www.ci.woodbury.mn.us
(651) 714-3500 • TDD (651) 3568 • building@ci.woodbury.mn.us

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.

§ 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)



STAFF REPORT

DATE: July 8th, 2019

PUBLIC HEARING

ITEM #: 4c

MOTION

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: Accessory Structures – Size Limitations
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The City Council had asked Staff to look into the sizing requirements for accessory structures, specifically on properties of 1 acre or less. A report was brought to the City Council workshop on June 11th 2019 and there was a general consensus there could be grounds to amend the code. Since then Staff has refined the report and prepared draft language for the Commission to review.

ISSUE BEFORE THE COMMISSION

Would the Planning Commission like to recommend approval of the proposed ordinance amendments?

REVIEW AND ANALYSIS:

City Staff has had several residents ask to build a larger accessory building than what the Code would allow. Because the maximum square footage is shared between the garage and accessory building the size becomes limited. This often leads into the discussion of a variance and Staff believes it would be difficult for a resident to meet all of the criteria for variance approval when it comes to size limits for accessory structures. Staff would like to say that if the size of a structure is increased there are other measures that could keep the size in check including, impervious surface limits, setbacks, in some cases utility easements, etc.

Variance Requirements:

Practical Difficulties. ...would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.

Definition of Practical Difficulties. “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

Unique Circumstances. The problem for the landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and that were not created by the land owner/applicant.

Character of Locality. The proposed variance will not alter the essential character of the locality in which the property in question is located.

Adjacent Properties and Traffic. The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

Lake Elmo:

Staff is working off of Table 9-3 and notes (below) for standards to accessory buildings in the rural districts.

Lot Size	Maximum Structure Size a. (sqft.)	No. of Permitted Buildings
Under 1 acre	1,200 b.	1
1-2 acres	1,200	1
2-5 acres	1,300	1
5-10 acres	2,000	2
10-15 acres	2,500	2 c.
15-20 acres	3,000	2 c.
20-40 acres	4,000	2 c.
40+ acres	Unregulated d.	Unregulated d.

Notes to table 9-3

a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.

b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.

c. One agricultural building, as defined in §154.213, is allowed in addition to the permitted number and size of accessory structures.

d. Agricultural buildings, as defined in §154.213, are allowed in addition to up to two permitted accessory structures which total 4,000 square feet.

Because the square footage for accessory buildings on properties under 1 acre is limited to 1,200 square feet between the garage and any accessory building, residents are finding the accessory buildings are smaller than what they want or need. Also, building an addition to their existing garage may not be feasible due to setbacks or structural constraints of the existing garage. Staff found comparable examples from other communities. For this review only the accessory building and lot size will be compared.

Other Communities:

City of Woodbury:

Staff has found that the City of Woodbury and Lake Elmo have code language that is very similar in structure and content. They have chosen to separate the garage space from an accessory structure. Doing something like this would aide in relieving the issue of not allowing enough space.

Each lot with a principal building is allowed attached garage space or one detached garage in addition to an accessory building or buildings as per chart c.8.

a. Attached garage space.

1. Shall not exceed 1,000 square feet or 50 percent of the main floor area of the principal building, up to 2,000 square feet, whichever is greater.

Zoning District	Number	Maximum Size
R-1, Urban Reserve, lot less than 5 acres	1	1,000 square feet
R-1, Urban Reserve, lot 5 acres or more	2	2,000 square feet combined
R-2, Rural Estate Minimum lot area: Three acres exclusive of water bodies and wetlands except that lots existing as of the date of this chapter, less than three acres but more than one acre, shall be considered a buildable lot.	1	1,000 square feet
R-4, Urban Residential a. Single-family detached dwellings, unplatted: 20 acres. b. Single-family detached dwellings, platted: 10,000 square feet with a minimum buildable area of 4,000 square feet. <i>(This district does allow for higher density)</i>	1	400 square feet

City of Forest Lake:

The Forest Lake code is a little more flexible than Lake Elmo's in that the smaller lots are not required to count the garage space in their calculation. However, if they have a detached garage they would be limited. Staff did not investigate further to see if there was a limit on number of buildings. One might speculate that they have other measures in their code that would limit the number of buildings such as; setbacks, impervious surface, etc.

