

## 2014 ORDINANCES

ORDINANCE NUMBER	DATE	
2008-098	02 – 05	Amending the Lake Elmo City Code of Ordinances by Eliminating Non-Pertinent Zoning Districts from the City's Zoning Code that are No Longer Utilized to Implement the City's Comprehensive Plan
099	02 – 05	Amending the Lake Elmo City Code of Ordinances by Amending the City's Driveway Standards
100	02 – 18	Amending the Zoning Code Concerning Livestock and Kennels and also Amending the Animals Chapter of the General Regulations of the City of Lake Elmo
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102	02 – 18	To Amend the Lake Elmo City Code by Amending the Official Zoning Map of the City of Lake Elmo
103	02 – 18	Amending Municipal Fees by Adding a Fee for Costs Related to the Village Area Alternative Urban Area Wide Review
104	03 – 18	Amending the Lake Elmo City Code of Ordinances by Amending the City's Provisions Related to Accessory Structures
105	04 – 01	Amending the Lake Elmo City Code of Ordinances by Repealing Outdated Provisions Related to Site and Building Plan Review
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		Standards by Updating the Minimum and Maximum Widths of Driveways in Residential Districts to Reflect Best Practices
110	05 – 20	Amending the Lake Elmo City Code of Ordinances by Adding a Definition for Net Density
111	06 – 03	Adopting New Shoreland Provisions into the Zoning Code to Incorporate Updated Standards and Best Practices for Sewered Zoning Districts and Properties in Shoreland Areas
112	06 – 03	Amending the Lake Elmo City Code of Ordinances by Revising the Requirements for Attached Garages in Urban Residential Zoning Districts
113	07 – 22	Amending Chapter 154 of the Lake Elmo City Code of Ordinances by Adopting A Revised Official Zoning District Map
114	08-20	Amending Municipal Fees
115	12-24	Setting Municipal Fees For Calendar Year 2015

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

**ORDINANCE NO. 08-098**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ELIMINATING NON-PERTINENT ZONING DISTRICTS FROM THE CITY'S ZONING CODE THAT ARE NO LONGER UTILIZED TO IMPLEMENT THE CITY'S COMPREHENSIVE PLAN**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 030 to read the following:**

**§154.030 CLASSIFICATIONS**

For the purpose of this chapter, all land in the city is divided into zoning districts. The zoning districts shall be identified by the following classifications, including those districts identified in § 154.350:

- (A) R-2 One- and Two-Family Residential
- (B) GB General Business
- (C) OP Open Space Preservation District
- (D) OZD Overlay Zoning Use District

**SECTION 2. The City Council of the City of Lake Elmo hereby strikes Title XV: Land Usage; Chapter 154: Zoning Code; Sections 034 through 043 in their entirety.**

**SECTION 3. The City Council of the City of Lake Elmo hereby strikes Title XV: Land Usage; Chapter 154: Zoning Code; Sections 045 through 050 in their entirety.**

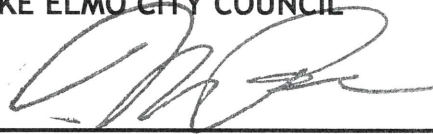
**SECTION 4. The City Council of the City of Lake Elmo hereby strikes Title XV: Land Usage; Chapter 154: Zoning Code; Sections 052 through 062 in their entirety.**

**SECTION 5. The City Council of the City of Lake Elmo hereby strikes Title XV: Land Usage; Chapter 154: Zoning Code; Section 066 in its entirety.**

**SECTION 6. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 7. Adoption Date.** This Ordinance 08-098 was adopted on this fifth day of February 2014, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

LAKE ELMO CITY COUNCIL



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

ATTEST:

  
\_\_\_\_\_  
Adam Bell, City Clerk

This Ordinance 08-098 was published on the \_\_\_ day of \_\_\_\_\_, 2013.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-099

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING THE CITY'S DRIVEWAY STANDARDS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 93: Streets and Sidewalks; Section 26 to read the following:

**§ 93.26** Driveway Standards

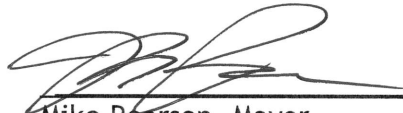
H. *Driveway Materials.*

1. *Urban Districts.* All driveways shall be constructed of hot mix bituminous asphalt, concrete or a durable material approved by the City Engineer.
2. *Rural Districts.* Driveways may be constructed of crushed rock or equivalent crushed material provided that the portion of the driveway within the road right-of-way shall be constructed of hot mix bituminous asphalt, concrete or a durable material approved by the City Engineer when the driveway is accessing an improved street.

SECTION 2. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. **Adoption Date.** This Ordinance 08-099 was adopted on this fifth day of February 2014, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL

  
Mike Pearson, Mayor

ATTEST:

  
Adam Bell, City Clerk

This Ordinance 08-099 was published on the \_\_\_\_ day of \_\_\_\_\_, 2013.

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

**ORDINANCE NO. 08-100**

**AN ORDINANCE AMENDING THE ZONING CODE CONCERNING LIVESTOCK  
AND KENNELS AND ALSO AMENDING THE ANIMALS CHAPTER OF THE  
GENERAL REGULATIONS OF THE CITY OF LAKE ELMO**

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Section 154.914 in its entirety.

**SECTION 2.** The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by adding the following language:

**ARTICLE IV. LIVESTOCK**

**§ 95.50       LIVESTOCK.**

(A) *Purpose.* The purpose of the following sections are to promote and preserve the natural resources within the City of Lake Elmo by regulating the keeping of livestock. Erosion as a result of overgrazing and leeching of manure into groundwater have adverse and potentially irreversible impacts on water quality and environmentally sensitive lands.

(B) *Prohibition of manure deposition without safeguards.* No manure or livestock waste shall be deposited, stored, kept, or allowed to remain upon any site without reasonable safeguards adequate to prevent the escape or movement of the manure or wastes or a solution of the manure or wastes from the site which may result in pollution of any public waters or any health hazard.

(C) *Pollution Control Agency standard minimum requirement.* All regulations imposed by the Minnesota Pollution Control Agency relating to keeping of livestock shall be adhered to and the regulations shall be considered the minimum safeguard necessary to prevent pollution of public water or creation of a health hazard.

(D) *Inadequate safeguards.* In case the Zoning Administrator shall find that any manure is stored or kept on any lot or storage site without a safeguard, or that any existing safeguard is inadequate, the Zoning Administrator may order the owner or other responsible person to immediately remove the manure from the storage site and refrain from further storage or keeping of any manure at the site unless and until an adequate safeguard is provided.

(E) *Hazards and nuisances.* On parcels of less than 40 acres which are not part of a larger crop-producing commercial agricultural farm, the keeping of horses, cattle, or other grazing animals on a site with less than 2 acres of existing grazable land per animal is, by this section, declared to be a nuisance. No domestic farm animals, or livestock, other than chickens or bees, shall be allowed on any parcel of less than 5 acres. No commercial kennels shall be placed on any site of less than 10 acres.

