

City of Lake Elmo

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File

NOTICE OF SPECIAL MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, October 2, 2006, at 6:30 p.m.
in Council Chambers at City Hall.

AGENDA

Pledge of Allegiance

1. Agenda Approval
2. Zoning Ordinance
3. Adjourn

MEMO

(September 26, 2006 for the Meeting of October 2, 2006)

To: Lake Elmo Planning Commission

From: Kelli Matzek, Assistant Planner

Subject: Zoning Code Rewrite

We will be discussing the following topics:

- Fencing, Screening, Landscaping
- Off-Street Parking and Loading

General Building and Performance Standards

We have discussed this section at length over the last few meetings. I am providing this section again as the final draft version. Please dispose of previous copies so we are all on the same page. The Lighting section was not altered, but does not currently have the diagrams inserted. The existing diagrams will be included when I am able to find them electronically.

General Landscaping and Maintenance

I researched the number of trees required to be planted for Multiple Family Uses as was requested at the Planning Commission meeting and this is what I found so far:

Oak Park Heights: Required Landscaping requirements are specified for "Public, Institutional, Semi-Public and All Income Producing Property Uses" size, spacing, and design and detailed, but not the number of trees required.

Stillwater: Does not specify minimum number of plantings for residential uses.

Northfield: The plan for landscaping shall meet or exceed the following minimum standards:

- (1) Landscaping shall extend along the entire length of a parking lot and/or loading area at a minimum width of ten feet along the property line or along public rights-of-way. At a minimum, one overstory deciduous tree or one coniferous tree shall be planted every 30 feet of lot frontage or placed in a combination to meet the minimum number. Appropriate screening may substitute for this requirement upon approval of the community development director. (Applies to zones R-3, R-4, R-5.)

I have utilized the legislative formatting suggested by the Planning Commission at the last meeting. The regular text is the existing Lake Elmo Code. The bold text identifies from where the existing Lake Elmo code was pulled. The underlined text is proposed and the stricken text is removed. The proposed language I have pulled from other city codes (Oak Park Heights and Plymouth primarily).

The next meeting will be held on **Wednesday, October 11th at 7:00 p.m.** At that time we will be discussing the following topics:

- Building Relocation
- Day Care Nursery Facilities
- Essential Services
- Model Homes/Temporary Real Estate Offices
- Animals
- Antennas

ZONING CODE (cont.)

General Building and Performance Standards

- 154.220 Purpose
- 154.221 Dwelling Unit Restriction
- 154.222 Lot Provisions
- 154.223 Grading and Drainage
- 154.224 Traffic Sight Visibility
- 154.225 Storing of Personal Property in Residential Zoning
- 154.226 Exterior Storage in Non-Residential Districts
- 154.227 Exterior Storage in All Districts
- 154.228 Passenger Vehicles and Trucks
- 154.229 Bulk Storage (Liquid)
- 154.230 Radiation and Electrical Interference Prohibited
- 154.231 Explosives
- 154.232 Common Open Space and Amenities
- 154.233 Swimming Pool
- 154.234 Lighting, Glare Control, and Exterior Lighting Standards

GENERAL BUILDING AND PERFORMANCE STANDARDS

154.220 PURPOSE.

The purpose of this section of the Zoning Ordinance is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community. All uses, buildings, and structures permitted pursuant to this section shall conform to the performance and design standards set forth in this section; the standards are determined to be the minimum standards necessary to comply with the intent and purposes of this Code as set forth in this section.

154.221 DWELLING UNIT RESTRICTION.

(A) There shall be no more than one principal building on any one (1) parcel of land.

(B) ~~No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior structure above, or accessory building shall be used at anytime as a dwelling unit.~~ No cellar, basement with unfinished exterior structure above, home without a Certificate of Occupancy, garage, tent, play house, accessory building, recreational camping vehicle or trailer, or similar structure shall at any time be used as living quarters, temporarily or permanently, except as may be approved in emergency cases by the Zoning Administrator as an administrative permit.

~~(C) All principal buildings hereafter erected on unplatted land shall be so placed as to avoid obstruction of future street or utility extensions and shall be so placed as to permit reasonably anticipated future subdivisions and land use.~~

(C) All principal buildings shall meet or exceed the minimum standard of the Minnesota State Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the City's on-site sewage treatment ordinance.

(D) Dwelling Units in Commercial and Industrial Districts. Dwelling units for watchman and family shall be considered as an accessory use and shall conform to all applicable regulations for the district in which located, except as modified in this subsection:

(1) A dwelling unit in the commercial district located in a commercial structure shall not occupy the front half of the ground floor or basement.

(2) A dwelling unit in a commercial or industrial building shall not contain more than one (1) bedroom unless the building is part of a planned unit development.

(3) No detached dwelling unit shall be permitted in the commercial or industrial districts, except as part of a planned unit development.

(4) A dwelling unit which is a part of the principal building shall be provided with two (2) exits; one (1) shall be a direct outside exit.

(5) All buildings shall conform to the building code and applicable fire codes.

(E) Tents, play houses or similar structures may be used for play or recreational purposes only.

(F) Energy conservation designs in housing, including earth sheltered residential dwellings, are not prohibited by this provision of the Ordinance, provided that a conditional use permit is approved by the City Council and the structure complies with standards imposed by the State and the Minnesota State Building Code.

154.222 LOT PROVISIONS.

~~(A) Contiguous Parcels. If, in a group of two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of this section, the individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the~~

~~combination will equal one or more parcels of land each meeting the full lot width and area requirements of this section.~~

(A) When a development is proposed which is to be located on two (2) or more lots, and such lots are required to meet the minimum district area and frontage requirement and/or are required to accommodate the use, the lots shall be combined in accordance with the City's Subdivision Ordinance, prior to the issuing of a building permit.

(B) Except as may be allowed pursuant to Section ##, when two (2) or more lots are located in the same zoning district, one (1) or more of which lack adequate area or dimensions to qualify for use under the current ordinance requirements and are contiguous and held in one ownership, they shall be combined for use in order to meet the lot requirements by subdividing the property in accordance with the Subdivision Ordinance.

(C) Subdivision of Lots. Any lot or parcel of land subdivided by any means after the effective date of this section for purposes of erecting a structure, must be approved as required by the subdivision ordinance.

(D) All lots having frontage on a lake or stream shall be subject to the provisions of the Shoreland Management Ordinance as well as the regulations provided by this chapter. All lots on unclassified bodies of water in the shoreland management ordinance shall meet the minimum setback requirements for a General Development Natural Environment Lake, except as provided in the Shoreland Management Section.

(E) Lots in the Flood Plain. All lots in a designated flood plain shall be subject to the Flood Plain Ordinance as well as the regulations provided by this chapter.

(F) Reduction of Required Yard or Lot Size Prohibited. No yard or lot shall be reduced in area or dimension so as to make it less than the minimum required by this section, and if the existing yard or lot is less than the minimum required, it shall not be further reduced. No required yard or lot currently used for a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.

(G) Sloping On Erodible Building Sites. No structure shall be constructed On sites with slopes of greater than twenty-five percent (25%) or on easily erodible soils as defined on the community soils maps and compiled by the County Soils Conservation Agent. ~~no structure shall be constructed.~~

~~(H) Minimum Area Requirements for Lots Without Public Sanitary Sewer.~~

~~(1) In areas without public sanitary sewer, but where public sanitary sewer is proposed in the City's capital improvement program, single and two family homes shall demonstrate suitable soil conditions for adequate on-site sewage treatment area.~~

~~(2) In areas without public sanitary sewer where public sanitary sewer is not proposed in the City Capital Improvement Program or Comprehensive Plan, single and two family homes shall demonstrate suitable soil conditions for a minimum on site sewage treatment area of one (1) acre per dwelling unit.~~

~~(3) A building permit shall not be issued for a lot which either does not meet the minimum acres of acceptable soils for on site sewage treatment; or does not have enough acceptable soils within the lot or under legal contract to construct at least two (2) complete septic/drainfield treatment systems.~~

(H) Lot Width on a Public Street. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel on a dedicated and approved public roadway to the width derived from applying the lot width requirement in each zoning district.

(I) All buildings shall be so placed so that they will not obstruct future streets or utility extensions which may be constructed by the City and be in conformity with existing streets, adopted plans, and according to the standards employed by the City.

(J) Any person desiring to improve property shall submit to the Building Official a registered survey and site plan of said premises and information on the location and dimension of existing and proposed buildings, location of easements within the property, encroachments, and any other information which may be necessary to evaluate conformance with City ordinances.

(J) Substandard lots of record shall be governed by Section ## of this Ordinance.

(K) On a through lot, both street lines shall be front lot lines for applying the yard and parking setback regulations of this Ordinance. In addition, no home on a through lot or corner lot in any residential zone shall maintain direct access to any arterial street designated as such by the Comprehensive Plan.

(L) Outlots are deemed unbuildable and no building permit shall be issued for such properties, except that permits for fences may be issued.

(M) Except as otherwise allowed by property subdivision, each lot shall have frontage and access directly onto an abutting, improved and City-accepted public street. An existing lot of record (vacant or for redevelopment) that does not have frontage and access directly onto an abutting, improved and City accepted public street shall require approval of a conditional use permit prior to issuance of any building permits.

(N) No division of a parcel shall be made which leaves remaining any lot with frontage or area below the requirements stated in this Ordinance.

154.223 GRADING AND DRAINAGE.

~~Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or other public property or the surface or grade of public streets, or sidewalks without proper permit.~~

(A) No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties which is inconsistent with the grading and erosion control plan provisions of Section ## of the City Code. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities subject to the review and approval of the City Engineer.

(B) In the case of all residential subdivisions, multiple family, public, institutional, and business developments, the grading and drainage plans shall be submitted to the City Engineer for review and the final drainage plan shall be subject to the City Engineer's written approval. In the case of such uses, no modification in grade and drainage flow through fill, erection of retaining walls or other such actions shall be allowed until such plans have been reviewed and received written approval from the City Engineer or a permit is obtained if needed.

(C) Except for written authorization of the City Engineer, the top of the foundation and garage floor of all structures shall be a minimum of eighteen (18) inches above the top of the curb of the abutting street upon which the property fronts and the driveway shall have a slope of not more than ten (10) percent.

154.224 TRAFFIC SIGHT VISIBILITY.

~~(A) The traffic generated by any use shall be controlled so as to prevent:~~
~~———— (1) Congestion of the public streets,~~
~~———— (2) Traffic hazards, and~~
~~———— (3) Excessive traffic through residential areas, particularly truck traffic.~~
~~Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing into street. PUT IN THE "WHERE COULD THIS GO" PILE~~

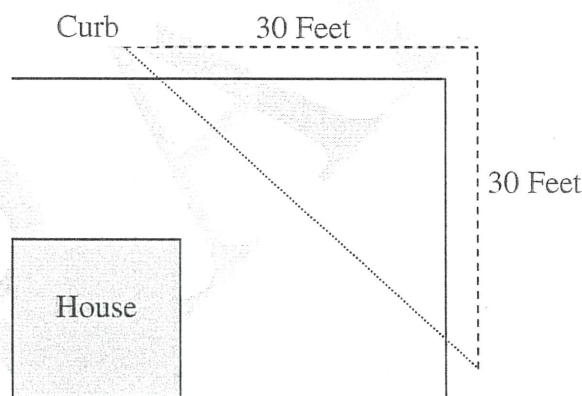
~~(B) On any corner lot, nothing shall be placed or allowed to grow in a manner that impedes vision between a height of two and one half (2 ½) and ten (10) feet above the center line grades of the intersecting streets within fifteen (15) feet of the intersecting street right of way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within fifteen (15) feet of any intersecting street right of way lines.~~

~~Or (B) Nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 ½) and ten (10) feet above the~~

~~center line grades of the intersecting streets within one hundred (100) feet of the intersection.~~

Except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into any yard or right-of-way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway. Visibility from any street or driveway shall be unobstructed between the height of two and one-half (2 ½) feet and ten (10) feet, measured at the intersection of the projected curb line of two (2) intersecting streets or drives, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning along the other curb line (see attached drawing). These requirements shall not apply to conditions that legally exist prior to the effective date of this Ordinance unless the Zoning Administrator determines that such conditions are determined to constitute a safety hazard.

~~(C) Obstruction of view of traffic. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;~~



EXTERIOR STORAGE/DISPLAY

154.22# EXTERIOR STORAGE DEFINED

~~Exterior storage as used in this section, means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed in a building. MOVED TO DEFINITION SECTION~~

154.225 STORING OF PERSONAL PROPERTY IN RESIDENTIAL ZONING DISTRICTS.

(A) 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) Anchored or fixed ~~Recreational~~ equipment commonly used in residential yards shall be setback ten (10) feet from any lot line;

(3) ~~Construction and landscaping materials, and equipment currently (within a period of six (6) months) being used on the premises;~~ Construction and landscaping materials or equipment, if these are used or intended for use on the premises within a period of six (6) months, unless there is an active building permit issued for improvements on the property;

(4) Off-street parking of licensed operable passenger automobiles and pick-up trucks;

(5) Merchandise being displayed for sale in accordance with the provisions of the Zoning Ordinance;

(6) ~~Farm implements in the AG Zoning District.~~ Agricultural equipment and materials, if these are used or intended for use on the premises within a period of twelve (12) months.

(7) ~~Firewood storage for personal use.~~ Stacked firewood for the burning supply of the property resident may be located in a side, rear, or equivalent yard.