(D) *Size.* The maximum allowable total or accumulated floor area of all detached accessory structures on a lot shall be as follows:

- (1) Lots less than 2.5 acres: 1,500 square feet;
- (2) Lots 2.5 acres to 5 acres: 2,500 square feet;
- (3) Lots greater than 5 acres to 10 acres: 3,000 square feet;
- (4) Lots greater than 10 acres to 20 acres: 3,500 square feet;
- (5) Lots greater than 20 acres: no limit;

Maplewood:

Maplewood provides a good alternative by allowing residents the option to have a larger accessory structure on its own as opposed to splitting footage between attached and detached. They also have a second table, allowing larger structures in their rural districts. However, the lot size was based on “tiers,” Staff did not search to find what that translates into.

Lot Areas (sq. ft.)	Detached Buildings Without an Attached Garage	Attached Garages Without Detached Garage Buildings	Combination of Detached and Attached Garage * Buildings
Under 8,000	768	768	1,188
8,000—11,999	1,000	1,000	1,420
12,000—15,999	1,000	1,000	1,480
16,000—20,999	1,100	1,100	1,660
21,000—41,999	1,250	1,250	1,850
42,000+	1,250 (garages)	1,250	2,500
1 acre = 43,560 sqft.	1,000 (all other accessory buildings)		

* The total area of all detached accessory buildings shall not exceed the areas in column (1).

* The total of all attached garages shall not exceed the areas in column (2).

(b) A private garage shall not exceed 16 feet as measured from grade.

(c) The city council may approve an increase in height or area by conditional use permit.

(d) Detached garages shall not include living space. No commercial use of a garage shall occur unless authorized by the city council.

Rogers:

The City of Rogers Code provides a table and some language to explain the expectations for their different zoning districts. As you can see in their code, properties from 1- 2 acres are generally limited to 800 square feet for accessory buildings.

FISCAL IMPACT:

Staff does not foresee a fiscal impact with the proposed code change.

COMMENTS AND RECOMMENDATION**The Planning Commission may:**

- Recommend approval to amendments drafted for Section 154.406.
- Recommend approval to the drafted language for Section 154.406 with amendments.
- Do not recommend approval of amendments drafted for Section 154.406.

At this point Staff does not believe the Lake Elmo sizing requirements are drastically different from other Cities. Nonetheless, the Lake Elmo code may be more restrictive given that the square footage needs to be shared between the attached garage and detached structure. Because of this Staff is recommending an amendment to the City Code. The existing code limits properties of less than one acre to share 1,200 sqft. between the attached garage and the accessory structure (one building allowed). The proposed amendment removes this standard. The proposed Code will allow properties less than one acre to have one detached accessory building up to 1,000 sqft. and this total square footage does not need to be split between the garage and a detached structure. Attached garage space is regulated by section 154.406 G. which states that attached garages cannot exceed the footprint of the principal building (the home).

ATTACHMENTS

- Ordinance Amendments XXX-08
- City of Woodbury Code
- Forest Lake Code
- City of Maplewood Code
- City of Rogers

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

ORDINANCE NO. 08-__

**AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF
ORDINANCES BY AMENDING STANDARDS AND LANGUAGE FOR ACCESSORY
STRUCTURES IN THE RURAL ZONING DISTRICTS.**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XI Rural District: by amending Section 154.406 Accessory Structures, Rural Districts;

154.406 ACCESSORY STRUCTURES, RURAL DISTRICTS.

A. *Size and Number.* The maximum number and size of accessory buildings permitted in rural zoning districts are outlined in Table 9-3:

Table 9-3: Accessory Buildings, Rural Zoning Districts

Lot Size	Maximum Structure Size^a (square feet)	No. of Permitted Bldgs
under 1 acre	1,200 ^b <u>1,000</u>	1
1 - 2 acres	1,200	1
2 – 5 acres	1,300	1
5 – 10 acres	2,000	2
10 – 15 acres	2,500	2 ^{eb}
15 – 20 acres	3,000	2 ^{eb}
20 – 40 acres	4,000	2 ^{eb}
40+ acres	Unregulated ^d	Unregulated ^d

Notes to Table 9-3

a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.

~~b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.~~

~~e.b.~~ b. One agricultural building, as defined in §154.213, is allowed in addition to the permitted number and size of accessory structures.

~~d.c.~~ c. Agricultural buildings, as defined in §154.213, are allowed in addition to up to two permitted accessory structures which total 4,000 square feet.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-____ was adopted on this _____ day of ____ 2019, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2019.

Sec. 24-281. - Residential districts.

(a) *Attached garage space, detached garages, and accessory buildings.*

- (1) Each lot with a principal building is allowed attached garage space or one detached garage in addition to an accessory building or buildings as per chart c.8.

a. **Attached garage space.**

1. Shall not exceed 1,000 square feet or 50 percent of the main floor area of the principal building, up to 2,000 square feet, whichever is greater.