(F) *Grazable acres.* Grazable acreage shall be defined as open, non-treed acreage

exclusive of the homesite and yard that is currently providing enough pasture or other agricultural crops capable of supporting summer grazing at a density of 1 animal unit per 2 acres. Grazable acreage shall not include non-jurisdictional wetlands or slopes over 12%. There is a presumption that 0.5 acres of site are dedicated to the homesite and yard, or considered ungrazable. This presumption is subject to rebuttal if a different calculation can be established by owner and city.

(G) The number of permitted animals shall be determined by the following table:

TYPE OF ANIMAL	ANIMAL UNITS
One slaughter steer, heifer, or mature dairy cow	1.4
One horse, mule, donkey	1.0
One hog/swine	0.5
One sheep or goat, llama, or alpaca	0.2
One turkey or goose	0.1
One duck or other fowl	0.04
One chicken, 5 acres or more	0.02

(1) For all other animals, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

(2) The number of animal units allowed per parcel is cumulative. The animal density per parcel shall not exceed 1 animal unit equivalency per 2 grazable acres.

**SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended in the following manner:**

§154.012(B)(3)(c) *Commercial Kennel*. The boarding, breeding, raising, grooming or training of four or more dogs, cats, or other domestic pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

§154.012(B)(12)(f) *Kennel, Private*. The keeping, breeding, raising, showing or training of 4 or more dogs, cats, or other domestic pets over four months of age for personal enjoyment of the owner or occupants of the property on parcels 5 acres or greater, and for which commercial gain is not the primary objective. The maximum number of animals allowed is 6.

**SECTION 4. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended in the following manner:**

§ 154.051 GB – GENERAL BUSINESS.

(A) *Permitted uses and structures.*

(5) *Uses permitted by conditional use permit.:*

Commercial Kennels	
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**SECTION 5. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended in the following manner:**

Table 9-1 is amended to read as follows:

§ 154.401 PERMITTED AND CONDITIONAL USES.

**Table 9.1: Permitted and Conditional Uses, Rural Districts**

Accessory Uses						
Kennel, Private	P	P	P	-	-	154.404.I
Stable, Private	P	P	P	-	-	154.404.I

§ 154.404 SITE DESIGN AND DEVELOPMENT STANDARDS.

- I. *Commercial Kennel, Commercial Stable, or Accessory Kennel or Stable, RT, A, RR Districts.* The commercial facilities shall occupy a site at least ten (10) acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required. Private kennels or stables shall be allowed on sites at least five (5) acres in size.

**SECTION 6. The City Council of the City of Lake Elmo hereby ordains that Title IX: General Regulations; Chapter 95: Animals, is hereby amended in the following manner:**

**§ 95.05 Number of Dogs and Cats Limited**

- A. The keeping of a large number of dogs or cats poses health, safety and public welfare risks and is deemed a public nuisance.
- B. *Cats.* Unless the property owner has an authorized kennel, no individual or family unit living together, firm, or corporation shall keep more than three (3) cats over the age of four (4) months on any parcel not zoned *RT, A, or RR.*
- C. *Dogs.* Unless the property owner has an authorized kennel, no individual or family unit living together, firm, or corporation shall keep more than three (3) dogs over the age of four (4) months on any parcel not zoned *RT, A, or RR.*
- D. *Cats and Dogs.* Unless the property owner has an authorized kennel, no individual or family unit living together, firm, or corporation shall keep more than a combination of three (3) cats and dogs over the age of four (4) months on any parcel not zoned *RT, A, or RR.*

**§ 95.10 Prohibition of Kennels; Private Kennels**

- A. No commercial kennels may be established in the city unless a special use permit has been issued for the kennel as provided by the city ordinances regulating land use.
- B. An individual or family unit living together, firm, or corporation may keep a private kennel consisting of a combination of no more than six (6) domestic



pets over the age of four (4) months on any parcel 5 acres or greater in size and located in zoning districts RT, A, or RR.

**Cross Reference: § 11.01 Definitions; §154.012 et seq. Zoning Use Types and Classifications.**

**SECTION 7. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by adding the following language:**

**ARTICLE V. KEEPING OF CHICKENS**

- Sec. 95.60. Definitions
- Sec. 95.61. Purpose
- Sec. 95.62. Investigation and Enforcement
- Sec. 95.63. Keeping of Chickens
- Sec. 95.64. Permit Required; Term, Consent, Fee
- Sec. 95.65. Application
- Sec. 95.66. Permit Conditions
- Sec. 95.67. Violations
- Sec. 95.68. Issuance, Revocation

**§ 95.60. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Brooding* means the period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.

*Chicken* means a domesticated bird that serves as a source of eggs or meat (*Gallus gallus domesticus*).

*Coop* means the structure for the keeping or housing of chickens permitted by the article.

*Exercise yard* means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

*Hen* means a female chicken.

*Officer* means any person designated by the city as an enforcement officer.

*Rooster* means a male chicken.

*Run* means a fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised.

**§ 95.61. Purpose.**

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime. Therefore, it is the purpose and intent of this article to permit

the keeping and maintenance of hens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

**§ 95.62. Investigation and Enforcement.**

Officers designated by the city shall have authority in the investigation and enforcement of this article, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The city shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.

**§ 95.63. Keeping of Chickens.**

A. Chickens on less than 5 acres.

Lot Size (acres)	Chickens Allowed
0.00 – 0.49	0
0.50 – 0.99	4
1.00 – 1.49	6
1.50 – 1.99	8
2.00 – 2.49	10
2.50 – 2.99	12
3.00 – 3.49	14
3.50 – 3.99	16
4.00 – 4.49	18
4.50 – 4.99	22

B. Chickens on 5 acres or more.

Chickens maintained on parcels of 5 acres or more are restricted to 0.02 animal units per acre. A permit is not required for keeping chickens on a parcel size of 5 acres or more. *For reference, see “Animal Unit Equivalency” chart in Section 95.50*

**§ 95.64. Permit Required; Term, Consent, Fee.**

- A. No person shall (without first obtaining a permit in writing from the City Clerk) own, keep, harbor, or have custody of any live chicken on a lot less than five (5) acres.
- B. The first permit is valid for up to two (2) years beginning on the date of issuance and ending on December 31 of the following year. Subsequent permits are valid from January 1 to December 31.
- C. Prior to issuance of a permit, notices must be mailed to all homes within 150 feet of the applicant’s property lines.
- D. The fee for a permit may be imposed, set, established and fixed by the city council, by ordinance, from time to time.

### **§ 95.65. Application.**

Any person desiring a permit required under the provisions of this article shall make written application to the city clerk upon a form prescribed by and containing such information as required by the city. Among other things, the application shall contain the following information:

1. A description of the real property upon which it is desired to keep the chickens.
2. The breed and number of chickens to be maintained on the premises.
3. A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, type, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.
4. Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this article and grounds for cancellation of the permit.
5. Such other and further information as may be required by the officer.