(8) Recreational Vehicles, Boats, and Trailers

Boats and trailers less than twenty five (25) feet in length, if stored in the rear yard more than ten (10) feet distant from any property line;

~~(1) A recreational vehicle may not be parked on any land outside of an approved camping area or an approved sales lot, except that the parking of one (1) unoccupied vehicle in an accessory private garage, building, or in the rear yard of a residential district is permitted provided that no living quarters shall be maintained or any business practiced in the trailer while it is so parked or stored.~~

~~(2) A recreational vehicle owned by a non resident, guest or visitor may be parked or occupied by the guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed thirty (30) days while visiting the resident of the property. The recreation vehicle shall have self contained sanitary facilities or standard on site facilities as required by the community building official/sanitarian.~~

(a) Recreational vehicles may be parked in front of a residence for the purpose of maintenance, loading and unloading, provided that the vehicle is not parked in front for longer than seventy-two (72) hours in any continuous thirty (30) day period.

(b) Recreational equipment up to twenty-five (25) feet in length may be parked or stored outdoors as follows:

(1) One (1) 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 (1). Measurement does not include tongue of trailer or motor (if applicable).

(2) In the rear yard not within ten (10) feet of the lot line and as close to the garage as practicable. The Zoning Administrator may provide written permission to allow relief from this requirement in special circumstances where the topography or other circumstances not created by the applicant or owner that would preclude storage in the rear yard exist. The permission will include a defined time period and area restriction on the property.

~~(d) The storage of recreational vehicles defined herein shall not preempt existing tract restrictions or restrictive covenants.~~

(d) No camper/RV, camper trailer or boat shall be used for residential purposes, except that visitors with such vehicles may sleep in them for a period not to exceed nine (9) days.

(B) Existing Uses

Existing uses shall comply with the provisions of this section within a reasonable time, not to exceed six (6) months following the enactment of this Code.

~~A. Recreational camping vehicle. "Recreational Camping Vehicle" includes the following:~~

~~1. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses.~~

~~2. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.~~

~~3. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and~~

~~4. Any folding structure, mounted on wheels and designed for travel, recreation and vacation use.~~ MOVED TO DEFINITION

SECTION

154.226 EXTERIOR STORAGE IN NON-RESIDENTIAL DISTRICTS.

~~In non residential districts, exterior storage of personal property may be permitted by conditional use permit provided any such property is so stored for purposes relating to a use of the property permitted by the Zoning Ordinance and will not be contrary to the intent and purpose of the Zoning Ordinance.~~

(A) Outside Storage/Display. Exterior storage and display shall be governed by the respective zoning district in which such use is located.

(B) Additional Standards. All exterior storage shall be located in the rear or side yard, shall be screened with materials of 90 percent or more opacity, and shall screen views from adjoining properties and public streets except for the following:

(1) Merchandise being displayed for sale in accordance with zoning district requirements.

(2) Materials and equipment currently being used for construction on the premises.

(C) Parking of Commercial Vehicles. Up to three (3) commercial vehicles such as delivery and service trucks up to twelve thousand (12,000) pounds gross vehicle weight rating (GVWR) may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over twelve thousand (12,000) pounds gross vehicle weight rating (GVWR) shall require screening in compliance with Section ## of this Ordinance.

(D) No vehicle or trailer may be used as the principal location of a business, except for temporary construction trailers or mobile services operated by public service agencies (i.e. bookmobile, bloodmobile, etc.)

(E) No vehicles, trailers, or cargo containers may be used for office, business, industrial manufacturing, testing, or storage; except for trailers parked in a designated and improved loading area, vehicles parked under section (C) above, and seasonal agricultural sales for products grown on site.

154.227 EXTERIOR STORAGE IN ALL DISTRICTS.

(A) In all districts, all refuse, rubbish or garbage (as defined in subsection 1335.04) shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping the land free of refuse, rubbish or garbage.

(B) The City Council may order the owner of any property to cease or modify exterior storage uses including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(C) In all zoning districts, outside storage, including but not limited to equipment storage and the parking of vehicles, shall be prohibited as a principal use of property except as permitted by Conditional Use Permit as provided by the Zoning District.

(D) Any accumulation of refuse not stored in containers which comply with City Code, or any accumulation of refuse including car parts which has remained on a property for more than two (2) weeks is hereby declared to be a nuisance and may be abated by order of the Zoning Administrator, as provided by Minnesota Statutes and Section ## of the City Code. The cost of abatement shall be recovered in accordance with the applicable provisions of Section ## of the City Code.

(E) Passenger automobiles and trucks which are not currently licensed by the State, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of fourteen (14)

days, and all materials stored outside in violation of the City Ordinances are considered refuse or junk and shall be disposed of pursuant to City regulations.

~~154.228 UNLICENSED PASSENGER VEHICLES AND TRUCKS. (Taken from 1340.05 Unlicensed Passenger Vehicles and Trucks)~~

~~Unlicensed passenger vehicles and trucks shall not be parked in residential districts for a period exceeding seven (7) days.~~

~~154.22# DEFINING JUNK (Taken from 1340.06 Defining "Junk")~~

~~All exterior storage not permitted by Subsection 1340.02 or included as a permitted accessory use, a permitted use, or included as part of a conditional use permit, or otherwise permitted by the provisions of this Code, is defined as "junk" within the meaning of Subsection 1335.02, Subd. 11 ("Junk") of this Code. MOVE TO DEFINITION SECTION~~

154.229 BULK STORAGE (LIQUID) (Taken from 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities, Subd. 9 Bulk Storage (Liquid))

No uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall be permitted except as are specifically permitted by the council after finding that fire, explosion, or water or soil contamination hazards are not present that would be detrimental the public health, safety, and general welfare. All existing above-ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure such permission within twelve (12) months following enactment of this section. The Zoning Administrator shall require the development of diking around the tanks, suitably sealed to hold a leakage capacity equal to one hundred fifteen percent (115%) of the tank capacity. Any existing storage tank that, in the opinion of the Planning Commission or the Council, constitutes a hazard to the public safety shall discontinue operations within five (5) years following enactment of this section. (Also see Subd. 10: 154.231 Explosives.)

154.230 RADIATION AND ELECTRICAL INTERFERENCE PROHIBITED.
(Taken from 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities, Subd. 14 Radiation and Electrical Interference Prohibited)

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation or ordinary business or household equipment and appliances. Any such emissions are, declared to be a nuisance.

154.231 EXPLOSIVES (Taken from 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities, Subd. 10 Explosives.)

No activities involving the storage, use, manufacture of materials or products which could be detonated shall be permitted except those that are specifically permitted by the Council. The materials shall include, but not be confined to, all primary explosives such as lead azide and mercury fulminate, all high explosives and boosters such as TNT, tetryl and nitrates, propellants and components thereof such as nitrocellulose, black powder, and nitroglycerin, blasting explosives such as dynamite, and nuclear fuel and reactor elements such as uranium 235 and plutonium.

~~154.23# — FALL OUT SHELTERS (Taken from 300.13 Design and Performance Standards—Restrictions on Nuisance and Hazardous Activities, Subd. 11 Fall-Out Shelters.—~~

~~Fall out shelters may be permitted in any district, subject to yard regulations of the district. The shelters may contain or be contained in other structures or be constructed separately, and in addition to shelter use, may be used for any use permitted in the district, subject to the district regulations on such use.~~

154.232 COMMON OPEN SPACE AND AMENITIES.

(A) Common private open spaces or amenities may be allowed as part of a PUD or property subdivision, or by conditional use permit subject to the provisions of this Ordinance.

(B) Operating and Maintenance Requirements for Common Open Space and Amenities: Whenever common public open space or amenities are provided, provisions shall be made to assure the continued operation and maintenance of such open space or amenities to a predetermined reasonable standard. Common private open space and amenities may be placed under the ownership of one or more of the following, as approved by the City Council:

(1) Landlord control, where only use by tenants is anticipated.

(2) Property owners association, provided all of the following conditions are met:

(a) Prior to the use, occupancy, sale or the execution of contracts for sale of individual buildings, units, lots, parcels, tracts or common areas, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Minnesota Statutes 515, Article 2 and a set of floor plans such as specified by Minnesota Statutes 515, Article 2-110 shall be filed with the City of Lake Elmo. Said filing with the City is to be made prior to the filings of said declaration or document or floor plans with the recording officers of the County.

(b) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, lots, parcels, or tracts shall subject said properties to the terms of said declaration.

(c) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing adequate private control.

(d) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City of Lake Elmo or fails to pay taxes or assessments on properties as they become due and in the event the said City of Lake Elmo incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City of Lake Elmo shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.

(e) Membership must be mandatory for each owner, and any successive buyer.

(f) The open space restrictions must be permanent and not for a limited period of years, unless specifically approved by the City.

154.233 SWIMMING POOLS (Taken from Section 525 Swimming Pools)

~~(A) Permits required. No person, corporation, partnership, or firm shall construct, repair, enlarge, alter, change, remodel, or otherwise significantly improve a swimming pool in the city without first having obtained a permit from the Building Official.~~

(A) A building permit shall be required for the construction, alteration or installation of any in-ground swimming pool or above ground swimming pools which shall have a capacity of 5,000 gallons or more and a depth of 12 inches or more.

~~(B) Definitions. Unless specifically defined in this section, common definitions, words, and phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage through this code. Definitions are found in § 154.###.~~

~~(C) Application for permit. The Building Official may require plans, specifications, and pertinent explanatory data be submitted with an application for a permit.~~

~~(1) An application for a permit which includes a site plan showing:~~

(B) An application for a building permit shall include the following information:

(a) Site plan to scale

(b) The type and size of pool, location of pool, location of house, garage, fencing, and other ~~improvements~~ structures on the lot;

(c) The location of structures on all adjacent lots;

(d) The location of ~~filter unit, pump, and writing (indicating the type of the units);~~ of all swimming pool equipment;

~~(e) The location of back flush and drainage outlets;~~

(e) Grading plan, finished elevations, and final treatment (decking, landscaping, etc.) around pool;

(f) The location of existing overhead or underground wiring, utility easements, trees, and similar features;

~~(h) The location of any water heating unit;~~

(g) The location of water supply systems, buried sewers, and sewage disposal systems, other utilities and proximate sources of possible contamination of the pool; and

(h) All dimensions, including the length, width, depth of the pool, the size of the pool deck, and the liquid capacity of the pool; plans shall be drawn to a scale of not smaller than one-fourth (1/4) inch to one (1) foot;

(2) The application shall be accompanied by the permit fee the Council establishes by resolution.

(3) Pools shall not be located within 10 feet of any septic tank and 20 feet of any septic tank/drainfield nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks.

(4) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.

(5) Pools shall not be located within any private or public utility, walkway, drainage, or other easements.

(6) In the case of in~~under~~ground pools, the necessary precautions shall be taken during the construction, to:

(a) Avoid damage, hazards, or inconvenience to adjacent or nearby property; and

(b) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringements upon adjacent property.

(7) All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.

(8) (a) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainage ways.

(b) Water shall not drain onto adjacent or nearby private land.

(9) The filter unit, pump, heating unit, and any other noise-making mechanical equipment shall be located at least fifty (50) feet from any adjacent or nearby residential structure and not closer than (10) feet to any lot line unless such equipment is enclosed in a sound resistive enclosure. In all cases, noise shall not exceed minimum standards as set forth in Sec. 1370.

(C) Pool piping. Pool piping systems shall be constructed of materials prescribed in the ~~city~~ State plumbing code. Installation of the piping, including the pool water supply line, shall be inspected by the Building Official prior to covering the piping.

(D) Main outlets. Pools shall be equipped with facilities for completely emptying the pool and effecting surface drainage (by gravity if elevations permit). The drainage system shall be constructed in accordance with the provisions of the ~~city~~ State plumbing code.

(E) Water supply. Water supplies serving all swimming pools shall be of a safe sanitary quality and be acceptable to the County Health Officer. The installation of the pool water supply piping and connection to the source of supply shall be in accordance with the ~~city~~ State plumbing code. Water in the pool shall be maintained at all times in a suitable manner to avoid health hazards of any type.

(F) Electrical requirements. All electrical installations provided for, installed, and used in conjunction with residential swimming pools shall conform with the state electrical code and shall be inspected and approved by the state electrical inspector. No current-carrying electrical conductors shall cross residential swimming pools, either overhead or underground or within fifteen (15) feet of the pools, except as necessary for pool lighting or pool accessories.

~~(H) Heating requirements. Permits shall be required for all heating units used in conjunction with swimming pools. Installation shall be made in accordance with the city heating building code in effect at the time of installation.~~

(G) Pressure relief valves. Pools shall be designed and constructed with under-drain systems and pressure relief valves to prevent pool flotation, where the Building Official determines the same to be necessary.

(H) Shield lights. Lights used to illuminate any swimming pool shall be so arranged and shielded so as to reflect light away from adjoining properties.

(I) Location. All swimming pools or appurtenances to swimming pools shall be located in the rear yard and meet the setback requirements of the district in which it is located. Requests for a variance from the provisions of this section shall be referred first to the Planning Commission for its study and recommendation and then to the Council.

(J) Fences. All swimming pools shall be completely enclosed by a non-climbable type fence. All fence openings or points of entry into the pool area shall be equipped with gates. The fence and gates shall be at least four (4) feet in height and shall be constructed of a minimum number eleven (11) gauge woven wire mesh corrosion-resistant material or other material approved by the Building Official. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise be inaccessible to small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The openings between the bottom of the fence and the ground or other surface shall not be more than four (4) inches.

(K) Safety equipment. Every swimming pool shall be equipped with one (1) or more throwing ring buoys not more than fifteen (15) inches in diameter and having fifty (50) feet (or the diagonal measurement of pool - whichever is larger) of 3/16 inch nylon line (or equivalent) attached.