Exception: When garage space exists beneath garage space, only the area of the larger space shall be used to calculate the area of the garage space. If the garage spaces are equal in area, only one of the areas shall be calculated.

2. Setbacks for attached garage space shall comply with the required garage setback of the underlying zoning district.

b. **Detached garages.**

1. Shall not exceed 1,000 square feet or 50 percent of the main floor area of the principal building, up to 2,000 square feet, whichever is greater.

2. Shall be setback at least five feet from side and rear property lines.

Exception: On a corner lot, buildings with a door, or doors, with a total width of seven feet or wider and facing the side street shall meet the side yard setback of the underlying zoning district.

3. Exterior building materials shall match the exterior building materials of the principal building unless otherwise approved by the zoning administrator.

4. Shall not be placed within drainage, utility, or other easements.

5. Shall not be located in front of the principal building.

Exception: A detached garage may be located in front of the principal building in the R-1 and R-2 zoning districts, providing the minimum front yard setback to the accessory building is 100 feet.

6. Shall not have a wall height exceeding 12 feet in height.

7. Shall not be more than one story in height.

8. Shall not have doors that exceed ten feet in height.

c. *Accessory buildings.*

1. Shall be setback at least five feet from side and rear property lines.

Exception: On a corner lot, buildings with a door, or doors, with a total width of seven feet or wider and facing the side street shall meet the side yard setback of the underlying zoning district.

2. Shall not be placed on drainage, utility or other easements.

3. Shall not be located in front of the principal building.

Exception: Buildings may be located in front of the principal building in the R-1 and R-2 districts, providing the minimum front yard setback to the accessory building is 100 feet.

4. Shall not have a wall height exceeding 12 feet in height.

5. Shall not be more than one story in height.
6. Shall not have doors that exceed ten feet in height.
7. The following materials are prohibited for use as roofing or siding on accessory buildings: corrugated materials, cloth, canvas, plastic sheets, tarps and the like.

Exceptions: Accessory buildings within the R-1, urban reserve district, accessory buildings on unplatted lots within the R-2, single-family estate district, and on agricultural buildings as defined by Minnesota Statutes.

8. **Accessory building size and number allowed.**

Zoning District	Number	Maximum Size
R-1, Urban Reserve, lot less than 5 acres	1	1,000 square feet
R-1, Urban Reserve, lot 5 acres or more	2	2,000 square feet combined
R-2, Rural Estate	1	1,000 square feet
R-4, Urban Residential	1	400 square feet

(b) *Miscellaneous structures.*

- (1) Swing sets, sandboxes, play structures, dog kennels, satellite dishes and similar structures shall not be located closer than five feet from the side or rear property lines, and shall not be located within the front yard setback.
- (2) Basketball hoops, hockey nets, and similar items may not be located on a public street.
- (3) Concrete slabs shall not be located closer than five feet from the side or rear property lines but may be located within the front yard setback.

(c) *Recreational facility.*

- (1) Shall be set back at least five feet from the side and ten feet from the rear property lines.
- (2) Shall not be placed within drainage, utility or other easements.
- (3) Shall not be located in front of the principal structure.

Exception: A recreational facility may be located in front of the principal building within the R-1 and R-2 districts, providing the principal building is setback a minimum of 100 feet from the front property line and the recreational facility is setback a minimum of 50 feet from the front property line.

(Ord. No. 1863, § 1863.02, 10-24-2012; Ord. No. [1957](#), § 14, 12-12-2018)

§ 153.110 DETACHED ACCESSORY STRUCTURES IN C, A, RR, SF, MXR-1, MXR-2, MXR-3, MU-1, MU-2, AND BP DISTRICTS.

Garages, storage buildings or sheds, and children's playhouses are examples of accessory structures and shall meet the following requirements.

(A) *Required permits.* A building permit is required for all accessory structures except agricultural buildings on a commercial farm, as defined in M.S. § 273.13, Subd. 23, as it may be amended from time to time, and accessory structures less than 120 square feet. A certificate of compliance is required for all agricultural buildings.

(B) *Time of construction.* No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a commercial farm property containing 40 acres or more, or unless the accessory structure is permitted as a conditional use on an adjacent non-riparian lot located within 100 feet of a riparian lot under common ownership which contains a principal structure. An agricultural building must be related to a commercial farming operation on the parcel that the building is located unless approved by a conditional use permit (CUP).