### **§ 95.66. Permit Conditions.**

Each person keeping chickens within the City of Lake Elmo shall comply with the following:

1. No person may keep a rooster or crowing hen.
2. No person may allow chickens to range freely without fencing or without a mobile pen.
3. No person may keep chickens inside the house or attached garage.
4. Chickens must be provided a secure and well ventilated roofed structure ("chicken coop")
5. The roofed structure and required fencing for the chickens may only be located in a rear yard and must meet setback and building separations as established in city zoning and building codes, except that the roofed structure and fencing must maintain a 20 foot separation from dwellings on adjacent properties.
6. The roofed structure shall be fully enclosed, wind proof, and have sufficient windows for natural light.
7. Chickens, coops, and/or runs shall not be kept in such a manner as to constitute a nuisance.
8. The chicken coop and run shall be kept in good repair as to be in compliance with the property maintenance regulations elsewhere in the Code.
9. All chicken coops must have a minimum size of four (4) square feet per bird and must be at least six (6) feet in height to allow access for cleaning and maintenance.

10. Fenced in chicken runs must have a minimum of ten (10) square feet per bird and must be at least six (6) feet in height to allow access for cleaning and maintenance.
11. All butchering waste shall be disposed of in a sanitary manner.
12. Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include burial, off-site incineration or rendering, or composting.

**§ 95.67. Violations.**

1. Any person violating any of the sections of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be penalized in accordance with Section 10.99.
2. If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of chickens shall be deemed automatically revoked and no new permit may be issued for a period of one year.
3. Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including, but not limited to, the pickup and impounding of chickens.

**§ 95.68. Issuance, Revocation.**

A. If granted, the permit shall be issued by the city and shall state the conditions, if any, imposed upon the permitted for the keeping of chickens under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the city deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the city for failure to conform to such restrictions, limitations, or prohibitions. Such modification or revocation shall be effective after ten days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such chickens.

B. The city may revoke any permit issued under this article if the person holding the permit refuses or fails to comply with this article, with any regulations promulgated by the city council pursuant to this article, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

**SECTION 8. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by adding the following language:**

**ARTICLE VI. KEEPING OF BEES**

- |            |                       |
|------------|-----------------------|
| Sec. 95.50 | Definitions           |
| Sec. 95.51 | Purpose of Ordinance  |
| Sec. 95.52 | Standards of Practice |
| Sec. 95.53 | Colony Density        |

Sec. 95.54 Permit Required  
Sec. 95.55 Penalty for Violation of Section

## § 95.70 Definitions

The following words and terms shall have meanings ascribed in this section unless the context of their used indicates another usage:

*Apiary* means the assembly of one or more colonies of bees at a single location.

*Beekeeper* means a person who owns or has charge of one or more colonies of bees.

*Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

*Colony* means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

*Hive* means the receptacle inhabited by a colony that is manufactured for that purpose.

*Honey bee* means all life stages of the common domestic honey bee, *apis mellifera* (African subspecies and Africanized hybrids are not allowed).

*Lot* means a contiguous parcel of land under common ownership.

## § 95.71 Purpose of Ordinance

The purpose of this section is to establish certain requirements for beekeeping within the city, to avoid issues that might otherwise be associated with beekeeping in populated areas.

1. Compliance with this section shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of the beekeeper's efforts to abate any previous nuisance.

2. Compliance with this section shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper's compliance with acceptable standards of practice among hobby beekeepers in the State of Minnesota.

## § 95.72 Standards of Practice

These standards of practice apply only to lots smaller than five (5) acres.

1. Honey bee colonies shall be kept in hives with removable frames, which must be kept in sound and usable conditions.
2. Each beekeeper must ensure that a convenient source of water is available within ten feet of each colony at all times that the colonies remain active outside the hive.
3. Each beekeeper must ensure that no wax comb or other material that might encourage robbing by other bees that are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed

within a building or other vermin-proof container.

4. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hived painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms.
5. Honey bee colonies may only be kept on lots three-quarters of an acre or larger.
6. Each beekeeper is allowed to make in person sales of honey from the beekeeper's residence as long as the following standards are met:
  - i. The beekeeper must live on the apiary lot;
  - ii. All honey sold in person on the residential premise must be produced by the beekeeper's hives that are located on the subject residential premise;
  - iii. No products may be sold in person at the residence except honey and honey related products produced from hives on the premise;
  - iv. No outside storage or display of products or merchandise;
  - v. No traffic that is greater than the residential level of the neighborhood;
  - vi. No separate business entrance;
  - vii. All signage must comply with city sign regulations;
  - viii. Not more than 15 percent of the total gross floor area of the residence or 200 square feet, whichever is less is devoted to making, storing, and selling honey;
  - ix. No activity or equipment may be used that creates noise, vibration, glare, fumes, odor, or electric or television interference is permitted if it is detectable by adjacent neighbors; and
  - x. No nonresident employees are permitted.

### **§ 95.73 Colony Density**

1. No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size of the apiary lot:
  - i. Lots three-quarters of one acre or larger but smaller than two and one-half acres: four colonies;
  - ii. Two and one-half acre lot or larger but smaller than five acres: six colonies;
  - iii. Five acres or larger: no restriction.
2. Colonies must be setback 25 feet from the property line of an adjacent occupied residential lot.

### **§ 95.74 Permit Required**

1. No beekeeping may occur on properties of less than five (5) acres unless the city issues a permit to the beekeeper on that specific property. The permit will be valid for two growing seasons.

2. A beekeeping permit will only be issued if:
  - a. The permit application documents the satisfaction of all applicable items found in Sections 95.70-95.76 of the City Code, and
  - b. Notices have been mailed to all homes within 150 feet of the applicant's property lines.
    - i. If there are objections received within ten days of mailing the notices, then the permit application must be considered by the city council.
    - ii. If there are no objections received within ten days of mailing the notices, then the permit application will be processed by city staff. It will not be referred to the city council for consideration.
3. Permits are non-transferable and do not run with the land.
4. A permit constitutes a limited license granted to the beekeeper by the city and in no way creates a vested zoning right.
5. By signing the permit, the beekeeper acknowledges that he or she shall defend and indemnify the city against any and all claims arising out of keeping the bees on the premises.
6. Beekeeping permit fees shall be as established by the city council.
7. All standards of practice and colony density standards must be met in order to issue a permit.
8. If the standards of practice are not maintained subsequent to issuance of a beekeeping permit, the permit may be revoked by the city.
9. Beekeeping training is required for the beekeeper prior to issuance of an initial beekeeping permit by the city.
  - i. Either provide a certificate of completion from a honeybee keeping course from the University of Minnesota or from Century College;
  - ii. Request consideration for having completed a comparable course from another institution or instructor;
  - iii. Request consideration for substituting equivalent experience for the honeybee keeping course; or
  - iv. Provide a letter from a current beekeeping instructor at the University of Minnesota, Century College, or other educational institution offering similar beekeeping courses that states that the permit applicant has gained through other means a substantially similar knowledge base to one that could be gained through appropriate beekeeping courses at the University of Minnesota or Century College.
10. Any beekeeper wishing to make in person sales of honey from their home according to the standards of practice section must so indicate on the annual permit.

**§ 95.75. Application.**

Any person desiring a permit required under the provisions of this article shall make written application to the city clerk upon a form prescribed by and containing such information as required by the city. Among other things, the application shall contain the following information:

1. A description of the real property upon which it is desired to keep the bees.
2. A site plan of the property showing the location and size of the proposed apiary, the number of hives, setbacks from apiary to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, type, and height of any related flyways.
3. Statements that the applicant will at all times keep the bees in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this article and grounds for cancellation of the permit.
4. Such other and further information as may be required by the officer.