(L) Above-ground swimming pools. Ladders or stairs which are attached to or placed against the outside of above-ground tank-type swimming pools having a depth of twenty-four (24) inches or more shall be removed from the outside of the pool when it is not being used by the owner or owner's authorized guests. Above ground pools utilizing fixed stairs shall be affixed with a four (4) foot, non-climbable fence or gate to be locked when unattended. All other applicable provisions of this section shall apply to above-ground pools.

(M) Public or semi-public swimming pools. Swimming pools other than residential pools shall be constructed and operated in conformance with standards for the installations established by the Minnesota State Board of Health. In addition, the person, firm, corporation, or agency proposing the construction of a swimming pool other than residential shall file with the Building Official, prior to the beginning of any construction, a copy of the report prepared and issued by the Minnesota State Health Department showing approval of the plans, and one (1) set of pool plans upon which the approval is indicated by stamp, seal, or other official marking of that agency. Adequate screening, including both fencing and landscape treatment, shall be placed between said areas and adjacent lot lines.

154.234 LIGHTING, GLARE CONTROL, AND EXTERIOR LIGHTING
STANDARDS (Taken from Ch. 13 Municipal Regulations, Sec. 1350)

(A) Purpose. The purpose of this section is to regulate the spillover of light and glare on rural areas of the community, pedestrians, and land uses in the proximity of the

light source. With respect to motor vehicles in particular, safety considerations from the basis of the regulations contained herein.

(B) Definitions. Unless specifically defined in this Section, common definitions, words and phrases used in this Section shall be interpreted as to give them the same meaning as they have in common usage throughout this code and are found in Section 150.

(C) Exterior Lighting Plan. At the time any exterior light is installed or modified for projects, an exterior lighting plan shall be submitted to the City in order to determine whether the purpose and requirements of this Section have been met. This plan will be prepared by a certified architect, landscape architect, or lighting designer.

(1) Submittal Requirements. The applicant must provide a plan that identifies the location, size and type of luminaire, and show how the applicant intends to comply with this section. A photometric plan of the site and fixture data sheet must be submitted with a site plan for office, commercial, or any type of industrial project in order to determine the effect of the luminaire on surrounding properties. The applicant shall provide the fixture data sheet for residential lighting proposals.

(D) Prohibited Lighting

(1) Public Roadway or Street. No Lights shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when light is of such brilliance and so positioned as to impair the vision of the driver of any motor vehicle.

(2) Luminaries. Except for "full cutoff luminaries" as defined in this section, no luminaries are allowed which do not meet the standards outlined in this section. (See illustration below)

(3) Lighting in All Zoning Districts. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall be directed into any adjoining property.

(4) Bare Light Bulbs. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(5) Light Cast. No light or combination of lights, which cast light on a public street, shall exceed one (1) foot-candle meter reading as measured from the centerline of the street, nor shall any light or combination of lights, which cast light on residential property, exceed four-tenths (0.4) foot-candles.

(E) Minimum Standards.

(1) Minimum Standards for Lighting with a Total Cutoff Angle of Greater than 90 Degrees. When a luminaire has a total cutoff of an angle greater than ninety (90)

degrees (see illustration below), the maximum illumination and the maximum permitted luminaire height is designated below. This standard is designed to ensure that no light is emitted above a horizontal plane parallel to the ground. In order to achieve a total cutoff at ninety (90) degrees, such a luminaire will emit maximum (peak) candle power at an angle not exceeding seventy-five (75) degrees. This angle is formed by the line at which maximum candlepower is emitted for the light source and a line perpendicular to the ground from the light source.

(2) Illumination may exceed the stated maximums for a radius of 20 feet measured from the center point of the light fixture, but shall not exceed those maximums beyond the exterior property line of the site upon which the fixture is located.

Use and District	Maximum Permitted Illumination at a Point Six Feet Above the Ground (in foot candles)	Maximum Permitted Height
All residential Districts	.30	Fifteen (15) feet
All Non-Residential Districts	1.50	Twenty (20) feet

(3) Minimum Standards for Lighting with a Total Cutoff Angle of Less than 90 Degrees. When a luminaire has a total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, the maximum permitted illumination and the maximum permitted height is illustrated below. This type of light fixture may be taller and provide greater illumination at the property line than the one specified above, because the design of this fixture ensures that its light source will not be directly visible off-site.

Use and District	Maximum Permitted Illumination at a Point Six Feet Above the Ground (in foot candles)	Maximum Permitted Height
All residential Districts	1.00	Fifteen (15) feet
All Non-Residential Districts	3.00	Twenty (20) feet

(4) Minimum Standards for Lighting on Agricultural Lands. When a permanent outdoor luminaire is placed on agricultural land, only Mercury lamps shall be permitted.

(5) Attachments. Attachment entitled "Good Neighbor Outdoor Lighting" is on file in the Building Official's office, and can be found in Appendix A of this Code. This is the guide to be used for residential lighting.

DRAFT

General Yard, Lot Area and Building Regulations

- 154.250 Purpose
- 154.251 Building Height Exceptions
- 154.252 Building Type and Construction
- 154.253 Yard Requirements
- 154.254 Efficiency Apartments
- 154.255 Minimum Lot Area Per Unit
- 154.256 Minimum Floor Area Per Dwelling Unit
- 154.257 Two Family, Townhouse, Manor Home, Multiple Family Uses
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Accessory Buildings, Uses and Equipment

- 154.270 Accessory Building Type
- 154.271 Size and Number
- 154.272 Time of Construction
- 154.273 Drive Through Business
- 154.274 Drive-In Business

GENERAL YARD, LOT AREA AND BUILDING REGULATIONS

- 154.250 Purpose

This section identifies yard, lot area, building size, and building type and height requirements in each zoning district.

- 154.251 Building Height Exceptions (Taken from 300.12 Height.)

~~B. No other structure shall exceed thirty five (35) feet in height including church spires, belfries, cupolas and domes, monuments, chimneys, and smokestacks, flag poles, public facilities, except barns, silos, and other farm structures, utility transmission services, and transmission towers of commercial broadcasting stations.~~

(A) The building height limits established for each zoning district shall not apply to the following list of items, except that no such structural element may exceed forty-five (45) feet in total height or exceed the maximum height of the building by more than five (5) feet, whichever is greater, except by conditional use permit.

- (1) Belfries.
- (2) Chimneys or flues.
- (3) Church spires.
- (4) Cooling towers.

(5) Cupolas and domes which do not contain useable space.

(6) Elevator penthouses.

(7) Flag poles.

(8) Monuments.

Subd. 2 Parapet Walls.

~~— Parapet walls shall not exceed more than four (4) feet above the height permitted of the building.~~

(9) Parapet walls extending not more than four (4) feet above the limiting height of the building.

(10) Water towers.

(11) Poles, towers and other structures for essential services.

(12) Necessary mechanical and electrical appurtenances.

(B) Height limitations for antenna support structures as set forth in Section ## of this Ordinance may be increased by conditional use permit.

(C) Modifications to the topography of a lot may not be undertaken as a means of achieving increased building height.

~~— (D) In the case of any proposal to construct or alter a structure which will exceed a height of two hundred (200) feet above ground level of the site, or any proposal to construct or alter a structure to a height of greater than an imaginary surface extending upward and outward at a slope of one hundred to one (100:1) from the nearest point of the nearest runway of a public airport, the applicant shall notify the Commissioner of the Minnesota Department of Transportation in writing of the plans at least thirty (30) days in advance of making applicable permit requests to the City. The applicant shall provide the Zoning Administrator with any comments received from the Commissioner of the Minnesota Department of Transportation as part of the required applicable permit request. This local reporting is in addition to any federal permitting and review processing which may be simultaneously required.~~

154.252 BUILDING TYPE AND CONSTRUCTION. (Taken from individual Zoning Districts)

(A) General Business District, Limited Business, Business Park, and Public Facilities.

(1) The Primary Exterior Surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or veneer brick or stone shall not qualify as complying with this performance standard.

(2) Primary Exterior Surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this subdivision. Windows and glass doors shall be considered a primary surface, but the sum area of such glass shall be deducted from the wall area for purposes of the 70% Primary/30% Accent formulas of this section. Doors of any type or material, except glass, shall not be considered a primary exterior surface. Each wall of the structure shall be calculated separately; and, individually comply with the 70/30 formula.

(3) Not more than 30% of the exterior wall surfacing, as defined by paragraph D above, may be of the following listed Accent Materials, but no single Accent Material, except natural wood, may comprise more than 20% of the total of all Accent Materials; and, no combustible materials shall be used:

- (a) Wood Siding
- (b) Cement Fiber Board
- (c) Standing Seam Metal
- (d) Stucco
- (e) Pour in Place Concrete (excluding "tilt-up" panels.)
- (f) Metal panels or Sheets
- (g) Poured in Place Concrete (excluding "tilt-up" panels).
- (h) Porcelain or Ceramic Tile

Deleted: EFIS

~~(B) Highway Business, Limited Business, and Business Park District.~~

~~The exterior surfaces of all buildings shall be faced with brick, stone, glass or equivalent. The City may allow architecturally enhanced and integrally colored block, in all cases examples of the proposed finish are to be submitted for review by the Planning Commission. No building shall be constructed with a main exterior surface of sheet aluminum, steel corrugated aluminum, or similar products; these materials are acceptable only as trim. Non structural metal standing seam roofing is permitted. No accessory building shall exceed the height of a principal building. All exterior equipment and trash and recycling storage areas and dock areas shall be screened with materials used in the principal structure. Low profile, self contained HVAC units which blend in with the building architecture are exempt from the screening requirement. Underground utilities shall be provided for all structures.~~

154.253 YARD REQUIREMENTS. (Taken from 300.10)

~~300.09 Subd. 1 Existing Lot.~~

~~An existing lot is a lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or registrar of titles, on or before the effective date of this section. Any such lot or parcel of land which is in a residential district may be used for single family detached dwelling purposes provided the area and width of the lot are within sixty percent (60%) of the minimum requirements of this section, provided all setback requirements of this section must be maintained; and provided it can be demonstrated safe and adequate sewage treatment systems can be installed to serve the permanent dwelling.~~

~~Any one (1) acre lot which was of record before October 16, 1979 may be used for single family detached dwelling purposes regardless of ownership of adjacent parcels, provided the lot meets all other requirements of this section. MOVE TO NON-CONFORMING LOTS~~

(A) No lot, yard or other pervious space shall be reduced in area or dimension so as to make such lot, yard or pervious space less than the minimum required by this Ordinance, and if the existing yard or other pervious space as existing is less than the minimum required, it shall not be further reduced. No required pervious space provided about any building or structure shall be included as part of any pervious space required for another structure.

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

(C) Permitted Encroachments on Required Yards.

The following shall not be considered as permitted encroachments into setback and height requirements. ~~except as restricted by other sections of this chapter.~~

~~Subd. 1 In Any Yards.~~

(1) Posts, off-street open parking, cantilevers up to ten (10) feet in width, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to three (3) feet), gutters, awnings, open terraces, steps, chimneys up to six (6) feet in width, ornamental features, flag poles, window wells and their related covers, open fire escapes, sidewalks, fences, essential services exposed ramps (wheelchair), uncovered porches, stoops, yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs provided the direct source of light is not visible from the public right-of-way or adjacent residential property, or similar features provided they do not extend ~~above the height of the ground floor level of the principal structure or to a distance less than more than~~ five (5) feet into a required yard or five (5) feet from any lot line, whichever is more restrictive. ~~nor less than one (1) foot from any existing or~~

proposed driveway; or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons.

(2) No encroachment shall be permitted in existing or required drainage and utility easements unless approved by the City Engineer.

(3) In rear yards, ~~recreational and laundry drying equipment, private dog kennels, arbors and trellises, detached outdoor living rooms or gazebos not exceeding five hundred (500) square feet, and air conditioning or heating equipment not exceeding established state noise levels, provided they are set back five (5) feet from side lot lines, eight (8) feet from the rear lot line, and not located within a utility and/or drainage easement, or as permitted in Section ## of the shoreland regulations.~~

Subd. 2 – Side and Rear Yards.

~~Fences thirty percent (30%) open; walls and hedges six (6) feet in height or less; bays not to exceed a depth of three (3) feet or containing an area of more than thirty (30) square feet; fire escapes not to exceed a width of three (3) feet.~~

(4) A required yard on a lot may be reduced by a conditional use permit if the following conditions are met:

(a) The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance.

(b) Property line drainage and utility easements as required by the City's Subdivision Ordinance are provided and no building will occur upon this reserved space.

(c) The reduction will work toward the preservation of trees or unique physical features of the lot or area.

(d) If affecting a north lot line, the reduction will not restrict sun access from the abutting lots.

(e) The reduction will not obstruct traffic visibility, cause a public safety problem and complies with Section ## (Traffic Sight Triangle) of this Ordinance.

(f) The conditions of Section 401.03.A.8 of this Ordinance are considered and satisfactorily met.

(B) Required Front Yard Setback Exceptions for New or Expanded Homes. In the case of single-family residential lots platted prior to the date of this Ordinance, the required front yard setback as established by the respective zoning districts may be reduced, upon the approval of the Zoning Administrator, to a distance equaling the

average front yard setback of existing principal dwellings within the block in which the lot is located, provided that in no case shall this distance be less than fifteen (15) feet.

(C) Corner Lots. Front yard requirements shall be observed on each street frontage of a corner lot.

(D) Required Side or Rear Yard Reduction. A required yard on a lot may be reduced by a conditional use permit if the following conditions are met:

(a) The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance.