(C) *Location.*

(1) Detached accessory structures shall have a minimum building separation of 6 feet from the principal structure.

(2) See the zoning district setback requirements.

(3) Accessory structures located on through lots may be located between the rear of the principal structure and the public right-of-way.

(4) Accessory structures may be placed between the principal structure and the public right-of-way on lakeshore lots meeting all required setbacks and lot coverage.

(5) Accessory structures shall not be placed between the principal structure and the lakeshore, except 1 structure no larger than 120 square feet meeting all the required setbacks for the applicable district shall be permitted.

(6) Accessory structures shall be limited in height to the standards for detached accessory standards in the applicable zoning district.

(D) *Size.* The maximum allowable total or accumulated floor area of all detached accessory structures on a lot shall be as follows:

(1) Lots less than 2.5 acres: 1,500 square feet;

(2) Lots 2.5 acres to 5 acres: 2,500 square feet;

(3) Lots greater than 5 acres to 10 acres: 3,000 square feet;

(4) Lots greater than 10 acres to 20 acres: 3,500 square feet;

(5) Lots greater than 20 acres: no limit;

(6) The square footage of above grade or below grade swimming pools and 1 storage shed of not more than 120 square feet shall not be included in the calculation of maximum allowable area of accessory structures;

(7) No land shall be subdivided so as to have a larger accessory structure total or accumulated floor area than permitted by this chapter.

(E) *Number.* The maximum number of accessory structures is as follows:

(1) On parcels of 2.5 acres or less, 1 accessory structure is allowed with 1 additional single story storage shed of 120 square feet or less;

(2) On parcels greater than 2.5 acres to 20 acres, a maximum of 2 accessory structures are allowed with 1 additional single story storage shed of 120 square feet or less;

(3) On parcels greater than 20 acres, there is no limit on the number of accessory structures, provided they are agricultural

buildings;

(4) No land shall be subdivided so as to exceed the total number of structures permitted by this chapter.

(F) *Height.* Accessory structures shall be limited to the permitted building height for accessory structures in the respective zoning district. The height of accessory structures permitted pursuant to §§ 153.333(H), 153.334(Q), and 153.335(R) shall not exceed 1 story.

(G) *Use of accessory structures.* In agricultural or residential districts, accessory structures are to be used for personal use or agricultural use only, and no commercial use or commercial related storage is allowed except that home occupations are permitted in an accessory structure as provided in § 153.096(L).

(H) *Accessory structures for domestic farm animals.* All domestic farm animal structures, feedlots, and manure storage sites must meet the requirements of this section and § 153.096(P).

(I) *Fish houses.* No more than 1 fish house shall be permitted on a residential lot.

(J) Temporary pole and canvas like storage structures may be used to cover and protect recreational equipment from the elements between Halloween and April 15th. No more than 1 shall be permitted on any residential property at any one time. Structures shall not exceed 200 square feet and meet all accessory structure requirements. These types of structures are not permitted for year round storage or use and must be removed from residential properties during the time period of April 15th through Halloween and stored in a permanent structure. The city shall have the authority to require the removal of this type of structure if it causes a nuisance, is viewed as excessive use of the parcel it is located on, or is being used for something other than recreational equipment storage during the allowable time period.

(K) *Residential yard accessories and/or equipment.* Recreation equipment such as play apparatus, swing sets and slides, sandboxes, poles for nets, tree houses, above or in-ground swimming pools, hot tubs, play houses exceeding 25 square feet in floor area, sheds utilized for storage of equipment, landscape water features and man-made ponds/streams and detached arbors or trellises, shall be subject to accessory structure setbacks.

(L) A detached elevated walkway or deck surrounding a pool or hot tub must meet the setback requirements for an accessory structure of the applicable zoning district. Pool or hot tub decks are not subject to the 10 foot encroachment applicable to other decks into the required rear yard.

(M) *Exterior design and color of accessory structures.*

(1) The exterior design and color of the accessory structure shall be compatible with the exterior design and color of the principal building except in AP, C, A, and RR Zoning Districts.

(2) In the RR Zoning District, pole-type accessory structures shall be allowed to the rear of the principal building. The exterior design and color of accessory structures located between the road and the principal building shall be compatible with the exterior design and color of the principal building.

(3) Pole-type accessory structures shall be allowed in AP, C, and A Zoning Districts. The color of an accessory structure located between the road and the principal building must be compatible with the color of the principal building.