**§ 95.76 Penalty for Violation of Section**

Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction, shall be penalized in accordance with Section 10.99.

**SECTION 9. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 10. Adoption Date.** This Ordinance 08-100 was adopted on this 18 day of FEBRUARY 2014, by a vote of 5 Ayes and 0 Nays.

**LAKE ELMO CITY COUNCIL**



Mike Pearson  
Mayor

ATTEST:



Adam Bell  
City Clerk

This Ordinance 08-100 was published on the 26 day of FEBRUARY, 2014.



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

**ORDINANCE NO. 08-101**


**AN ORDINANCE AMENDING MUNICIPAL FEES**

The Lake Elmo City Council hereby adopts the following fee schedule amendment and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

- Addition of \$25 permit fee for Chickens
- Addition of \$25 permit fee for Bees

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the eighteenth day of February 2014 by a vote of 5 Ayes and 0 Nays.

CITY OF LAKE ELMO

By:   
Mike Pearson  
Mayor

ATTEST:

  
Adam Bell  
City Clerk

**EFFECTIVE DATE:** This ordinance shall become effective immediately upon adoption and publication.

**PUBLICATION DATE:** Published on the 26<sup>th</sup> day of FEBRUARY 2013.

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

**ORDINANCE NO. 08-102**

**AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE  
BY AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF LAKE ELMO**

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-102, as follows:

**Section 1: Zoning Map Amendment.** The following property is hereby rezoned from RT – Rural Development Transitional to LDR – Urban Low Density Residential and MDR – Urban Medium Density Residential as depicted on the attached “Exhibit “A” :

The Northeast Quarter of the Southeast Quarter in Section 34, Township 29, Range 27, Washington County, Minnesota.

AND

That part of the West Half of the Southeast Quarter in Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows: Commencing at the West Quarter corner of said Section 34; thence South 00 degrees 00 minutes 40 seconds East, along the west line of said Section 34, a distance of 472.55 feet; thence North 89 degrees 57 minutes 32 seconds East, a distance of 7315.91 feet to the west line of the East Half of the Southwest Quarter of said Section 34; thence South 00 degrees 02 minutes 55 seconds West, along said west line a distance of 531.15 feet; thence South 76 degrees 35 minutes 34 seconds East, a distance of 156.54 feet; thence southeasterly along a tangential curve, concave to the southwest, having a central angle of 15 degrees 36 minutes 34 seconds, a radius of 1060.00 feet for an arc distance of 288.78 feet; South 60 degrees 59 minutes 01 seconds East, tangent to said curve, a distance of 597.77 feet; thence southeasterly along a tangential curve, concave to the northeast, having a central angle of 29 degrees 11 minutes 27 seconds, a radius of 760.00 feet for an arc distance of 387.20 feet to the east line of said East Half of the Southwest Quarter and the point of beginning; thence continuing northeasterly along last described curve, concave to the north, having a central angle of 39 degrees 09 minutes 56 seconds, a radius of 760.00 feet for an arc distance of 519.51 feet; thence North 50 degrees 39 minutes 36 seconds East, tangent to said curve, a distance of 410.97 feet; thence northeasterly along a tangential curve concave to the southeast, having a central angle of 20 degrees 49 minutes 17 seconds, a radius of 1060.00 feet for an arc distance of 385.20 feet; thence North 71 degrees 28 minutes 52 seconds East, tangent to said curve, a distance of 202.22 feet to the east line of said West Half of the Southeast Quarter; thence North 00 degrees 01 minutes 13 seconds East, along said east line a distance of 850.00 feet to the north line of said West Half of the Southeast Quarter; thence South 89 degrees 56 minutes 46 seconds West, along said north line a distance of 1321.74 feet to the northwest corner of said West Half of the Southeast Quarter; thence South 00 degrees 06 minutes 31 seconds West, along the west line of said West Half of the Southeast Quarter, a distance of 1531.03 feet to the point of beginning. (PID 34.029.21.41.0004 and 34.029.21.42.0002)

**Section 2: Zoning Map Amendment.** The following property is hereby rezoned from RT – Rural Development Transitional to LDR – Urban Low Density Residential as depicted on the attached “Exhibit “A” :

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER IN SECTION 34, TOWNSHIP 29, RANGE 21, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 34; THENCE SOUTH 00 DEGREES 00 MINUTES 40 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 34, A

DISTANCE OF 472.55 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 32 SECONDS EAST, A DISTANCE OF 1315.91 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH 00 DEGREES 02 MINUTES 55 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 531.15 FEET; THENCE SOUTH 76 DEGREES 35 MINUTES 34 SECONDS EAST, A DISTANCE OF 156.54 FEET; THENCE SOUTHEASTERLY ALONG A TANGENTIAL CURVE, CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 15 DEGREES 36 MINUTES 34 SECONDS, A RADIUS OF 1060.00 FEET FOR AN ARC DISTANCE OF 288.78 FEET; SOUTH 60 DEGREES 59 MINUTES 01 SECONDS EAST, TANGENT TO SAID CURVE, A DISTANCE OF 597.77 FEET; THENCE SOUTHEASTERLY ALONG A TANGENTIAL CURVE, CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 29 DEGREES 11 MINUTES 27 SECONDS, A RADIUS OF 760.00 FEET FOR AN ARC DISTANCE OF 387.20 FEET TO THE EAST LINE OF SAID EAST HALF OF THE SOUTHWEST QUARTER AND THE POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY ALONG LAST DESCRIBED CURVE, CONCAVE TO THE NORTH, HAVING A CENTRAL ANGLE OF 39 DEGREES 09 MINUTES 56 SECONDS, A RADIUS OF 760.00 FEET FOR AN ARC DISTANCE OF 519.51 FEET; THENCE NORTH 50 DEGREES 39 MINUTES 36 SECONDS EAST, TANGENT TO SAID CURVE, A DISTANCE OF 410.97 FEET; THENCE NORTHEASTERLY ALONG A TANGENTIAL CURVE CONCAVE TO THE SOUTHEAST, HAVING A CENTRAL ANGLE OF 20 DEGREES 49 MINUTES 17 SECONDS, A RADIUS OF 1060.00 FEET FOR AN ARC DISTANCE OF 385.20 FEET; THENCE NORTH 71 DEGREES 28 MINUTES 52 SECONDS EAST, TANGENT TO SAID CURVE, A DISTANCE OF 202.22 FEET TO THE EAST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 13 SECONDS EAST, ALONG SAID EAST LINE A DISTANCE OF 850.00 FEET TO THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG SAID NORTH LINE A DISTANCE OF 1321.74 FEET TO THE NORTHWEST CORNER OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 06 MINUTES 31 SECONDS WEST, ALONG THE WEST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1531.03 FEET TO THE POINT OF BEGINNING.

**Section 3:** The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

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

This Ordinance No. 08-102 was adopted on this 18<sup>th</sup> day of February 2014, by a vote of 5 Ayes and 0 Nays.