(b) Property line drainage and utility easements as required by the City's Subdivision Ordinance are provided and no building will occur upon this reserved space.

(c) The reduction will work toward the preservation of trees or unique physical features of the lot or area.

(d) The reduction will not restrict sun access to the abutting lots.

(e) The reduction will not obstruct traffic visibility, cause a public safety problem and complies with Section 21105.05 of this Ordinance.

154.254 EFFICIENCY APARTMENTS.

Except for elderly (senior citizen) housing, the number of efficiency apartments in a multiple family dwelling shall not exceed ten (10) percent of the total number of apartments. In the case of elderly (senior citizen) housing, efficiency apartments shall not exceed thirty (30) percent of the total number of apartments.

154.255 MINIMUM LOT AREA PER UNIT.

The lot area per unit requirements for two family, townhouses, manor and multiple family developments shall be in accordance with applicable zoning district standards in which such uses are located. Lot area per unit requirements for planned unit developments shall be same as those imposed in the corresponding zoning district in which the use is customarily permitted.

154.256 MINIMUM FLOOR AREA PER DWELLING UNIT.

(A) Single Family Dwelling Units in R-1 Zoning Districts. Living units classified as single family dwellings shall contain at a minimum, nine hundred sixty (960) square feet of floor area.

(B) Other Dwelling Units. Except for elderly housing, all other dwellings shall have the following minimum floor areas per unit:

<u>Efficiency and One Bedroom Units</u>	<u>600 square feet</u>
<u>Two Bedroom Units</u>	<u>720 square feet</u>
<u>More than Two Bedroom Units</u>	<u>An additional 100 square feet for each additional bedroom.</u>

(C) Elderly (Senior Citizen) Housing. Living units classified as elderly (senior citizen) housing units shall have the following minimum floor area per unit:

<u>Efficiency Units</u>	<u>440 square feet</u>
<u>One Bedroom</u>	<u>520 square feet</u>

154.257 TWO FAMILY, TOWNHOUSE, MANOR HOME, MULTIPLE FAMILY USES.

(A) No single townhouse or manor home structure shall contain more than fourteen (14) dwelling units.

(B) Subdivision of Two Family or Townhouse Lots. The subdivision of base lots containing two family dwellings, or townhouses, to permit individual private ownership of a single dwelling unit within such a structure may be allowed upon the approval by the City. Approval of a subdivision request is contingent on the following requirements:

(1) Prior to a two family dwelling or townhouse subdivision, the base lot must meet all the requirements of the zoning district.

(2) The lot area calculation for individually platted unit lots shall include the proportionate share of the surrounding base lot.

(3) Permitted accessory uses as defined by the zoning districts are acceptable, provided they meet all the zoning requirements.

(4) A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for review and comment. The agreement shall ensure the maintenance and upkeep of the structure and lots to meet minimum City standards. The agreement is to be filed with the Washington County Recorder's Office as a deed restriction against the title of each unit lot.

(5) Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the Zoning Administrator.

(6) The subdivision is to be platted and recorded in conformance to the requirements of the Subdivision Ordinance of the City.

(7) Minimum unit lot width for townhouses shall be not less than twenty (20) feet.

(8) Requirements of the Minnesota State Building Code at the time of subdivision shall be complied with.

(C) Subdivision of apartment dwelling structures, manor homes and other such units:

(1) The subdivision is to be platted and recorded in conformance with the requirements of the Subdivision Ordinance of the City, as applicable.

(2) The subdivision shall comply with applicable cooperative or condominium laws of the State of Minnesota.

154.258 SINGLE FAMILY DWELLINGS.

All single-family detached homes shall comply with the following:

(A) Foundation. Dwellings shall be constructed upon a continuous perimeter foundation, except that the following appurtenant structures may be placed upon pier footings:

(1) Open decks.

(2) Covered porches, provided that the floor height is three (3) feet or less above ground level.

(3) Covered porches with a floor height exceeding three (3) feet above ground level, provided that such porch does not exceed three hundred (300) square feet in area.

(4) Room additions to living area, not exceeding 300 square feet in area.

(5) Additionally, the perimeter foundation need not be continuous in the area of an elevated breezeway or similar architectural feature that connects the home to a garage or similar structure.

(B) Minimum Size. Dwellings shall not be less than thirty (30) feet in length and not less than twenty-two (22) feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwelling shall also meet the minimum floor area requirements as set out in this Ordinance.

(C) Roof Material. Dwellings shall have an earth covered, composition, wood shingled (include shakes), concrete, clay or ceramic-tiled roof. In addition, metal tile and standing seam metal roof coverings may be allowed by approval of the Zoning Administrator, provided they meet the requirements of ASTM A570 and A611 for roof coverings, and ASTM A219 and A239 for corrosion-resistant roofing materials.

(D) Building Permit. Prior to commencement of construction, dwellings shall receive a building permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used.

(E) Design. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to cause a significant depreciation in the property values of the neighborhood or adversely affect the public health, safety or general welfare.

(E) Code Compliance. Dwellings shall meet the requirements of the Minnesota State Building Code or the applicable manufactured housing code.

ACCESSORY BUILDINGS, USES AND EQUIPMENT

154.270 **ACCESSORY BUILDING TYPE (Taken From 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities Subd. 3 Accessory Buildings and Structures)**

(A) Types of Accessory Buildings – storage or tool sheds; detached residential garage; detached rural storage building; detached domesticated farm animal buildings; agricultural farm buildings. The accessory buildings are defined as follows:

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

(2) Detached Residential Garage. A one-story accessory building used or intended for the storage of motor driven passenger vehicles regulated in Section 300.13, Subd. 4, with a maximum roof height of twenty (20) feet. No door or other access opening shall exceed fourteen (14) feet in height. The exterior color, design, and materials shall be similar to the principal structure.

(3) Detached Rural Storage Building. A one story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment, etc. Exterior materials shall match the principal structure in exterior color or be of an earthen tone.

(4) Detached Domesticated Farm Animal Building. A one story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building shall require a Minnesota Pollution Control Agency feedlot permit and site and building plan approval.

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

154.271 SIZE AND NUMBER.

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

(B) No accessory building used or intended for the storage of passenger automobiles shall exceed one thousand (1,000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet, nor shall any structure exceed one story in height except when the garages are located in Business, Industrial or Planned Unit Developments. On parcels of twenty thousand (20,000) square feet in area or less, no detached accessory building or garage shall exceed the size of the principal building in gross floor area.

(C) An accessory building shall be considered as an integral part of the principal building if it is located six (6) feet or less from the principal building. The exterior design and color shall be the same as that of the principal building or be of an earthen tone; the height shall not exceed the height of the principal structure unless more restrictive portions of this section prevail.

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

(E) No accessory buildings in apartment developments shall exceed the height of the principal building.

(F) Accessory buildings in the commercial and industrial districts may be located to the rear of the principal building, subject to the Building Code and fire zone regulations.

(G) No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R-1 districts where detached garages may be permitted nearer the front lot line

than the principal building by resolution of the City Council, except in planned unit developments or cluster developments.

(H) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided that the physical conditions of the lot require such a location and a resolution is issued. In no event shall the structure be located closer than twenty (20) feet to the public right-of-way.

(I) All accessory buildings over thirty-five (35) square feet in area shall have a foundation, concrete slab or wind anchor. Buildings larger than one hundred (100) square feet shall require a building permit regardless of improvement value. Roof loads and wind loads shall conform to requirements as contained in the Building Code.

(J) The required rear yard setbacks for detached residential garages, and storage, boat, and tool sheds shall be a distance equal to the required side yard setback for each zoning district, except on through lots when the required rear yard setback in each zoning district shall apply.

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

(1) Setbacks. All animal buildings, feedlots, and manure storage sites shall be set back as follows:

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

(3) Evidence of the seasonally high ground water level or mottled soil (as established by eight and one-half [8 ½] foot borings) shall not be closer than six and one-half (6 ½) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed building and/or feedlot.

(4) No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot, or grazing area.

(L) The Number of Accessory Buildings.
The number and size of accessory buildings permitted in each zoning district shall be as follows. No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

Maximum Number and Size of Accessory Buildings	
Agricultural	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal forty (40) acres or more and buildings are agricultural buildings as defined in 300.13 Subd 3 (A) (5)

Agricultural (Non-conforming)	
Up to ten (10) acres	Two buildings with a total area not to exceed one thousand (1,000) square feet
Over 10, but less than a nominal forty (40) acres	Two buildings with a total area not to exceed two thousand (2,000) square feet
Rural Residential	
Up to 10 Acres (Nominal)	One 2,000 square feet detached building in addition to an attached garage.
10 Acres to 15 Acres	One 2,500 square feet detached building in addition to an attached garage.
15 Acres to 20 Acres	One 3,000 square feet detached building in addition to an attached garage.
Residential - R1, RED and OP	
5,000 square feet to 1 Acre	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure.
Over 1 Acres to 2 Acres	One 1,200 square feet detached residential garage or building in addition to an attached garage.
Over 2 Acres	1,300 square feet detached residential garage or building in addition to an attached garage.

154.272 TIME OF CONSTRUCTION.

No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.

154.273 ~~DRIVE THROUGH BUSINESS~~

~~Where allowed, drive through businesses shall comply with the following:~~

~~(A) The facility shall be located only on a site having direct access to a minor arterial street, collector or service road.~~

~~(B) All portions of the business with drive through facilities established after ***DATE***, including but not limited to, the building in which they are located, service windows and stacking spaces, shall be located across an arterial or collector street from residentially zoned or guided property, or shall be set back at least three hundred (300) feet from residentially zoned or guided property.~~

~~(C) The facility's public address system shall not be audible from any adjacent residentially zoned or guided property and comply with Section 21105.10 of this Ordinance.~~

~~(D) Required Stacking Space.~~

~~(1) — All Uses Except Pharmacy Uses. Businesses with one (1) drive through lane shall provide stacking space for at least ten (10) vehicles, and businesses with two (2) or more drive through lanes shall provide stacking space for at least six (6) vehicles per lane, as measured from and including the last pick up station, window, or the like. Stacking spaces shall not interfere with parking spaces or traffic circulation.~~

~~(2) — Pharmacy Uses. Pharmacies with one (1) drive through lane shall provide stacking space for at least five (5) vehicles, and pharmacies with two (2) or more drive through lanes shall provide stacking space for at least three (3) vehicles per lane, as measured from and including the last pick up station, window, or the like. Stacking spaces shall not interfere with parking spaces or traffic circulation.~~

~~(E) The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections.~~

~~(F) Alcoholic beverages shall not be sold or served.~~

~~(G) All elements of the drive through service area, including but not limited to menu boards, order stations, teller windows, and vehicle lights from the stacking lanes, shall be screened from adjacent residentially zoned or guided property pursuant to Section 21130.03 of this Ordinance.~~

154.274 — DRIVE IN BUSINESS

~~(A) Traffic And Parking: Traffic and parking arrangements shall be so planned and arranged as not to cause a public nuisance.~~

~~(B) The entire area of any drive in business shall have a drainage system approved by the City Engineer.~~

~~(C) The entire area, other than that occupied by structures or plantings, shall be surfaced with a hard surface material which will control dust and drainage.~~

~~(D) A box curb at least six (6) inches above grade shall separate the public walk area from the lot, except as approved entrance or drives.~~

~~(E) A fence or screen of acceptable design not over six (6) feet in height nor less than four (4) feet which is at least fifty percent (50%) opaque throughout its height shall be constructed along the property line abutting a residential district and the fence or screen shall be adequately maintained. The fence shall not be required in front of the setback line.~~

~~(E) In the case of a drive in theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.~~

~~(F) General.~~

~~(1) No person shall construct, operate, or maintain a drive-in business within the community without first obtaining site and building plan approval.~~

~~(2) Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, in-door food and beverage service.~~

~~(3) The hours of operation shall be set forth as a condition of any drive-in business approval.~~

~~(4) Each drive-in business serving food may have outside seating.~~

~~(5) Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking areas.~~

~~(6) Landscaped planting islands as stipulated in 300.13, Subd. 6 (B) (6) shall be required.~~

~~(G) Locations.~~

~~(1) No drive-in business shall be located within four hundred (400) feet of a public or private school, church, public recreation area, or any residential district.~~

~~(2) No drive-in business shall be located so that it may increase traffic volumes on nearby residential streets.~~

~~(3) No drive-in shall be located on any street other than one designated as a thoroughfare or business service road in the Comprehensive Plan.~~

~~(H) Site Plan.~~

~~(1) The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.~~

~~(2) A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.~~

~~(3) Adequate area shall be designated for snow storage so that clear visibility shall be maintained from the property to any public street.~~

~~(4) The design of any structure shall be compatible with other structures in the surrounding area.~~

~~(5) No drive-in business shall be located on a lot less than thirty thousand (30,000) square feet.~~

~~(6) Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within four hundred (400) feet of any residentially zoned or used property, nor within two hundred (200) feet of any adjacent lot regardless of use or zoning district.~~

~~(7) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers serviced vehicles shall be parked to the sides and/or rear of the principal structure.~~

~~(8) No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit.~~

~~(9) No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within fifty (50) feet of intersecting street curb lines.~~

~~(I) Violation of any applicable law or ordinance in the conditions of the permit shall be cause for permit revocation or suspension (Notice of Violations and Hearings).~~

~~(J) The lighting shall be designed so as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.~~

Fencing, Screening, Landscaping

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- 154.291 Fence Height
- 154.292 Fence Materials
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Off-Street Parking and Loading

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FENCING, SCREENING, LANDSCAPING (Taken from 1360 and 302 Fences)

154.290 FENCE PERMITS REQUIRED.

Except as noted herein, installation of all fences require a fence permit issued by the City of Lake Elmo.