(N) *Exterior walls and the like.* Every exterior wall, foundation, and roof of any accessory structure or structure shall be reasonably watertight, weather tight, and rodent proof and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears, or breaks of deteriorated plaster, stucco, brick, wood, and other material.

(O) *Exterior wood surfaces.* All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and from decay by painting or other protective covering or treatment. A protective surface of an accessory structure or structure shall be deemed to be out of repair if more than 25% of the exterior surface area is unpainted or paint blistered and shall be painted. If 25% or more of the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 669, passed 12-4-2017; Am. Ord. 670, passed 12-4-2017)

Sec. 44-114. - Accessory buildings.

- (a) The areas of accessory buildings on a lot in an R-1 residence district shall be limited to the areas in the following table:

Lot Areas (sq. ft.)	Detached Buildings Without an Attached Garage	Attached Garages Without Detached Garage Buildings	Combination of Detached and Attached Garage * Buildings
Under 8,000	768	768	1,188
8,000— 11,999	1,000	1,000	1,420
12,000— 15,999	1,000	1,000	1,480
16,000— 20,999	1,100	1,100	1,660
21,000— 41,999	1,250	1,250	1,850
42,000+	1,250 (garages)	1,250	2,500
	1,000 (all other accessory buildings)		

* The total area of all detached accessory buildings shall not exceed the areas in column (1).

* The total of all attached garages shall not exceed the areas in column (2).

(b) A private garage shall not exceed 16 feet as measured from grade.

(c) The city council may approve an increase in height or area by conditional use permit.

(d) Detached garages shall not include living space. No commercial use of a garage shall occur unless authorized by the city council.

(Code 1982, § 36-77; Ord. No. 870, § 1, 5-22-2006)

Sec. 125-323. - Accessory structures.

(a) *Agriculture district standards.*

- (1) Accessory structures shall not be located within 20 feet of the side and rear lot lines.
- (2) Accessory structures associated with active agricultural activities on properties greater than ten acres in size shall not be limited in size or number allowed but must follow all other provisions herein.
- (3) In agriculture zoning districts, an administrative site plan shall accompany all requests for accessory structures but construction shall be exempt from building permit fees for all structures for the use of legitimate farming operations, including sheltering animals, agricultural machinery and storage of agricultural products, but this exemption is not intended to include horse barns, commercial stables, or other activities not qualifying as active farming. Administrative review of the application and site plan is required.
- (4) Maximum size of detached accessory structures:

Agriculture Detached Structure Size Allowance	
Acreage	Square Feet
1.00—1.99	800
2.00—3.99	1,300
4.00—4.99	1,700
5.00—6.99	1,900
7.00—7.99	3,150
8.00—8.99	3,600
9.00—9.99	3,900
10.00+	4,200

(b) *Rural residential district standards.*

- (1) One private garage or accessory structure on parcels of three acres or less.
- (2) Up to two private garages or accessory structures on parcels greater than three acres.

- (3) An accessory structure shall be considered attached to the principal building if it is within six feet or less from the principal building.
- (4) No portion of the accessory structure shall be closer than six feet to another structure or building on the same property.
- (5) The following criteria shall be used to determine the maximum square footage for accessory structures:
 - a. When determining lot size, wetlands and lakes shall not be included in the lot area.
 - b. Attached garages shall not be considered as part of the maximum accessory building square footage.
 - c. Lean-tos, car ports and open wall structures are to be included in the calculation of total square footage, except gazebos.
- (6) Accessory structures may be located in the side or rear yard but shall not be located within 20 feet of the rear lot line.
- (7) Accessory structures may exceed the height of the principal building, with the approval of a conditional use permit.
- (8) No detached accessory structure, including storage sheds, shall be located closer to the road right-of-way than the principal building unless all the structure is at least 200 feet from the road right-of-way on a lot of five acres or more; and all other setbacks are met.
- (9) All detached accessory structures are to be used for personal use only. No commercial use or commercial related storage is allowed in residential zoning without a conditional or interim use permit.
- (10) Maximum size of accessory structures in RE-2 zoning district:

Residential Detached	
Structure Size Allowance (RE-2)	
Acreage	Square Feet
1.00—1.99	800
2.00—3.99	1,300
4.00—4.99	1,700
5.00—6.99	1,900
7.00—7.99	2,100
8.00—8.99	2,400
9.00—9.99	2,600

10.00+	2,800
--------	-------

(11) Maximum size of accessory structures in RE-5 zoning district:

Residential Detached	
Structure Size Allowance (RE-5)	
Acreage	Square Feet
1.00—1.99	800
2.00—3.99	1,300
4.00—4.99	1,700
5.00—6.99	1,900
7.00—7.99	3,150
8.00—8.99	3,600
9.00—9.99	3,900
10.00+	4,200

(c) *Urban residential standards.*

- (1) One detached accessory structure is allowed per lot.
- (2) No detached accessory storage type building shall be located in any yard other than a rear yard except by conditional use permit.
- (3) In the event the accessory structure is movable, the structure may be placed in the side or rear yard but not closer than five feet to the lot line.
- (4) No accessory structure shall exceed ten percent of the available rear yard measured from the rear of the residence (extending in straight lines) to the side lot lines.
- (5) No accessory structure shall exceed the height of the principal building.

- (6) An accessory structure shall be considered an integral part of the principal building if it is connected to the principal building by a covered, enclosed passageway built on a slab or other suitable foundation.
 - (7) No detached accessory structure shall be located closer than six feet from the principal structure.
 - (8) No private garage used or intended for the storage of passenger automobiles shall exceed 950 square feet of gross area. One-family and two-family dwellings constructed after November 1, 1989, are required pursuant to section 125-313 to have two enclosed spaces per unit attached to the dwelling.
 - (9) When a private garage is oriented so as to face onto a public street, it shall not be less than 20 feet from the front lot line.
 - (10) No detached accessory structure, excluding decks not enclosed and covered shall be greater than 528 square feet.
 - (11) In no case shall a detached accessory structure be located in a required front yard or a required side yard paralleling the depth of the principal structure.
 - (12) An accessory structure shall not be a pole barn nor of pole barn type construction. As used in this subsection, pole barn is defined as a structure, the basic support and framework of which is provided by wooden poles inserted vertically into the ground similar to telephone poles. A permitted accessory structure exceeding 200 square feet in size shall be an on-site custom-made stick-built structure, and is to mean a structure which is wholly constructed on the lot. A structure shall be deemed constructed on the lot if 90 percent of the value of the structure is constructed on the lot from individual block, board, plywood, siding, roofing, finishing and other individual construction materials. Value shall be measured on the basis of the cost of the materials used in the construction of the structure.
- (d) *In commercial and industrial districts.*
- (1) No accessory structure shall exceed the height of the principal building except by conditional use permit.
 - (2) Accessory structures may be located any place in the rear yard of the principal building subject to the building code and the fire zone regulations.
 - (3) Accessory structures shall not exceed ten percent of the gross floor area of the principal structure except after obtaining a conditional use permit authorizing the same.
- (e) *In all districts.*
- (1) No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal building, except as approved by the city council.
 - (2) Where the natural grade of a lot at the building line is eight feet or more above the established curb level, a private garage may be erected within any yard provided one-half or more of its height is below grade level and it is not located less than ten feet from any street line.
 - (3) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location. In no event, however, shall the structure be located closer than 20 feet to the public road right-of-way. The more restrictive of requirements shall apply for all properties located in the shoreland overlay district.
 - (4) A site plan shall be submitted with all requests for detached accessory structures. Accessory structures in excess of 120 square feet, or on a permanent foundation, shall require the issuance of a building permit and subject to all requirements in this section. Site plans must include the following information (and other information required by zoning officials):
 - a. Existing buildings and their relationship to property lines.

- b. Indication of location for well, septic system and driveways.
 - c. Any easements.
 - d. Property lines and setback requirements.
 - e. Rural or agricultural lots requiring an on-site septic system area by the building inspector, shall include the location of a certified alternate septic system area in accordance with the applicable codes for on-site sewage treatment.
- (5) All detached accessory structures shall be both designed and constructed to meet minimum standards as required for residential accessory structures under the state building code, compatible with the principal building and general neighborhood environments, including, but not limited to, exterior finish, materials, overhangs, soffets and fascia.
- (6) All accessory structures shall be constructed to comply with the following side wall height, eaves and overhang restrictions:

Side Wall Heights* (feet)	Eaves (inches)	Overhang (inches)
10 or less	12	12
12 or less	12	18

*A sidewall height greater than 12 feet shall not be constructed except after obtaining a conditional use permit authorizing the same.

- (7) Accessory structures shall not be placed within the setback or buffer areas of delineated wetlands.
- (f) *Interpretation; abrogation and greater restrictions.* It is not the intention of this section to interfere with, advocate or annul any covenant or any other agreement between any parties; provided, however, where this section imposes a greater restriction upon the use of the premises for detached accessory structures than are imposed or required by other ordinances, rules or regulations or permits, or by covenants or agreements, the provisions of this ordinance shall govern.
- (g) *Setbacks.*
- (1) Accessory structures may encroach into required side and rear yards provided such structures are no closer than 10 feet from side and rear property lines.
 - (2) Accessory structures located within side yards which abut public streets shall meet principal building setback requirements of the applicable zoning district.