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

ATTEST:

  
\_\_\_\_\_  
Adam Bell, City Clerk

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

**ORDINANCE NO. 08-103**

**AN ORDINANCE AMENDING MUNICIPAL FEES BY ADDING A FEE FOR COSTS  
RELATED TO THE VILLAGE AREA ALTERNATIVE URBAN AREA WIDE REVIEW**

**Section 1. Findings.** The City Council of the City of Lake Elmo makes the following findings:

- 1) As part of the City's long range planning process related to the Lake Elmo Village Planning Area, the City Council decided to proceed with an Alternative Urban Area Wide (AUAR) review before amending the land use plan for this area.
- 2) The City Council implemented an AUAR review process that was inclusive and sought the input from all affected land owners, stakeholders, and other interested parties as part of this review. A Village AUAR Advisory Panel was created in 2007 to review the document and to further define the development scenarios that were included in the AUAR.
- 3) The City Council adopted the Lake Elmo Village Area AUAR on May 5, 2009 with Resolution 2009-019.
- 4) The Village Area AUAR includes land within the Village Planning Area as identified in the Lake Elmo Comprehensive Plan this is guided for future public sanitary sewer services.
- 5) The development within the area analyzed by the Village Area AUAR likely would have required environmental review for numerous development projects in accordance with the State of Minnesota Environmental Review Program. Development that is consistent with the assumptions of the AUAR and that comply with the Mitigation Plan are exempt from requirements to prepare an Environmental Assessment Worksheet or an Environmental Impact Statement, as specified in Minnesota Rules 4410.3610.
- 6) Property owners and developers of land within the Village AUAR area benefit the preparation and adoption of the AUAR.
- 7) The City authorized the preparation of the AUAR with the intent to seek reimbursement for the costs of the study from future development.
- 8) The AUAR process allowed the City to assess the impact of potential development on the area's natural resources prior to receiving and considering individual development proposals for approval.

- 9) The information and analysis in the AUAR was used in the preparation of the Village Area Comprehensive Plan amendment that now serves as the guide for future development in this area. The Comprehensive Plan amendment adheres closely to one of the land use alternatives studied in the AUAR.
- 10) The AUAR further benefits property owners within the planning area by ensuring adequate infrastructure is available.
- 11) The City incurred costs in the preparation of AUAR.
- 12) The City intends to recover these costs by allocating the expenses across development within the Village AUA area via a fee based on new Residential Equivalency Connection (REC) units.
- 13) The City Council has adopted Ordinance 08-097 establishing the 2014 Fee Schedule for the City of Lake Elmo.


**Section 2. Amendment.** The fee schedule established by Ordinance 08-097 as amended is hereby amended to include the following fee that shall be applied to all development applications that will increase the number of Residential Equivalency Connection (REC) units above existing conditions within the Village Area AUAR study area (see Exhibit A):

Application/Fee/Permit Type	2014 Fee	Escrow or Additional Charge	Department
Environmental Review			
Village Area AUAR Fee	\$230	<p>Per REC Unit. To be charged to development applications that increase the number of REC units above existing conditions within the Village AUAR Area. The fee will be based on the difference between the proposed and existing REC units.</p> <p>Fee to be paid as part of a developer's agreement for larger projects or at the time a building permit is issued for smaller projects.</p> <p>Once paid, the same land will not be charged again.</p>	Planning


**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 18<sup>th</sup> day of February, 2014 by a vote of 5 Ayes and 0 Nays.

CITY OF LAKE ELMO

By: \_\_\_\_\_

  
Mike Pearson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Adam Bell  
City Clerk

**EFFECTIVE DATE:** This ordinance shall become effective immediately upon adoption and publication.

**PUBLICATION DATE:** Published on the 26<sup>th</sup> day of FEBRUARY 2014.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-104

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING THE CITY'S PROVISIONS RELATED TO ACCESSORY STRUCTURES

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Sections 154.902 through 154.903 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 151: Building Regulations, by repealing City Code Section 151.024 in its entirety.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 213 and 214 by adding the following language:

ARTICLE 5. GENERAL REGULATIONS

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§154.213 Accessory Buildings and Structures, Generally

§154.214 Pole Construction Buildings

§154.213 Accessory Buildings and Structures, Generally

- A. *Purpose.* Within the city of Lake Elmo, the following provisions shall apply to accessory building and structures in all zoning districts.
- B. *Definitions.* The following words, terms and phrases, when used in this section, and all sections pertaining to accessory buildings or structures, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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

*Detached Domesticated Farm Animal Building.* A 1-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 may require a Minnesota Pollution Control Agency feedlot permit in addition to site and building plan approval.

*Detached Residential Accessory Building.* A 1-story accessory building primarily used or intended for the storage of automobiles and other miscellaneous equipment.. No door or other access opening shall exceed 14 feet in height.

*Storage or Tool Shed.* A 1-story accessory building of less than 160 square feet gross area with a maximum roof height of 12 feet.

- C. *Permit Required.* All accessory building and structures require either a certificate of zoning compliance or a building permit as determined by the Minnesota State Building Code.
- D. *Principal Structure Necessary.* No accessory buildings or structures shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal structure to which it is accessory.
- E. *Proximity to Principal Structure.* Accessory buildings shall maintain a six (6) foot setback from the principal structure. An accessory building or structure will be considered as an integral part of the principal building if it is located six (6) feet or less from the principal structure.
- F. *Storage or Tool Sheds.* A storage or tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.
- G. *Exempt Structures.* The following residential improvements shall be exempt from the maximum allowed structure size and number requirements in residential districts:
  - 1. Unenclosed playhouses
  - 2. Gazebos up to a total of 120 square feet in size and a maximum of twelve (12) feet in overall height
  - 3. Detached decks over thirty (30) inches in height up to a total of 120 square feet in size
  - 4. Outdoor swimming pools
  - 5. Patios
  - 6. Tennis and sport courts
  - 7. Structures, sheds or coops up to a total of two hundred (200) square feet in size used to house permitted animals, such as chickens, horses, or other livestock. These structures must not exceed twelve (12) feet in height and must meet all required setbacks per MPCA guidelines and the City's animal ordinances.
  - 8. Water oriented accessory structures as permitted in accordance with the City's Shoreland Ordinance.

**§154.214 Pole Construction Buildings**

- A. *Pole Construction Buildings, A and RR Districts.*
  - 1. Pole construction buildings are permitted in the A and RR zoning districts subject to the setbacks and other performance standards required under the Zoning Code.
  - 2. Pole construction buildings are prohibited on properties zoned A and RR where a conditional use permit has been issued for an open space preservation (OP) development.
- B. *Pole Construction Buildings, RS District.* Pole construction buildings are permitted in the RS zoning district only on parcels that are abutted by land zoned Rural Residential (RR) or Agricultural (A) Zoned along 75% or more of the perimeter of the subject parcel.

**SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 406 to read the following:**

**§154.406 Accessory Structures, Rural Districts.**



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

**Table 9-3: Accessory Buildings, Rural Zoning Districts**

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

Notes to Table 9-3

- a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.
  - b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.
  - c. To be allowed additional accessory buildings beyond two total buildings, the buildings must be agricultural buildings as defined in §154.213 or clearly serve an agricultural purpose in the judgment of the City.
- A. *Additional Accessory Buildings.* Allowances for additional accessory buildings in A and RR zones may be considered via a conditional use permit.
- C. *Structure Height, Rural Districts.* No accessory building shall exceed twenty-two (22) feet in height or the height of the principal structure, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City. Building projections or features, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.
- D. *Structure Location, Rural Districts.* No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot, unless, by Resolution of the City Council, an exception is made to permit a detached garage or accessory structure nearer the front lot line than the principal building.
- E. *Exterior Design and Color.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
1. Detached domesticated farm animal buildings
  2. Agricultural farm buildings
  3. Pole buildings, as defined and regulated in §154.214.
  4. Gazebos
  5. Swimming pools

- 6. Other structures in which the required design is integral to the intended use, such as a greenhouse.
- F. *Openings and Doors.* Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.
- G. *Attached Garages, Size.* Attached garages must not exceed the footprint size of the principal building.

**SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 456 to read the following:**

**§154.456 Residential Accessory Structures, Urban Residential Districts.**

- A. *Attached Structures, Urban Residential Districts.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
  - 1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located; and
  - 2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages, Urban Residential Districts*
  - 1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
    - a. The front of the garage is recessed at least 4 feet behind the plane of the primary façade; or
    - b. The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary façade.
  - 2. The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.
  - 3. Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.
  - 4. Garage doors or openings shall not exceed 14 feet in height.
- C. *Detached Structures, Urban Residential Districts.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:
  - 1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
  - 2. Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
  - 3. Pole barns, as defined herein, exceeding 120 square feet shall be prohibited.
  - 4. No more than 30% of the rear yard area may be covered by accessory structures.
  - 5. Garage doors or openings shall not exceed 14 feet in height.

- D. *Exterior Design and Color, All Accessory Structures.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
1. Gazebos
  2. Swimming pools
  3. Tennis and sport courts
  4. Other structures in which the required design is integral to the intended use, such as a greenhouse.

**SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 508 to read the following:**

**§154.508 Residential Accessory Structures, Village Mixed-Use District.**

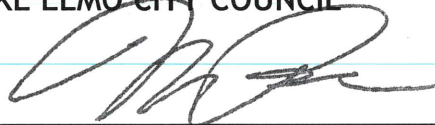
- A. *Attached Structures, Village Mixed-Use District.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
  2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages, Mixed-Use District*
1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
    - a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
    - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade.
  2. The width of the attached garage shall not exceed 40% of the width of the entire principal building façade (including garage) fronting the primary street.
  3. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
  4. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached Structures, Village Mixed-Use District.* Detached accessory structures that are accessory to permitted residential structures in the VMX District shall adhere to the following requirements:
1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
  2. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
  3. Pole barns, as defined herein, shall be prohibited.

4. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
  5. Garage doors or openings shall not exceed fourteen (14) feet in height.
- D. *Exterior Design and Color, All Accessory Structures.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
1. Gazebos
  2. Swimming pools
  3. Tennis and sport courts
  4. Other structures in which the required design is integral to the intended use, such as a greenhouse.

**SECTION 7. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 8. Adoption Date.** This Ordinance 08-104 was adopted on this eighteenth day of March 2014, by a vote of 3 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Adam Bell, City Clerk

This Ordinance 08-104 was published on the \_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-105

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
REPEALING OUTDATED PROVISIONS RELATED TO SITE AND BUILDING PLAN REVIEW

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV:  
Land Usage; Chapter 151: Building Regulations, by repealing City Code Section  
151.070 in its entirety.

SECTION 2. **Effective Date.** This ordinance shall become effective immediately upon  
adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. **Adoption Date.** This Ordinance 08-105 was adopted on this first day of  
April 2014, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:

  
Adam Bell, City Clerk

This Ordinance 08-105 was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-106

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE  
BY AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-106, as follows:

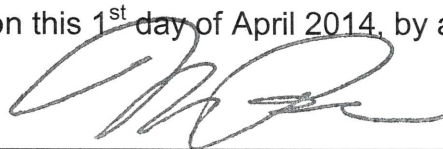
**Section 1: Zoning Map Amendment.** The following property is hereby rezoned from RT – Rural Development Transitional to BP – Business Park/Light Manufacturing:

That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying northerly and easterly of Minnesota Department of Transportation Right-of-Way Plat 82-52, on file and of record in the office of the County Recorder, Washington County, Minnesota. Except small parcels of record. PID No. 36.029.21.33.0001.

**Section 2:** The City Council of the City of Lake Elmo also hereby ordains that the Community Development Director shall make the applicable changes to the official zoning map of the City of Lake Elmo.

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

This Ordinance No. 08-106 was adopted on this 1<sup>st</sup> day of April 2014, by a vote of 5 Ayes and 0 Nays.

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

ATTEST:

  
\_\_\_\_\_  
Adam Bell, City Clerk

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-107

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ADDING PROVISIONS CONCERNING COMMERCIAL WEDDING CEREMONY VENUES AND ALLOWING SUCH USES AS AN INTERIM USE IN A AND RT ZONING DISTRICTS

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that Title I: General Provisions; Chapter 11: General Code Provisions, is hereby amended by adding the following definitions:

*Wedding Ceremony:* The formal activities and observances during which people are united in marriage. A wedding ceremony typically involves an exchange of vows, presentation of a gift, and a public proclamation of marriage by an authority figure or leader. Music, poetry, or readings from religious texts or literature are also commonly incorporated into the ceremony.

*Wedding Reception:* A wedding reception is a party held after the completion of a marriage ceremony. It is held usually as hospitality for those who have attended the wedding and typically occurs in a different venue than the wedding itself.

**SECTION 2.** The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

**§154.012 Zoning Use Types and Classifications**

B. Use Types and Classifications.

12. Accessory Uses

*Commercial Wedding Ceremony Venue.* A use involving a location to conduct wedding ceremonies, not including receptions, and usually operated in exchange for remuneration by providing the venue to the public.

**SECTION 3.** The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

**§154.400 Permitted and Conditional Uses.**

Table 9-1 lists all permitted and conditional uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered

prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

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

	RT	A	RR	RS	RE	Standard
<b>Accessory Uses</b>						
Commercial Wedding Ceremony Venue			-	-	-	155.111.C

**SECTION 4. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:**

**§ 154. 310 Standards for Accessory Uses**

- D. *Commercial Wedding Ceremony Venue.* A commercial wedding venue is allowed as an accessory use with an interim use permit in the A - Agriculture and RT - Rural Transitional on parcels greater than 10 acres size. The suitability of a parcel for a wedding venue shall be determined by the characteristics of the site and by the unique capacity of the parcel to accommodate the use while preserving the essential rural character of the neighborhood and the site on which the use is located, by the ability of the parcel to accommodate the use without negative impact on the general health, safety, and welfare of the community, and by other factors the City may deem appropriate for consideration.
  1. *Ownership.* The property will be the primary residence of the venue operator(s). The operator must be on the premises for the duration of each event.
  2. *Maximum Number of Guests.* The maximum numbers of guests is limited to 150 for each event.
  3. *Food and Beverages.* The serving of food and beverages is permitted only as part of the ceremony.
  4. *Seasonal Operation.* Ceremonies are limited to no more than twice per week and are permitted only during the months of May through October.
  5. *Hours of Operation.* Events shall only be allowed between the hours of 10:00 a.m. and 10:00 p.m. All guests and staff must vacate the premises by 10:00 p.m. All lights associated with the event must be turned off by 10:00 p.m. Any one ceremony is limited to a maximum duration of three (3) hours.
  6. *Overnight Accommodations.* No overnight accommodations are allowed.
  7. *Off-Street Parking.* Off-street parking shall be required in the ratio of one (1) parking space for each three attendees based on the maximum number of attendees planned for the site. The off-street parking area and the number of parking spaces shall be documented on the required site plan.
  8. *Setbacks.* The minimum setbacks from neighboring houses and property lines for the various activities associated with the wedding venue shall be as follows:
    - a. Parking: 100 feet from residential property lines; 200 feet from neighboring houses.
    - b. Outdoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.