(A) Said permit shall be applied for on such forms, include such documentation, and include such fees to the City for processing as may be prescribed from time-to-time by the City Council.

(B) Fences exempt from requiring an installation permit are limited to the following:

(1) Fences of any type installed for the sole purpose of the keeping of Domestic Farm Animals, as defined by Section 150 of the City Code, and regulated by Section 300.13, Subdivision 15E of the City Code. All such fences shall be removed by the property owner within 6 months of the termination of the keeping of Domestic Farm animals, unless an extension is specifically authorized by City Council action.

(2) Fences of any type installed by Municipal, County or State governments and Public Utilities for facility security or the delineation and/or protection of Public Rights-of-Way.

(D) Failure to obtain a City Fence Permit prior to the installation of any fence subject to this regulation shall result in an automatic double permit fee, in addition to any corrective measures to bring said fence into compliance with the standards for fences prescribed by the Lake Elmo Zoning Ordinance.

154.291 FENCE HEIGHT.

(A) Fence Height in Street Setbacks. No fence shall be constructed exceeding 42 inches in height measured from grade within any front, side, or rear street setback. Fences constructed within the prescribed street set back areas shall be at least 50% open to air and light. (See Figure 302.1)

(B) Fence Height in Interior Yards. No fence shall be constructed exceeding 72 inches in height measured from grade in interior yards; and, any portion of such fence above 42 inches measured from grade shall be open to light and air over 75% of the surface area. (See Figure 302.1).

(C) Fences on Double Front Lots. Lots with fronting improved public streets at both the rear yard and the front yard may apply the standards of Section 302.01 Subd. 2 for fences paralleling the rear yard upon the approval of a Conditional Use Permit. The terms of Section 305 Subd 4. shall apply to Conditional Use Permit applications.

(D) Grade Defined. The grade from which fence height measurements are calculated shall only be from either natural grade or grade modified responsive to a grading plan approved by the City; and, shall not include the height of berms or introduced increases in ground elevation that would raise the effective fence height over that which would be otherwise permitted by this Section, except that a combination of raised grade and fence that would exceed in sum the fence height permitted by this section may be specifically approved by the City Council as an element of a subdivision plat or commercial site plan approval establishing specific property grading and topography.

154.292 FENCE MATERIALS.

(A) Permitted Fence Materials. Permitted fence materials shall be limited to brick, stone, wood planks, split rail, wrought iron, and as regulated by Section 302.04. Vinyl or composite material fences shall also be permitted.

(B) Finished Face of Fence. That side of the fence considered to be the face (finished side as opposed to structural supports and frame) shall face abutting property and Public Streets.

(C) Chain Link or Cyclone Fences. Chain Link, and wire mesh fences are permitted to a maximum height of 72 inches measured from grade. No chain link, cyclone or wire mesh fence shall be permitted in any front, side, or rear setback. (See Figure 302.2)

154.293 FENCES IN THE SHORELAND OVERLAY DISTRICT.

(A) No fence shall be permitted in the OHW setback of any parcel located in Shoreland, as defined by Section 150 of the City Code except where the principal structure is at least partially located within said OHW setback. Where the principal structure is at least partially located within the OHW setback, fences complying with the standards of Section 302.01, Subd 2 may be constructed within the side yard area of said principal structure, but not extending beyond the front and rear exterior walls of the principal structure. Decks, porches and landings of any type shall not be considered a part of the principal structure for the purpose of determining allowable fence.

154.294 TEMPORARY FENCES.

(A) Defined. For the purposes of this ordinance Temporary Fences are those that are installed and removed on a seasonal basis, such as snow fences and garden fences. Temporary Fences shall be open to light and air over not less than 40% of the fence surface area.

(B) Duration and Limitation. No snow fence shall or posts therefore shall be installed prior to November 1, and must be removed prior to April 15.

(C) Height and Location. Temporary Fences shall comply with the fence and fence location standards of Section 302.01, except that snow fences shall be set back at least 50 feet from any south or east property line, or such additional distance as may be required to prevent the accumulation of snow on public streets or adjoining property, as determined by the Building Official.

154.295 AGRICULTURAL EXEMPTION.

Fences constructed on parcels in excess of 5 acres for the keeping of horses; and fences constructed on parcels in excess of 10 acres for the keeping of other livestock, as defined

by Section 150 the City Code, are specifically exempted from the provisions of this section. Any such agricultural fencing shall be at least 75% open to air and light.

154.296 FENCES AS SCREENING AND SECURITY AS REQUIRED BY THIS
CODE.

The Lake Elmo City Code and Zoning Ordinance include prescribed physical circumstances of a site where screening of uses, equipment, and outside storage is required. In those prescribed circumstances, fences not to exceed 72 inches in height measured from grade may be installed, subject to the following standards:

(A) Required fences for screening and security purposes in Agricultural and Residential zoning districts shall be set back from all property lines equal to the required structure set back of the zoning district in which they are located, except where residential zoned lots share a common property line with commercial uses or commercial zoning districts and only on the common property line between the residential and commercial parcels.

(B) The provisions of Section 302.01, Subd. 3 of this Chapter regarding fence height measurement from grade shall apply. No combination of earthen berm and fence may exceed the 72 inch maximum height for screening.

(C) Materials used for screening shall be limited to those specified by Section 302.02.

(D) No such screening shall be roofed or covered in any manner.

(E) The total area of any parcel enclosed by solid fencing shall not exceed the maximum allowable area for an accessory structure in the zoning district in which the parcel is located, less the sum of the area of any accessory structures located on the same tax parcel. The area enclosed by screen fencing shall maintain a ratio of width to length of no greater than 2:1. (See Section 300.13 Subd. 4).

(F) Outdoor Living Area Extensions. Solid fencing to a maximum height of 72 inches may be used to enclose outdoor extended living areas of a principal structure, subject to the following standards:

(1) The area enclosed by outdoor extended living area fencing shall not exceed an enclosed area of 500 square feet.

(2) Fence utilized to enclose an outdoor extended living area shall be extended to a point not more than 6 inches from the principal structure at one fence termination point.

(3) Fence utilized to enclose an outdoor extended living area shall not extend into side yard of a lot beyond the existing building line of the existing principal

structure, nor shall such fences be located in any side or front street yard. (See Figure 302.3)

154.297 FENCES AS NON-CONFORMING/HAZARDOUS STRUCTURES.

Fences shall be considered to be structures for the purposes of applying the terms of the Non-conforming structure provisions of the Zoning Ordinance, and the Hazardous Structures provisions of City Code and State Statute.

154.298 OTHER PROVISIONS OF CODE.

To the extent that provisions of this Section may conflict with other provisions of the City Code regarding the regulation of fences and screening, the provisions of this Section only shall apply.

154.299 GENERAL LANDSCAPING AND MAINTENANCE (Taken from Sec. 1365 Landscaping)

(A) The landscaping required on an improved lot shall consist of a finish grade and a soil retention cover such as sod, seed and mulch, plantings, or as may be reasonably necessary to protect the soil and aesthetic values on the lot and adjacent property. ~~In all districts, all developed land shall have landscaping from the curb and gutter to the road right-of-way lines. Landscaping shall be provided and maintained on all required front and side yards in all developed districts except where pavement or crushed stone is used for walkways, driveways, or parking areas. All exposed ground areas, including street boulevards, and areas not devoted to off-street parking, drives, sidewalks, patios or other such improvements shall be landscaped within one (1) year following the date of building occupancy.~~ It shall be the responsibility of the owner to see that the landscaping is maintained in an attractive and well kept condition.

(B) ~~This landscaped yard~~ All landscaped areas shall be kept clear of all structures, exterior storage, and off-street parking unless otherwise authorized by this Chapter.

(C) Where landscaping is required as part of City approvals, any plant material which is diseased or dies shall be replaced with like kind of the original size if within two growing seasons of planting.

(D) Fences and/or plantings placed upon utility easements are subject to removal by the City or utility company if required for maintenance or improvement of the utility. In such case, costs for removal and replacement shall be the responsibility of the property owner. Trees on utility easements containing overhead wires shall not exceed fifteen (15) feet in height, and such trees shall be the property owner's responsibility to maintain.

(E) All open areas or any site, lot, tract, or parcel not otherwise improved shall be graded to provide adequate drainage and shall be landscaped.

(F) All lots, tracts, or parcels shall be properly maintained in accordance with their natural or existing character.

154.300 REQUIRED FENCING AND SCREENING (Taken from 1345 – Screening)

~~1345.02 Screening Defined.~~

~~Screening shall be defined as fences at least 5 feet high or earthen berms at least three feet high with compact evergreen or deciduous hedges which extend at least three feet beyond the object to be screened, or vegetative or landscaping materials sufficient to provide a complete screen to the same height, to block direct visual access. MOVE TO DEFINITIONS AND REWORD~~

(A) Residential Uses. Subd. 1 Screening.

(1) Screening shall be required in residential districts for any off-street parking area which contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential lot.

(B) Multiple Family Uses

(1) Where any townhouse, manor home, manufactured home park or apartment dwelling structure abuts property zoned for less dense residential use, the higher density residential use shall provide screening along all off-street parking or formal outdoor recreational activity areas to mitigate possible adverse impacts. Housing of similar types and densities shall not be subject to special screening requirements for formal outdoor recreational activity areas.

(2) Along boundaries where parking or formal outdoor recreational activity areas exist, all the fencing and screening specifically required by this Chapter shall be subject to Section 21105.05 and shall consist of either a fence or a green belt planting strip as provided for below.

(a) A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual buffer. This planting strip shall be designed to provide complete visual screening to a minimum height of six (6) feet. Alternatively, earth mounding or berms may be used to achieve all or a portion of the required buffer. The screening plan including type of plantings and berming shall require the approval of the City, as part of the site plan review pursuant to Section 21045 of this Chapter.

(b) A required screening fence shall be constructed of material identified in Section 154.292 of this Code. Such fence shall provide a solid screening consistent with fencing height regulations. effect of six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval

of the City as part of the site plan review pursuant to Section 21045 of this Chapter. The City Council may also require plantings of shrubs or trees in association with required fencing.

(C) Non-Residential Uses. Subd. 2 Business, Industrial Screening

(1) Where any ~~business or industrial~~ non-residential use (structure, parking or storage) is adjacent to property zoned or developed for residential use, that ~~business or industry non-residential use shall be screened~~ provide screening along its the boundary of with the residential property. Screening shall also be provided where a business, parking lot, or industry non-residential use is across the street from a residential zone, but not on the side of a business or industry non-residential use considered to be the front (as determined by the Zoning Administrator). All the fencing and screening specifically required by this Chapter shall be subject to Section 21105.05 (Traffic Sight Visibility) and shall consist of either a fence or a green belt strip as provided for in Section 154.292, B.2a and B.2b.

~~1345.01, Subd. 5 Loading Docks.~~

(2) Loading docks shall be screened from all streets and adjacent property unless they are at the rear of the building which abuts another commercial use. The property owner may provide a 30 foot landscaped area between the dock and the property line where screening is not possible.

~~1345.01, Subd. 3 Exterior Storage~~

(D) All exterior storage shall be screened as required by Section 1340.02 of this Code except as provided by in Sec. # (Exterior Storage).

154.301 REQUIRED LANDSCAPING (Taken from 520 – Plan Review)

~~Except has hereinafter provided, every person, before commencing construction or alteration of a structure, shall submit to the Zoning Administrator the following documents and information:~~

~~(3) Landscaping and screening plan.~~

~~———— (a) Complete landscaping, screening, and erosion control plans shall be prepared and signed by a professional landscape architect or professional site planner with educational training or work experience in land analysis and site plan preparation. These plans shall include:~~

~~———— 1. Detailed natural land analysis, including vegetation, soil types, and slopes;~~

~~———— 2. Man-made features (berms, fences, and the like);~~

_____ 3. ~~Details of all proposed vegetative landscaping materials including: placement, Latin name/common name, caliper/height, and quantity;~~

_____ 4. ~~Details of proposed non-vegetative landscaping materials; and~~

_____ 5. ~~Planning and construction schedule for completion of landscaping and screening plans.~~

_____ (b) ~~The final landscaping and screening plan must be approved by the Council/engineer at the time of the site plan review.~~

_____ (c) ~~The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks, or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:~~

<i>Project Value (Including building construction, site preparation, and site improvements)</i>	Percentage of Total Project Value to Be Allocated to Landscaping
Below \$1,000,000	2%
\$1,000,001 to \$2,000,000	1 and 3/4%
\$2,000,001 to \$3,000,000	1 and 1/2%
\$3,000,001 to \$4,000,000	1 and 1/4%
Over \$4,000,000	1%

_____ (d) ~~All landscaping must be guaranteed for 2 growing seasons, with a bond or security deposit.~~

(A) Landscaping - Public, Semi-Public, Institutional, Multiple Family, Manufactured Home Park, Commercial, and Industrial Uses. Prior to approval of a building permit, all above referenced uses shall be subject to mandatory landscape plan and specification requirements. Said landscape plan shall be developed with an emphasis upon the boundary or perimeter of the proposed site at points adjoining other property and the immediate perimeter of the structure. All landscaping incorporated in said plan shall conform to the following standards and criteria:

(1) Landscape Design Elements. Elements of landscape design may include:

(a) Existing topographical and vegetative features.

(b) Berming.

(c) Plantings, including the required minimum number of overstory trees, understory trees, shrubs, flowers, and ground cover materials.

(2) Types and Species of New Trees.