(Ord. No. 2011-02, § II, 4-26-2011; Ord. No. 2013-06, § 5, 6-11-2013; Ord. No. 2013-09, § 15, 7-9-2013; Ord. No. 2015-14, 7-28-2015)

Editor's note— Ord. No. 2011-02, § II, adopted April 26, 2011, repealed former § 125-323, and enacted a new § 125-323 as set out herein. Former § 125-323 pertained to the accessory buildings and structures and derived from Ord. No. 80-4, § 716, adopted July 1, 1980; Ord. No. 93-9, § 1, adopted Sept. 28, 1993 and Ord. No. 93-11, § 1, adopted Nov. 9, 1993.

Sewered Development
Development Status Sheet

Southern Developments

SAVONA - 310 Total

Savona 1st	2/18/2014	5/20/2014	6/18/2014	9/25/2014	Lennar	Lennar	44	44	0	44	44	LDR	100%
Savona 2nd	9/16/2014	9/16/2014	10/22/2014	4/14/2015	Lennar	Lennar	67	45	22	62	61	LDR/MDR	91%
Savona 3rd	9/15/2015	9/15/2016	9/16/2015	11/19/2015	Lennar	Lennar	120	21	99	119	116	LDR/MDR	97%
Savona 4th	3/15/2016	4/5/2016	6/27/2016	7/27/2016	Lennar	Lennar	78	78	0	25	23	LDR	29%
							309	188	121	250	244		79%

BOULDER PONDS - 162 Total

Boulder Ponds 1st	4/21/2015	4/21/2015	5/16/2015	6/5/2015	OP 4 Boulder Ponds	Creative Homes	47	47	0	41	39	PUD/LDR	83%
Boulder Ponds 2nd	5/17/2016	5/17/2016	4/12/2017	5/8/2017	OP 4 Boulder Ponds	Creative Homes	18	18	0	17	15	PUD/LDR	83%
Boulder Ponds 3rd	6/19/2018	8/8/2018	8/31/2018	10/18/2018	OP 4 Boulder Ponds	Creative Homes	33	33	0	8	2		6%
							98	98	0	66	56		57%

THE SPRINGS AT LAKE ELMO - 300 Total

The Spring at Lake Elmo

0	0	0	0	0
0	0	0	0	0

BENTLEY VILLAGE - 239 Total

Bentley Village

0	0	0	0	0
0	0	0	0	0

HUNTER'S CROSSING - 51 Total

Hunter's Crossing 1st	7/1/2014	10/7/2014	10/15/2015	12/18/2014	Ryland/Cal Atlantic	Cal Atlantic	22	22	0	22	22	LDR	100%
Hunter's Crossing 2nd	5/5/2015	5/5/2015	5/29/2015	8/4/2015	Ryland/Cal Atlantic	Cal Atlantic	29	29	0	29	29	LDR	100%
							51	51	0	51	51		100%

INWOOD - 537 Total

Inwood 1st	5/19/2015	5/19/2015	6/9/2015	8/3/2015	Hans Hagen/MI Homes	MI Homes	40	40	0	39	38	PUD/LDR	95%
Inwood 2nd	9/1/2015	N/A	11/19/2015	11/23/2015	Hans Hagen/MI Homes	MI Homes	21	21	0	21	21	PUD/LDR	100%
Inwood 3rd	4/19/2016	5/3/2016	5/16/2016	5/23/2016	Hans Hagen/MI Homes	MI Homes	68	68	0	68	68	PUD/LDR	100%
Inwood 4th	10/18/2016	2/7/2017	4/5/2017	3/27/2017	Hans Hagen/MI Homes	MI Homes	38	38	0	28	26	PUD/LDR	68%
Inwood 5th	4/4/2017	6/6/2017	6/15/2017	6/19/2017	Hans Hagen/MI Homes	MI Homes	101	101	0	72	70	PUD/LDR	69%
							268	268	0	228	223		83%