- c. **Indoor Activity Spaces:** 300 feet from residential property lines; 400 feet from neighboring houses.
9. **Landscaping/Screening.** Landscaping may be required to buffer the use from adjacent land uses and to provide screening when such screening does not presently exist on the site. A landscape plan shall be submitted at the time of application for an Interim Use Permit.
10. **Grading.** Any proposed grading shall observe all requirements of Section 151.017 of the City Code. If a grading plan is required, it shall be submitted in conjunction with an application for an Interim Use Permit.
11. **Traffic.** A transportation management plan shall be submitted as part of an application for an Interim Use Permit. The plan shall address traffic control, including traffic movement to the public street system and impact on the surrounding roadways.
12. **Structures.** All existing or proposed structures to be used for the wedding ceremony venue shall be inspected by the City's Building Official and must meet applicable Building Code requirements.
  - a. **Temporary Structures.** Temporary structures, including tents and canopies, may be allowed. Tents and canopies may be erected no more than one (1) day prior to an event and must be removed no more than 72 hours following the event.
13. **Application.** An application for a commercial wedding venue shall follow the application and review procedures for an Interim Use Permit as specified in Section 154.107. In addition to the submission requirements of Section 154.107, an application for a commercial wedding venue shall include the following information:
  - a. The expected number of attendees per ceremony;
  - b. The number of ceremonies per year;
  - c. The number of employees;
  - d. The hours of operation;
  - e. Sanitary facilities;
  - f. Lighting;
  - g. Sound amplification to be used and a plan to minimize any amplified sounds;
  - h. Temporary structures or tents to be used in association with the planned events;
  - i. Signage;
  - j. Security to be provided;
  - k. Location of all trash receptacles;
  - l. Traffic management plan;
  - m. Other documentation as specified herein;
14. **Sanitary Facilities.** Sanitary facilities adequate for the number of attendees shall be provided. Portable toilets may be approved for temporary use, and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring residential structure.
15. **Lighting.** Lighting associated with the wedding venue shall be limited to downcast and shielded fixtures so that the source of the light is not visible from adjacent roads or neighboring properties. Lighting shall comply with Section 150.035 of the City Code.

16. *Noise.* All wedding venues shall comply with City's noise standards found in Section 130.45 through 130.48 of the City Code.
17. *Sound Amplification.* Amplification of music and participants and is allowed only in conjunction with a wedding ceremony. There shall be no other amplification of music or sound outside of the ceremony.
18. *Waste.* All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, or other nuisance conditions and must be removed at least once every seven days by a licensed solid waste hauler.
19. *Liability.* The applicant shall secure adequate liability coverage, which shall be in place at least one week prior to any event.
20. *Other Activities.* Other than the commercial wedding ceremonies authorized under this section, no other commercial ceremonial activities may be conducted on the site.

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

**SECTION 6. Adoption Date.** This Ordinance 08-107 was adopted on this 6<sup>th</sup> day of May 2014, by a vote of 3 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL

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

ATTEST:

  
\_\_\_\_\_  
Adam Bell, City Clerk

This Ordinance 08-107 was published on the \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-108

AN ORDINANCE RELATING TO THE ESTABLISHMENT  
OF LATERAL BENEFIT ASSESSMENTS FOR TRUNK WATER MAIN  
AND TRUNK/INTERCEPTOR SEWER IMPROVEMENTS

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that Title V: General Provisions; Chapter 11: General Code Provisions, by adding the following language:

§ 50.17 Definitions

**MUNICIPAL URBAN SERVICE AREA.** An area guided for municipal sanitary sewer service.

**SECTION 2.** The City Council of the City of Lake Elmo hereby further ordains that Title V: Public Works; Chapter 50: Water, be amended by repealing City Code Section 50.17 in its entirety and by adding the following language:

§ 50.17 LATERAL BENEFIT ASSESSMENTS FOR TRUNK WATER MAIN AND TRUNK / INTERCEPTOR SEWER IMPROVEMENTS

- A. A full lateral benefit assessment shall be levied for any building unit which is directly served by a trunk utility main and therefore requires no lateral main, if the building unit resides in a municipal urban service area designated by the City of Lake Elmo Comprehensive Plan. The building unit must connect to the municipal utility service within two years of the installation of the trunk utility main.
- B. A lateral benefit assessment shall be levied for any building unit which is directly served by a trunk utility main and therefore requires no lateral main, if the building resides outside a municipal urban service area as designated by the City of Lake Elmo Comprehensive Plan. A stub shall be placed in front of the building unit and the building unit shall be levied at an equivalent of .5 lateral benefit assessment. If the building unit requests connection to water service subsequent to the completion of the utility main, the building unit shall be levied the remaining .5 lateral benefit assessment and charged all related connection and Availability Charges consistent with the City of Lake Elmo's current fee schedule and the cost of any restoration to the street, right of way, or water transmission infrastructure that results from the building unit connection.
- C. The Council shall set the fee from time to time by resolution, using the most recent project data.

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

**SECTION 4. Adoption Date.** This Ordinance 08-108 was adopted on this 17<sup>th</sup> day of June 2014, by a vote of 3 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



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

ATTEST:



\_\_\_\_\_  
Adam Bell, City Clerk

This Ordinance 08-108 was published on the 25 day of JUNE, 2014.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-109

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING THE CITY'S DRIVEWAY STANDARDS BY UPDATING THE MINIMUM AND MAXIMUM WIDTHS OF DRIVEWAYS IN RESIDENTIAL DISTRICTS TO REFLECT BEST PRACTICES.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 93: Streets and Sidewalks; Section 26 to read the following:

**§ 93.26** Driveway Standards

A. *Driveway Width.* All driveways shall conform to the following requirements:

1. Residential Districts

- a. *Minimum Width.* All driveways shall have a minimum width of twelve (12) feet.
- b. *Maximum Width.* All driveways shall have a maximum width of twenty-six (26) feet within the public right-of-way. In the absence of platted right-of-way, the setback at which point the driveway width is measured shall be established by the prescriptive easement as determined by the City Engineer. Increased driveway width in the public right-of-way up to Commercial standard (34 feet) will be considered for active farms or agricultural properties.

SECTION 2. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. **Adoption Date.** This Ordinance 08-109 was adopted on this twentieth day of May 2014, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Adam Bell, City Clerk

This Ordinance 08-109 was published on the \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-110

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ADDING  
A DEFINITION FOR NET DENSITY

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that Title I: General Provisions; Chapter 11: General Code Provisions, is hereby amended by adding the following definition:

*Net Density:* The number of housing units divided by the amount of net developable land. Net developable land does not include water bodies (including wetlands and lakes, but not stormwater ponds), parks and open space (only if owned by the City and available for public use), arterial right of way, and other land reserved for future development or not developable according to city ordinances (i.e. steep slopes or conservation areas).