(a) All tree species shall be indigenous to the appropriate hardiness zone and physical characteristics of the site, as specified by the City Forester.

(b) To the extent possible, native drought-resistant trees shall be utilized.

(c) All types and species of overstory and understory deciduous and coniferous trees and their cultivars shall be consistent with the City of Lake Elmo's Landscape Tree List, as provided by the City Forester.

(d) The complement of trees fulfilling the requirements of this section shall be not less than twenty-five (25) percent deciduous and not less than twenty-five (25) percent coniferous.

(3) Number of Trees. The minimum number of new overstory trees on any given site shall be as follows:

(a) Multiple Family Uses. Townhouse, manor home, manufactured home park and apartment dwelling structures shall require as a minimum: one (1) new tree per dwelling unit.

(b) Non-Residential Uses -- New Development. New non-residential developments or uses shall require at a minimum the greater of:

1. One (1) new tree per one thousand (1,000) square feet of gross building floor area; or

2. One (1) new tree per fifty (50) lineal feet of site perimeter.

(c) Non-Residential Uses -- Expansion to Existing Development. Expansion of existing non-residential developments or uses shall require at a minimum one (1) new tree per one thousand (1,000) square feet of expanded gross floor area.

(d) Overstory Trees. An equivalent of up to fifty (50) percent of the required number of overstory trees may be substituted with the use of overstory trees in combination with other landscape design elements as listed in Section 154.293 A.1, above. In such case, not less than three (3) understory trees shall be provided for each one (1) required overstory tree substituted.

(4) Planting Size.

(a) Required trees shall be of the following minimum planting size:

1. Deciduous Trees. Two and one-half (2.5) inches in diameter as measured from six (6) inches above the ground.

2. Coniferous Trees. Six (6) feet in height.

(b) A minimum of fifteen (15) percent of the required minimum number of trees for multi-residential developments shall be long-lived deciduous trees, three and one-half (3.5) inches in diameter as measured six (6) inches off the ground.

(c) Evergreen shrubs used for screening purposes including those used in conjunction with berming shall be a minimum of thirty-six (36) inches in height.

(5) Spacing.

(a) Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings or public right-of-way based on the judgment of the Zoning Administrator.

(b) Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.

(c) The spacing of trees shall be appropriate to the type of tree species provided. Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center, unless otherwise approved by the City Forester.

(6) Sodding and Ground Cover. All areas not otherwise improved in accordance with approved site plans shall be sodded. Exceptions to this criteria may be recommended by the Planning Commission and approved by the City Council as follows:

(a) Seeding may be provided in lieu of sod in any of the following cases:

1. Where the seed is applied to future expansion areas as shown on approved plans.

2. Where the seed is applied adjacent to natural areas or wetlands.

3. Where the seed is applied to low maintenance areas along side principal arterials which are defined by the Comprehensive Plan.

(b) Undisturbed areas containing existing viable natural vegetation which can be maintained free of foreign and noxious plant materials.

(c) Areas designated as open space or future expansion areas properly planted and maintained with prairie grass.

(d) Use of mulch materials such as bark and wood chips in support of shrubs and foundation plantings.

(e) For single family residential properties, portions of rear yards which lie beyond twenty-five (25) feet of the lot's principal building may be seeded, except in cases where the rear yard abuts a public street. Where a rear yard abuts a public street, that portion of the rear yard within 25 feet of the lot line shall be sodded. Proper erosion control measures shall be implemented and maintained until vegetation is established.

(7) Slopes and Berms.

(a) Final slope grades steeper than the ratio of three to one (3:1) shall not be permitted without special approval treatment such as ground cover, terracing or retaining walls.

(b) Berming used to provide required effective screening of parking lots and other open areas shall have a maximum slope ratio of three to one (3:1).

(8) Planting Method. All trees shall be planted in a method, and pursuant to specifications, as prescribed by the City Forester.

(9) Landscape Guarantee. All new plants shall be guaranteed for two (2) full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.

154.302 TREE PRESERVATION

A tree preservation plan shall be submitted in conjunction with any proposal that includes a subdivision application, in accordance with Chapter 5 of the City Code.

154.303 SCREENING OF MECHANICAL EQUIPMENT

All rooftop and ground mounted mechanical equipment of non-residential buildings shall comply with the following standards:

(A) All rooftop and ground mounted mechanical equipment shall be buffered so as to mitigate noise in compliance with Section 21105.10 of this Chapter.

~~1345.01, Subd. 4 Mechanical Apparatus on Roofs.~~

(B) All mechanical apparatus on roofs shall be screened. Screening shall be constructed of durable materials which are aesthetically compatible with the structure and which may be an integral part of the structure. Applicable requirements for access to the equipment shall be observed in the design and construction of the screening.

(C) Rooftop mechanical equipment less than three (3) feet in height shall be exempt from the screening requirements of Section 21130.05, Subd. 2. of this Chapter.

OFF-STREET PARKING AND LOADING

~~300.10 Permitted Encroachments on Required Yards—Off Street Parking
Subd. 4~~

~~In no event shall off street parking space, structures of any type, buildings, or other improvements cover more than seventy-five percent (75%) of the lot area. In no event shall the landscaped portion of the lot be less than twenty-five percent (25%) of the entire lot as a result of permitted encroachments. In Shoreland areas, no more than one-third (1/3) of lot areas be covered with improvements.~~

154.310 PURPOSE, SCOPE OF REGULATIONS.

(Taken from 300.13, Subd. 8 Traffic Control – Taken from “Where To Put This” Pile)

~~A. The traffic generated by any use shall be controlled so as to prevent:~~

- ~~1. Congestion of the public streets,~~
- ~~2. Traffic hazards, and~~
- ~~3. Excessive traffic through residential areas, particularly truck traffic~~

~~— Internal traffic shall be so regulated as to ensure its safe and orderly flow.~~

~~Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing into street.~~

(A) The regulation of off-street parking spaces in these zoning regulations is intended to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the intensity of utilization of the various parcels of land or structures.

~~300.13 Design and Performance Standards; Subd. 6 Off Street Parking.~~

(B) Scope of Regulations. The off-street parking requirements of this Chapter shall apply within all zoning districts for uses and structures, except as hereinafter provided.

154.311 GENERAL PROVISIONS.

(A) Application.

(1) For the purposes of this Chapter, the off-street parking provisions of this section shall apply to all motorized vehicles including, but not limited to, passenger automobiles, trucks, vans, and motorcycles, unless otherwise specified herein.

(2) For the purpose of determining off-street parking and loading requirements, Commercial Districts include the O, Office District. Except where otherwise allowed by this Chapter, requirements for the P-I District shall be the same as for Commercial District.

(B) Site Plans. All site plans submitted for a structure requiring parking spaces and/or loading facilities shall show or designate the parking and/or loading area(s), number of parking spaces, and type of surfacing, screening, drainage, curbing, sidewalks, and other improvements which may be required to be installed. Said plan shall be a part of the building permit for any such structure, and except for one and two family dwellings, no final certificate of occupancy shall be issued until all items shown on the plan for parking and loading facilities have been completed, unless an agreement supported by a financial security is provided for the completion of said plan. For lots of record established after # month, year, all site plans for single family homes must provide for location of a one (1) stall attached garage, whether or not construction is intended.

(C) Change in Land Use. When the site intensity or use of a building and/or property is increased with consequential effect upon the parking requirements as prescribed in this section, the parking requirements as prescribed herein shall be used to provide for such increase in the site intensity and/or use.

(D) Reduction of Existing Off-Street Parking Spaces or Lot Area. Existing Off-street parking spaces and loading spaces or lot area devoted to parking or loading space existing on the date of the adoption of this Code shall not be reduced in number or size unless the number or size exceeds the requirements set forth in this section for a similar new use.

(E) Handicap Parking. Handicapped parking spaces shall be provided as applicable pursuant to Minnesota Statutes 168.021, as may be amended.

(F) Fire access lanes shall be provided as required by the building or fire code.

154.312 OFF-SITE PARKING

~~300.13 Subd. 6A.6 Control of Off-Street Parking Facilities.~~ When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by the principal use, and the owner of the

~~principal use shall file a recordable document with the County requiring the owner and owner's heirs and assigns to maintain the required number of off-street parking spaces during the existence of the principal use.~~

When parking is provided on a site other than the lot or tract upon which a principal use is located, said parking area shall be in the ownership of and remain in the possession of the owner of the principal use for which it is designated. Off-site parking facilities may only be allowed by conditional use permit and shall be subject to the following conditions:

(A) Ordinance Compliance. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Chapter.

(B) Access. Reasonable access from off-street parking facilities to the use being serviced shall be provided as determined by the Zoning Administrator.

(C) Proximity to Multiple Family Dwelling. The furthest space of an off-site parking lot for multiple family dwellings shall not be located more than three hundred (300) feet (excluding public rights-of-way) from any normally used entrance of the principal use serviced.

(D) Proximity for Non-Residential Uses. The furthest space of an off-site parking lot for non-residential uses shall not be located more than three hundred (300) feet (excluding public rights-of-way) from the main entrance of the principal use being served.

154.313 SCREENING AND LANDSCAPING

~~**300.13. Subd. 5, B.5. Curbing and Landscaping.** All open off-street parking area designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line.~~

~~**300.13. Subd. 5, B.7. Screening.** See Section 1345 of this Code.~~

~~**300.13. Subd. 6. Planting Requirements with Parking and Vehicular Use Areas.**~~

~~For surface parking areas of more than fifteen (15) vehicles, all parking areas and all zoning districts shall include the following minimum requirements in order to provide interior landscaping within vehicular parking areas, to break up the large expanses of pavement, to provide relief from reflected glare and heat, and to guide vehicular and pedestrian traffic.~~

~~a. Not less than ten percent (10%) of the interior of a parking lot shall be landscaped. The interior of a parking lot shall be calculated by multiplying the number of parking spaces up to three hundred ten (310) square feet. Plantings required along the~~

~~perimeter of a parking lot shall not be considered as part of the interior parking requirement.~~

~~b. Landscaping and planting areas shall be reasonably dispersed throughout the parking lot.~~

~~c. The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to ensure proper growth. In no event shall any such area be less than five (5) feet in width. Vertical curbs or other such structures shall protect each area.~~

~~d. The primary landscaping materials used in parking lots shall be trees that provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials shall be used to complement the tree landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.~~

~~e. In the instances where plant materials exist on a parking lot site prior to its development, such materials may be used if approved as meeting the requirements.~~

~~f. No landscaping, shrub, fence, wall or similar item shall be placed in entrance areas or in the intersections of a public right of way, which would obstruct the visibility of traffic.~~

~~300.13. Subd 7. G. Screening. See Section 1345 of this Code.~~

(A) Off-Street Parking Areas.

(1) All exposed parking areas of five (5) or more required spaces shall be landscaped on all sides in compliance with Section 21130 of this Chapter.

(2) No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.

(3) Such parking areas shall devote not less than three hundred fifty (350) square feet of land to internal landscape islands (in addition to required traffic safety islands) for each three thousand (3,000) square feet of parking space after the first three thousand (3,000) square feet. Such islands shall be bounded by concrete curbing.

(4) Trees may be installed in approved traffic safety islands to delineate parking spaces from drive aisles and other areas.

(5) The land area devoted to internal landscape islands may be decreased in cases where the land area devoted to traffic islands meets or exceeds the above requirement.

(B) Off-Street Loading Areas.

(1) Loading areas established after # month, year shall be prohibited within three hundred (300) feet of residentially zoned or guided property unless completely screened by an intervening building. Loading areas not screened by an intervening building shall be screened from adjacent residentially zoned or guided property by the use of berms, fences, or walls to provide one hundred (100) percent opacity to a height of at least ten (10) feet. The height of the screening shall be measured from the grade of the loading areas.

154.314 OFF-STREET PARKING RESTRICTIONS

300.13. Subd. 6.4. Use of Parking Facilities.

(A) Off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or one (1) truck not to exceed nine thousand (9,000) pounds gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, or customers of nearby business or manufacturing establishments. Trucks with a gross vehicle weight rating (GVWR) or greater than thirty (30) feet in length as well as contracting or excavating equipment, storage trailers, and mobile storage compartments shall not be parked, stored or otherwise located on any property within the City unless being used in conjunction with a temporary service including, but not limited to, an allowed construction or remodeling project benefiting the premises.

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

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

154.315 PARKING AREA DESIGN

(A) Construction.

(1) Except in the AG District and except for residential uses in the RSF-1 and RSF-2 Districts, all exposed parking areas and driveways shall be surfaced with asphalt, concrete, or an equivalent surfacing material (including porous pavement options) as may be approved by the Zoning Administrator. For all uses in the AG District and for residential uses in the RSF-1 and RSF-2 Districts, parking areas and driveways located within front yards shall be surfaced with asphalt, concrete, class 5 gravel, or other surfacing material as may be approved by the Zoning Administrator.

(2) Except as may be required or exempted by the City Engineer, drive aisles and parking stalls shall be constructed in accordance with the following minimum tonnage standards:

(a) Drive aisles - seven (7) ton.

(b) Parking stalls - five (5) ton.

(B) Striping and Curbing. All parking areas where four (4) or more spaces are required shall be marked by durable painted stripes designating the parking spaces. A

continuous curb and gutter shall be provided around the periphery of the paved parking area of the lot, including drives. Exceptions to the above requirement may be approved by the Zoning Administrator.

(C) Setbacks.

(1) Front, side and rear setback requirements for off-street parking areas shall be consistent with the applicable provisions of Section 21135.07, Subd. 5.e.

(2) In the case of properties which abut street easements, applicable setbacks shall be determined by the Zoning Administrator and relate to roadway classification as identified in the Lake Elmo Comprehensive Plan.