HAMMES ESTATES (Lake Ridge Crossing - 163 Total

Hammes Estates 1st	10/7/2014	8/16/2016	8/16/2016	9/27/2016	Rachael Development	Multiple	57	57	0	43	39	LDR	68%
Hammes Estates 2nd	1/3/2017	2/7/2017	6/9/2017	6/30/2017	Rachael Development	Multiple	37	37	0	13	11	LDR	30%
Hammes Estates 3rd	2/20/2018	3/20/2018	3/21/2018	5/2/2018	Rachael Development	Multiple	69	69	0	1	0	LDR	0%
							163	163	0	57	50		31%

ROYAL GOLF - 292 Total

Royal Golf - 1st	9/5/2017	9/19/2017	9/19/2017	9/29/2017	HC Royal Golf	Multiple	73	73	0	51	48	GCC	66%
Royal Golf - 2nd	6/19/2018	6/19/2018	6/19/2018	8/2/2018	HC Royal Golf	Multiple	64	64	0	7	1	GCC	2%
Royal Golf - 3rd	12/4/2018	Extension granted to 2020			HC Royal Golf	Multiple	67	67	0	0	0	GCC	0%
							204	204	0	58	49		24%

SOUTHWIND AT LAKE ELMO- 46 Total

Southwind	7/5/2017	7/5/2017	7/17/2017	8/21/2017	Southwind Builder	Southwind Builders	46	46	0	18	7	MDR	15%
							46	46	0	18	7		15%

NORTHPORT - 104 Total

Northport 1st	9/5/2017	9/19/2017	11/15/2017	11/15/2017	Pulte Homes	Pulte Homes	36	36	0	16	12	LDR	33%
Northport 2nd	7/17/2018	7/17/2018	8/21/2018	8/14/2018	Pulte Homes	Pulte Homes	29	29	0	0	0		0%
							65	65	0	16	12		18%

WYNDHAM VILLAGE - 10 Total

12/4/2018							10	10	0	0	0		0%
							10	10	0	0	0		0%

Northern Developments

EASTON VILLAGE - 217 Total

Easton Village 1st	3/3/2015	3/3/2015	7/23/2015	8/10/2015	Chase Development	Multiple	71	71	0	66	63	LDR	89%
Easton Village 2nd	5/2/2017	6/6/2017	6/6/2017	7/5/2017	Chase Development	Multiple	19	19	0	16	13	LDR	68%
Easton Village 3rd	7/18/2017	7/18/2017	7/6/2017	9/5/2017	Chase Development	Multiple	28	28	0	19	16	LDR	57%
Easton Village 4th	5/15/2018	5/15/2018	9/10/2018	9/19/2018	Chase Development	Multiple	25	25	0	3	0	LDR	0%
							143	143	0	104	92		

LEGACY AT NORTH STAR - 266 Total

Legacy at North Star 1st	8/21/2018	8/21/2018	9/14/2018	9/14/2018	Gonyea Homes	Multiple	59	59	0	17	1	VLDR	2%
							59	59	0	17	1		

VILLAGE PRESERVE - 91 Total

Village Preserve 1st	5/5/2015	6/2/2015	8/3/2015	8/25/2015	Gonyea Homes	Multiple	46	46	0	44	42	LDR	91%
Village Preserve 2nd	4/19/2016	8/16/2016	8/19/2016	9/9/2016	Gonyea Homes	Multiple	45	45	0	40	36	LDR	80%
							91	91	0	84	78		

WILDFLOWER - 145 Total

Wildflower @ Lake Elmo 1st	7/21/2015	8/4/2015	8/27/2015	10/6/2015	Engstrom Companies	Multiple	60	60	0	42	38	PUD/MDR	63%
Wildflower @ Lake Elmo 2nd	12/6/2016	3/21/2017	6/20/2017	6/20/2017	Engstrom Companies	Multiple	20	20	0	8	6	PUD/MDR	30%
Wildflower @ Lake Elmo 3rd	3/20/2018	4/17/2018	7/26/2018	8/7/2018	Engstrom Companies	Multiple	25	25	0	0	0	PUD/MDR	0%
							105	105	0	50	44		

Cummulative Totals	1612	1491	121	999	907	56%
--------------------	------	------	-----	-----	-----	-----

Non-Sewered Development

Development Status Sheet

Final Plat Appro	DA Agreement	DA Agreement	Plat Recorded	Updated 3/4/19
	Approved	Signed		
			Developer	Builder

LEGENDS - 40 Total

Legends	0	0	0	0	0
---------	---	---	---	---	---

HIDDEN MEADOWS - 26 Total

Hidden Meadows	0	0	0	0	0
----------------	---	---	---	---	---

Note: Building Permits are updated at the end of each month. CO's are updated as issued.