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

(D) Calculating Space.

(1) Floor Area. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten (10) percent except as may be hereinafter modified, and where a gross floor area calculation is specified.

~~2. Calculating Space. When the calculation of the number of all off-street parking spaces required results in a fraction, the fraction shall require a full space.~~

(2) Computation. When determining the number of off-street parking spaces, any fraction of a number shall constitute an additional space.

(3) Benches in Places of Public Assembly. In stadiums, sport arenas, churches, and other places of public assembly, in which patrons or spectators occupy benches, pews or other similar seating facilities, each ~~twenty-two (22)~~ eighteen (18) inches of seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this section.

(4) Snow Storage in Parking Stalls. Provision shall be made in the parking area for adequate snow storage or removal in order to ensure that the required number of spaces are available at all times during the year.

(E) Design.

(1) Circulation. Traffic circulation systems shall be designed to accommodate anticipated traffic demands. Vehicular traffic generated by a use shall be channeled and controlled in a manner which will avoid congestion or interference with other vehicular transportation systems and pedestrians and which will avoid creating traffic hazards or excessive traffic. The adequacy of any proposed traffic circulation

system to accomplish these objectives shall be determined by the City Engineer, which may require such additional measures for traffic control as it may deem necessary, including but not limited to the following: directional signage, channelization, standby turn lanes, sidewalks, illumination and other facilities within the site to prevent a backup of vehicles on public streets.

(2) Parking Space Size. All required off-street parking spaces shall comply with the minimum dimension requirements of Section 21135.07, Subd. 5.e of this Chapter.

(3) Pedestrian Provision. All off-street parking areas shall be designed with due regard to pedestrian circulation. Off-street parking areas shall be designed such that vehicle and pedestrian circulation is accommodated in a safe, complementary, and orderly fashion.

(4) Compact Car Spaces. Up to twenty (20) percent of the parking spaces in a parking lot may be permanently marked for compact cars only, provided that:

(a) The parking lot contains forty (40) or more off-street parking spaces.

(b) All compact car spaces are a minimum of eight (8) feet in width and sixteen (16) feet in length.

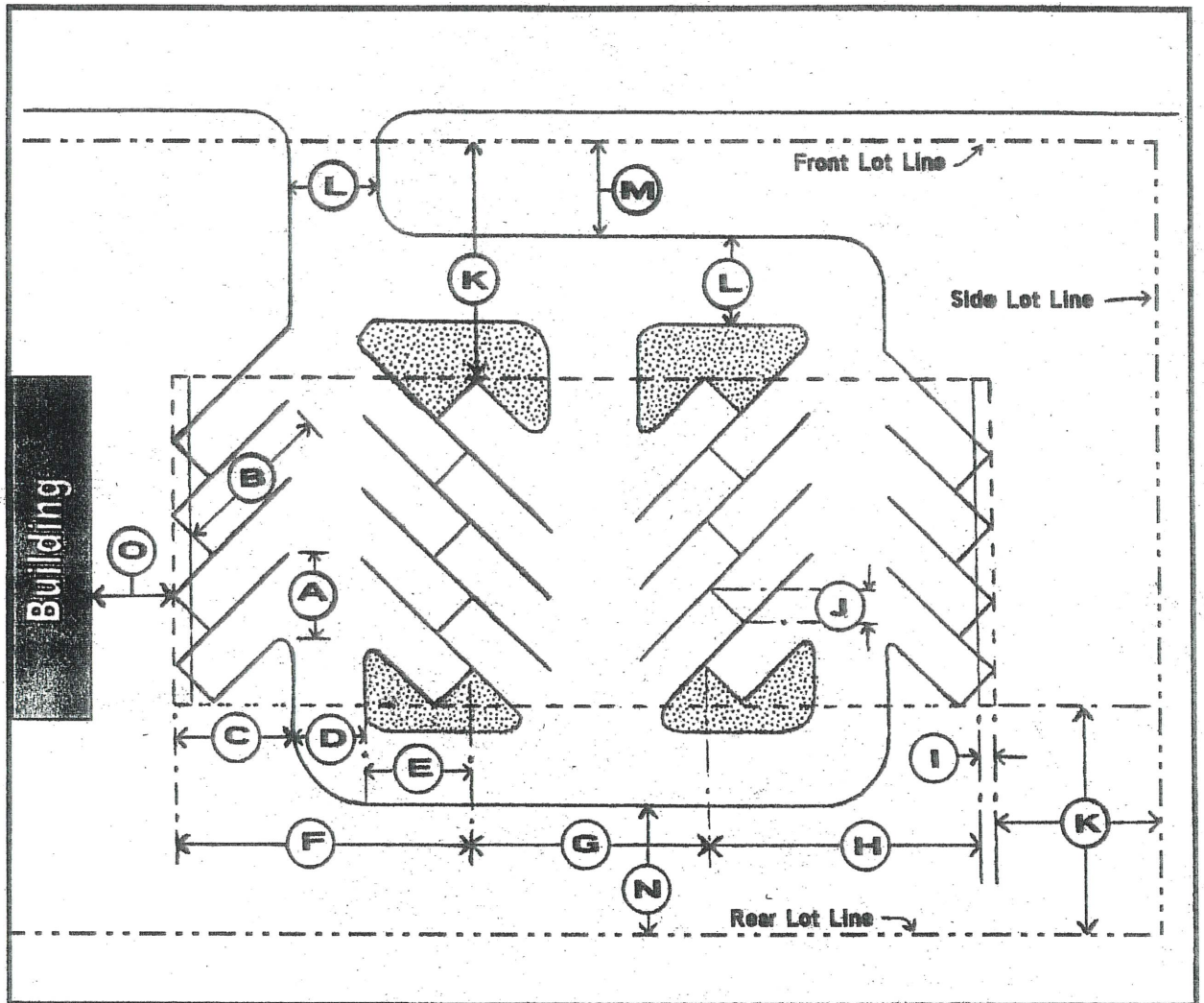
(c) Signs and markings, as approved by the City, are placed and maintained for compact car spaces.

(d) All required off-street parking aisle widths are maintained.

(e) The compact car stalls not displace preferred handicap parking stall locations.

(f) The design, layout, and location of designated compact car spaces shall not encourage utilization by oversized vehicles and shall be subject to approval by the Zoning Administrator.

(5) Dimensional Requirements. Unless otherwise specified in this Chapter, stall, aisle and driveway design for required off-street parking shall comply with the following standards:



PARKING LOT DIAGRAM

Dimension	Diagram	45°	60°	75°	90°
Stall width parallel to aisle*	A	12.7	10.4	9.3	9.0
Stall length of line	B	25.0	22.0	20.0	18.5
Stall depth	C	17.5	19.0	19.5	18.5
Aisle width between stall lines	D	12.0	16.0	23.0	26.0
Stall depth, interlock	E	15.3	17.5	18.8	18.5
Module, edge of pavement to interlock	F	44.8	52.5	61.3	63.0
Module, interlocking	G	42.6	51.0	61.0	63.0
Module, interlock to curb face	H	42.8	50.2	58.8	60.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.3	2.7	0.5	0.0
Front yard setback of parking to lot line	K**	R Districts- Residence Uses (except 1 & 2 Family)			30
		R Districts- Non Residential Uses			20
		Commercial and P/I Districts			20
		Industrial Districts			50
		Adult Correctional Facilities			200
Side and rear yard setback of parking to lot line	K**	R Districts- Residence Uses (except 1 & 2 Family)			10
		R Districts- 1 & 2 Family			3***
		R Districts- Non Residential Uses			30
		Commercial and P/I Districts			20
		Industrial Districts			20
		Adult Correctional Facilities			400
Cross aisle, one-way	L	14.0	14.0	14.0	14.0
Cross aisle, two-way	--	24.0	24.0	24.0	24.0
Front lot line to drive (landscape area)	M	R Districts - Residential Uses			10.0
		R Districts - Non Residential Uses			30.0
		Commercial and P/I Districts			10.0
		Industrial Districts			25.0
Side and rear lot line to drive	N	R Districts - 1&2 Family Dwellings (landscape area)			3.0****
		R Districts - Other Residential Uses			10
		R Districts - Non Residential Uses			30.0
		Non-Residential Uses			15.0
Parallel parking, stall width	--	9.0			
Parallel parking, stall length	--	23.0			
Parking or drive aisle setback to principal structure	O	All Districts			10.0
Minimum inside turning radius for fire lanes	--	All Districts			45°

* Required handicap stalls and ramps shall be per State Code.

** Joint or combined parking facilities on separate lots as authorized and when constructed adjacent to a common lot line separating two (2) or more parking areas are not required to observe the parking area setback from such common lot line.

*** Except that parking shall not occur within any established drainage or utility easement – refer to Section 21135.08, Subd. 5.

**** Except that the setback for lots with frontage on cul-de-sac turnarounds may be less than 3 feet for that portion of the lot located within 15 feet of such cul-de-sac turnaround.

(6) Parking Garages/Parking Within Structures. Required garage parking for structures containing three (3) or more dwelling units shall be provided underground, under principal structures or in a similar manner to avoid excessive site coverage. The off-street parking requirement may be furnished by providing fee free space so designed within the principal building or structures attached thereto; however, unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Chapter. In no case shall on-street parking be utilized to satisfy the required off-street parking supply.

(7) Parking Ramps.

(1) Parking ramps shall be set back from lot lines as required for the principal building on the lot, or as required for parking spaces specified by this section, whichever is greater.

(2) Except as otherwise approved by the Zoning Administrator, off-street parking ramps shall be designed in compliance with the applicable dimensional requirements of Section 21135.07, Subd. 5.e.

(8) Street Encroachments. Except in the case of single, two family and townhouse and manor home dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot upon the property being serviced and does not depend upon a public street or alley. Except in the case of single, two family, townhouse, and manor home dwellings, parking area design which requires backing into the public street is prohibited. Parking spaces in a public right-of-way shall not be utilized in meeting required off-street parking standards, except as may be provided in this Chapter.

(9) Curb Cut Proximity to Intersection. No curb cut or other driveway access shall be located less than forty (40) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the intersection of lot lines, not curb lines. The City Engineer may require a greater distance on collector and arterial streets and at signalized intersections to satisfy recognized traffic safety standards.

(10) Curb Cut Maximum. For single-family detached uses, curb cut access for driveways shall not exceed twenty-four (24) feet in width, except upon approval by the Zoning Administrator. For all other uses, curb cut access for driveways shall not exceed thirty-six (36) feet in width except upon approval by the Zoning Administrator.

(11) Curb Cut Spacing Minimum. Curb cut openings shall be located at a minimum of five (5) feet from the side yard lot line in residential districts and a minimum of ten (10) feet from the side lot line in all other districts.

(12) Curb Cut Separation. Driveway access curb openings on a public street except for single, two family, townhouse, and manor home dwellings shall not be located less than forty (40) feet from one another except on approval by the Zoning Administrator.

(13) Parking Area Grades. The grade elevation of the required parking area or portion thereof shall not exceed five (5) percent.

(14) Driveway Access Minimum. Each property other than single family uses shall be allowed one (1) driveway access for each one hundred twenty-five (125) feet of street frontage. All property with street frontage shall be entitled to at least one (1) driveway access. Single family uses shall be limited to one (1) driveway access per lot, except when the property exceeds the required street frontage per zoning district requirements, a second driveway access may be allowed by approval of the Zoning Administrator. Except as otherwise approved by the Zoning Administrator, single family uses shall not access arterial and major collector streets. In such cases, if a lot does not have frontage upon a local street and where driveway access to arterial and major collector streets is determined necessary by the Zoning Administrator, joint access through the use of shared curb cuts and access easements shall be utilized to the extent possible.

(15) Street Access. Except as allowed by a conditional use permit or property subdivision, each lot shall have frontage and access directly onto an abutting, improved and City accepted public street.

4. (16) Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged so it is not directly visible from the adjoining property and in a downward vertical direction and be in compliance with Section ## of this Chapter.

(17) Signs. No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. 3. Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and the signs shall not be a part of the permitted advertising space. All signs shall be in conformance with Section 21155 of this Chapter.

(18) Cart Storage. Retail commercial uses exceeding fifty-five thousand (55,000) square feet in gross floor area may be required to provide ample space for the storage of customer service carts within off-street parking areas. The need and specific amount of required cart storage space shall be determined as part of site plan review. When required, cart storage areas shall not occupy required off-street parking space, shall be clearly delineated, and include facilities for cart confinement.

154.316 LOCATION—~~10. Location.~~

All accessory off-street parking facilities required by this subsection shall be located as follows:

~~(A) Spaces accessory to one and two family dwellings on the same lot as the principal use served;~~

(A) Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except as provided for under the provisions of Section 21135.04 and 21135.13;

~~(B) Spaces accessory to multiple family dwellings on the same lot as the principal use served and within two hundred (200) feet of the main entrance of the principal building served;~~

~~9. Access. All off-street parking spaces shall have access from driveways and not directly from the public street.~~

(B) Except for single family, two family, townhouse, and manor home dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.

(C) Spaces accessory to uses located in a business or industrial district shall be within eight hundred (800) feet of a main entrance to the principal building served.

(D) Except for single family, two family, townhouse, and manor home dwellings, there shall be no off-street parking spaces within twenty (20) feet of any street right-of-way surface.

(E) No off-street parking area shall be located closer than ten (10) feet from an adjacent lot zoned or used for residential purposes, except when adjoining an existing parking area on the adjacent lot.

(F) The boulevard portion of the street right-of-way shall not be used for parking or parking lot circulation.

(G) In the case of single family, two family, townhouse, and manor home dwellings, parking shall be prohibited;

(1) Within three (3) feet of any side or rear lot line.

(2) Within any established drainage or utility easement, unless approved by the City Engineer.

(3) In any portion of the front yard except designated driveways leading directly into a garage or one (1) parking space located on the side of a driveway, away from the principal use.

(H) In the case of single family, two family, townhouse and manor home buildings, driveways providing access to garages may qualify as required off-street parking spaces if all of the following conditions are met:

(1) The driveway shall serve a dwelling unit which has use of a two-stall garage.

(2) The driveway shall be under the direct control of the dwelling unit served by the garage.

(3) The driveway shall measure at least 22 feet in length between the front of the garage and the street or roadway; and

(4) Parking on the driveway shall not impede pedestrian or traffic circulation or access to any other dwelling unit, nor shall it adversely effect the ability to provide public utilities or public safety.

154.317 PEDESTRIAN CIRCULATION

A pedestrian circulation route shall be provided from all parking areas, and loading zones as may be applicable to the entrance of the building. Such circulation routes shall be surfaced with material such as asphalt, concrete, or equivalent material determined acceptable by the Zoning Administrator.

154.318 MAINTENANCE

8. Maintenance of Off-Street Parking Space. It shall be the joint responsibility of the operator and owner of the principal use or building (or lessee) to reasonably maintain the parking space, accessways, striping, landscaping, and required fences and to undertake snow removal.

154.319 NUMBER OF OFF-STREET PARKING SPACES REQUIRED

The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement, and/or lease for and during the life of the respective uses hereinafter set forth.

USE	NUMBER OF PARKING SPACES REQUIRED
Residential:	
Single Family Dwellings	Two (2) spaces.
Two Family Dwellings	Two (2) spaces per dwelling unit.
Town-Houses, Manor Homes	Two and one-half (2.5) fee free spaces for each dwelling unit, of which one (1) must be enclosed, plus one (1) guest parking space for every four (4) units.

Apartment Dwellings	Two and one-half (2.5) fee free spaces for each dwelling unit, of which one (1) must be enclosed.
Housing for Elderly	One and one-half (1.5) spaces for each dwelling unit.
Institutional/Educational/Cultural:	
Auditoriums, Theaters, Religious Institutions, Sports Arenas	One (1) space for each four (4) permanent seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Chapter.
Community Center, Physical Culture Studio, Libraries, Museums	One (1) space for each three hundred (300) square feet of floor area.
Nursing Homes, Rest Homes	One (1) space for each four (4) beds.
Private or Private Non-Profit Baseball Fields	One (1) space for each eight (8) seats of design capacity.
School, Elementary and Junior High (Public or Private)	Three (3) spaces for each classroom. This requirement may be reduced at the Zoning Administrator's discretion to reflect facility use and/or parking policy. Adequate space shall be allowed for the dropping off and/or picking up of students as determined by the Zoning Administrator.
School, High School (Public or Private)	One (1) space for each two (2) students based on the design capacity. This requirement may be reduced at the Zoning Administrator's discretion to reflect facility use and/or parking policy. Adequate space shall be allowed for the dropping off and/or picking up of students as determined by the Zoning Administrator.
Non-Residential:	
Animal Hospitals or Kennels	Five (5) spaces plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
Automobile Washes:	Shall be determined by the type of automobile wash as listed below:
Automatic Drive Through Service	Five (5) spaces or one (1) per employee on maximum shift, whichever is greater.
Self-Service Car Wash	One (1) space per bay.
Motor Fuel Station Automobile Washes	One (1) space in addition to that required for the station.
Beauty or Barber Shops	Two (2) spaces for each beauty or barber chair.

Bowling Alleys	Five (5) spaces for each lane or alley, plus additional spaces as may be required herein for related uses contained within the principal structure.
Day Care Facilities	One (1) space for each employee, plus one (1) space for each six (6) children of licensed capacity.
Drive-In Convenience Food Establishment	One (1) space for each two and one-half (2.5) seats plus one (1) space for each fifteen (15) square feet of public service and counter area.
Furniture Sales	One (1) space for each four hundred (400) square feet of floor area for the first twenty-five thousand (25,000) square feet, plus one (1) space for each six hundred (600) square feet thereafter.
Manufacturing	One (1) space for each employee on the major shift or one (1) space for each three hundred fifty (350) square feet, whichever is greater, plus one (1) space for each company motor vehicle on the premises.
Medical, Chiropractic, or Dental Offices or Clinics	One (1) space for every two hundred (200) feet of floor area.
Motels, Hotels, Lodging or Boarding Houses	One (1) space per sleeping unit, plus one (1) space per day shift employee plus one (1) space for each forty (40) square feet devoted to meeting or banquet rooms.
Motor Fuel Stations	Four (4) spaces plus two (2) spaces for each service stall. Those facilities designed for sale of other items than strictly automobile products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Chapter.
Office Buildings and Professional Offices, Other Than Any Area for Doctors, Chiropractors, or Dentists; Banks without Drive Up Tellers, Public Administration Offices	One (1) space for each two hundred fifty (250) square feet of floor area.
Restaurants, Private Clubs, Lodges, Food Dispensing Establishments (Except Drive-In Restaurants)	One (1) space for each forty (40) square feet of floor area of dining and bar area and one (1) space for each eighty (80) square feet of kitchen area.
Retail Commercial Uses, Except as Prescribed Herein	One (1) space for each two hundred (200) square feet of floor area.
Retail Sales and Service Business with 50 Percent or More of Gross Floor Area Devoted to Storage, Warehouses, and/or Industry	Eight (8) spaces or one (1) space for each two hundred (200) square feet devoted to public sales or service plus one (1) space for each five hundred (500) square feet of storage area, whichever is greater.

Shopping Center	One (1) space for each two hundred (200) square feet of leasable floor area.
Truck Wash	Three (3) spaces plus one (1) space per bay.
Warehousing	One (1) space for each two (2) employees of the largest shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is greater.
Subd. 4. Non-Specified Uses:	
For uses not specifically listed above, off-street parking requirements shall be computed by the Zoning Administrator on the same basis as required for the most similar listed uses. In such cases, the Zoning Administrator shall also consult off-street parking reference materials including, but not limited to, manuals prepared by the American Planning Association, and Institute of Transportation Engineers.	

154.320 SPACE REDUCTIONS

~~E. **Off-Street Parking Spaces.** Off-street parking spaces shall not be reduced in number unless the number exceeds the requirements set forth in this subsection.~~

Subject to the review and processing of an interim use permit as regulated by Section 21020 of this Chapter, the City may reduce the number of required off-street parking spaces when the use can demonstrate in documented form a demand which is less than required by this Chapter. In such situations, the City may require land to be reserved for parking development should the use or needs change.

154.321 JOINT FACILITIES

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

(A) Off-Site Joint Use of Parking. The City Council may, after receiving a report and recommendation from the Planning Commission, approve an interim use permit for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. Such a permit shall not be granted except when the following conditions are found to exist:

(1) Entertainment Uses. Up to fifty (50) percent of the parking facilities required for a theater, bowling alley, or other commercial recreational facilities may be supplied by the off-street parking facilities provided by type of uses specified as primarily daytime uses in Section 21135.13, Subd. 1.d.

(2) Night Time or Sunday Uses. Up to fifty (50) percent of the off-street parking facilities required for any use specified under Section 21135.13, Subd. 1.d below, as primarily daytime uses may be supplied by the parking facilities provided by the following uses which typically have their major parking demand occurring during night time or weekends; auditoriums incidental to a public or parochial school, churches, bowling alleys, theaters, or apartments.

(3) Schools, Auditorium and Church Uses. Up to eighty (80) percent of the parking facilities required by this section for a church, or an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under Section 21135.13, Subd. 1.d, below as primarily daytime use.

(4) Daytime Uses. For the purpose of this section, the following uses are considered as primary daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair, service shops, manufacturing, wholesale and similar uses.

(5) Additional Criteria for Joint Parking. In addition to the preceding requirements, the following conditions are required for joint parking usage:

(a) Proximity. The building or use which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities, excluding public rights-of-way.

(b) Conflict in Hours. The applicant shall demonstrate in documented fashion that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.

(c) Written Consent and Agreement. A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and in a form and manner of execution approved by the City Attorney, shall be filed with the City Clerk and recorded with the Hennepin County Recorder or Registrar of Titles, and a certified copy of the recorded document shall be filed with the City within sixty (60) days after approval of the joint parking use by the City or the interim use permit shall be considered null and void.

154.322 OFF-STREET LOADING SPACE, DESIGN AND MAINTENANCE

(A) Design.

(1) Dimensional Requirements.

(a) Residential Uses. Required off-street truck loading or unloading spaces for residential uses shall be at least twelve (12) feet in width and thirty-

two (32) feet in length in accordance with the requirements of Section 21135.14, Subd. 2.b of this Chapter. Where a loading space parallel to a building is to be utilized, such area shall not be less than twelve (12) feet in width nor less than forty (40) feet in length. In no instance shall any designated side loading space encroach upon a fire lane or driving aisle or parking spaces.

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

(b) Non-Residential Uses. Required off-street truck loading or unloading spaces for non-residential uses shall be at least twelve (12) feet in width, fourteen (14) feet in height, and sixty (60) feet in length, in accordance with the requirements of Section 21135.14, Subd. 2.b. of this Chapter. Where a loading space parallel to a building is to be utilized, such area shall not be less than twelve (12) feet in width nor less than sixty-five (65) feet in length. In no instance shall any designated side loading space encroach upon a fire lane or driving aisle or parking spaces.

(c) Reductions. Reductions to loading space size may be granted by the Zoning Administrator upon demonstration of facility need.

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

(c) All maneuvering for off-street loading shall be accomplished on private property.

(d) In addition to the required loading space, all loading spaces shall include a maneuvering area. The maneuvering area shall not use any of that portion of the site containing parking stalls or customer service areas. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into the loading space, without blocking the use of other loading spaces, drives, parking spaces, or maneuvering areas on public right-of-way.

(e) The construction and setback standards listed in Section 21135.07, Subd. 1 and 3 shall apply to all loading spaces.

(f) Customer drop off spaces shall not constitute off-street loading spaces as may be required by Section 21135.07, Subd. 5.e. of this Chapter.

(B) Number of Loading Spaces Required. The number of required off-street loading spaces shall be as follows:

USE	REQUIRED NUMBER OF LOADING SPACES*
a. Residential Uses:	
1. Single Family and Two Family Dwellings	None
2. Multiple Family Dwellings - a. Less than 4 dwelling units b. Four to 48 dwelling units c. For each additional 48 dwelling units over 48	None 1 per building 1 per building
b. Non-Residential Uses:	
Gross Floor Area (Square Feet)	
Less than 10,000	1
10,001 to 20,000	2
20,001 to 50,000	3
50,001 to 75,000	4
75,001 to 100,000	5
For each additional 50,000 over 100,000	1

* Reductions to loading space quantity requirements may be granted by the Zoning Administrator upon determination of facility need.

(C) Landscaping and Screening of Loading Spaces. Loading spaces shall be screened from all property lines. Said screening shall be accomplished by a solid wall or fence and shall be so designed as to be architecturally harmonious with the principal structure and in conformance with Section 21130 of this Chapter. Screening plantings may be substituted, provided such plantings are in conformance with Section 21130 to this Chapter.

(D) Location.

(1) Off-Street. All required loading spaces for a non-residential use shall be off-street and located on the same lot as the building or use to be served.

(2) Distance from Intersection. All loading space curb cuts shall be located at minimum fifty (50) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the property line.

(3) Distance from Residential Use. Loading areas established after 7 March 1995 shall be prohibited within three hundred (300) feet of residentially zoned or guided property unless completely screened by an intervening building. Loading areas not screened by an intervening building shall be screened from adjacent residentially zoned or guided property by the use of berms, fences, or walls to provide one hundred (100) percent opacity to a height of at least ten (10) feet. The height of the screening shall be measured from the grade of the loading areas.

(4) Pedestrians. Loading spaces shall not conflict with pedestrian movement.

(5) Visibility. Loading spaces shall not obstruct the view of the public right-of-way from off-street parking access.

(6) General Compliance. Loading spaces shall comply with all other requirements of this section.

(7) Traffic Interference. Each loading space shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.

(8) Accessory Use; Parking and Storage. Required loading spaces shall not be used for the storage of goods, inoperable vehicles or snow and shall not be included as part of the space requirements to meet off-street parking requirements.

154.323 OFF-STREET BICYCLE AND MOTORCYCLE PARKING

Provisions shall be made for the off-street parking of bicycles and motorcycles in all multiple family and non-residential developments and uses. Plans for such facilities shall be reviewed and evaluated on an individual project or use basis as part of site plan review provisions of Section 21045 of this Chapter.

~~154.324 — DRIVE THROUGH BUSINESSES~~

In addition to the provisions of this Section, drive through businesses are also regulated by Section 21120.09 of this chapter.

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

1. **Parking Areas.** Parking areas shall be designed so as to provide adequate means of access to public alley or street. The driveway access widths shall be in accordance with the State of Minnesota Highway Department standards, but in no case shall they exceed thirty-two (32) feet in width. Driveway access shall be so located as to cause least interference with traffic movement. See also Section 1405 of this Code.

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

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

Subd. 7 Off-Street Loading and Unloading Areas.

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

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

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

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

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

F. Remodeled Structures or Uses. Any structure erected or substantially altered for a use which requires the receipt or distribution of materials or

merchandise by trucks or similar vehicles, shall provide off-street loading space as required for a new structure.

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