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-110 was adopted on this 20<sup>th</sup> day of May 2014, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:

  
Adam Bell, City Clerk

This Ordinance 08-110 was published on the \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-111

AN ORDINANCE ADOPTING NEW SHORELAND PROVISIONS INTO THE ZONING CODE TO INCORPORATE UPDATED STANDARDS AND BEST PRACTICES FOR SEWERED ZONING DISTRICTS AND PROPERTIES IN SHORELAND AREAS.

SECTION 1. The City Council of the City of Lake Elmo hereby strikes Title XV: Land Usage; Chapter 150: General Provisions; by repealing Section 150.250 through 150.257 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 800 to read the following:

ARTICLE 17. SHORELAND MANAGEMENT OVERLAY DISTRICT

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§154.800 Shoreland Management Overlay District

§154.800 Shoreland Management Overlay District

- A. *Purpose.* The purpose of the Shoreland Management Overlay District is to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands through the following activities:
1. Regulate placement of sanitary and waste treatment facilities on shorelands of public waters to prevent pollution of public waters and public health hazards resulting from the facilities.
  2. Regulate alteration of shorelands of public waters to prevent excessive sediment pollution, increased water runoff and excessive nutrient runoff pollution.
  3. Preserve and enhance the unique aesthetic appearance and ecological value of the shoreland.
  4. Regulate the construction of buildings and changes of land use in shorelands to minimize property damage during periods of high water.
- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Bluff.* A topographic feature such as a hill, cliff, or embankment having the following characteristics. (An area with an average slope of less than 18% over a distance of 50 feet or more shall not be considered part of the bluff.)
1. Part or all of the feature is in a Shoreland area;
  2. The slope rises at least 25 feet above the ordinary high water level of the water body;
  3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and
  4. The slope must drain toward the water body.

*Bluff Impact Zone.* A bluff and land located within 20 feet from the top of a bluff.

*Boathouse.* A structure designed and used solely for the storage of boats and boating equipment.

*Dedicated Riparian Area.* Starting at the Ordinary High Water Level (OHWL), areas dedicated to the City to be maintained in a permanent state of natural vegetation for the purposes of protecting surface waters from the impacts of land alteration and/or development activity. Permitted uses within dedicated riparian areas are noted in subsection C.7.f

*D.N.R.* The Minnesota Department of Natural Resources.

*Land Alteration.* The excavation or grading of land involving movement of earth and materials in excess of 50 yards.

*Shore Impact Zone.* Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

*Shoreland.* Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or foliage; and 300 feet from a river or stream, or the landward extend of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

*Water-Oriented Accessory Structure of Facility.* A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of the structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

C. Shoreland Management Overlay District

1. *Shoreland Classifications.* The public waters in Table 17-1 have been classified by the commissioner of natural resources as natural environment (NE), recreational development (RD) and tributary (T) shorelands. Where noted, riparian dedication is required by the City.

**Table 17-1: Shoreland Classifications**

DNR ID #	Name	Location	Ordinary High Water Level	Class	150 FT <sup>a</sup> Riparian Dedication Required
82011601	Armstrong (north of CSAH 10)	Sec 28, T29, R21	1020.3	NE	No
82011602	Armstrong (south of CSAH 10)	Sec 28, T29, R21	1019.3	NE	No
82009900	Clear	Sec 2 & 11, T29, R21	-	NE	No
82010100	DeMontreville	Sec 4, 5 & 9, T29, R21	929.3	RD	No
82011000	Downs	Sec 24, T29, R21	889.1	NE	No
82010900	Eagle Point	Sec 22 & 27, T29, R21	896.5	NE	No
82010600	Elmo	Sec 13, 14, 23, 24 & 26, T29, R21	885.6	RD	No
82010800	Friedrich Pond	Sec 15 & 22, T29, R21	-	NE	No
82011300	Goose	Sec 27, 34 & 35, T29, R21	924.4	NE	Yes
82011100	H.J. Brown Pond	Sec 26, T29, R21	-	NE	No
82007400	Horseshoe	Sec 25, T29, R21	876.8	NE	No
82010400	Jane	Sec 9 & 10, T29, R21	924.0	RD	No



82011700	Kramer	Sec 35, T29, R21	-	NE	Yes
82041900	Margaret	Sec 26, T29, R21	-	NE	No
82010300	Olson	Sec 8 & 9, T29, R21	929.3	RD	No
N/A	Raleigh Creek North (to Eagle Point Lake)	Sec 16, 21 & 22, T29, R21	-	T	No
N/A	Raleigh Creek South (Eagle Point Lake to Lake Elmo)	Sec 22, 23 & 227, T29, R21	-	T	No
82011200	Rose	Sec 25 & 36, T29, R21	-	NE	No
82010700	Sunfish	Sec 14, T29, R21	896.4	NE	No
82010000	Unnamed	Sec 4, T29, R21	-	NE	No
82031300	Unnamed	Sec 12, T29, R21	-	NE	No
82041700	Unnamed	Sec 25, T29, R21	-	NE	No
82048400	Unnamed	Sec 11, T29, R21	-	NE	No
N/A	Unnamed to Wilmes Lake	Sec 33, T29, R21	-	T	No
N/A	Unnamed Tributary	Sec 25, T29, R21	-	T	No

Classifications

RD = Recreational Development Lake Classification

NE = Natural Environment Lake Classification

T = Tributary River Classification

Notes to Table 17-1:

- a. As measured from and perpendicular to the ordinary high water level (OHWL)

2. Land Uses in Shoreland Districts. All uses of land shall be regulated by the applicable zoning district subject to applicable conditions. Notwithstanding the underlying zoning district, the following uses shall be regulated in shoreland districts as specified in Table 17-2:

**Table 17-2: Permitted (P), Conditional (C) and Interim (I) Uses, Shoreland Classifications**

Land Uses	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Residential	P	P	P
Commercial	P	C	C
Public and Civic Uses	P	C	C
Outdoor Recreation <sup>a</sup>	C	C	C
Agricultural and Related Uses <sup>b</sup>	P	P	P
Industrial and Extractive Uses	-	-	-
Utilities, Transportation and Communications	C	C	C
Accessory Uses	P	P	P
Planned Developments (PUDs)	C	C	C

Notes to Table 17-2:

- a. City owned parks and open space and any uses or structures accessory to such uses are permitted within shoreland areas.
  - b. Vegetative clearing within shore and bluff impact zones and on steep slopes is not permitted.
3. *Shoreland Standards.* The following standards in Table 17-3 shall apply within shoreland areas to principal, conditional and accessory uses and structures:

**Table 17-3: Shoreland Standards**

Standards	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Minimum structure setback from County, State or Federal road right-of-way	50 feet	50 feet	50 feet
Minimum structure setback from an unplatted cemetery or historical site <sup>a</sup>	50 feet	50 feet	50 feet
Minimum structure setback from the Ordinary High Water Level (OHWL) <sup>b, c</sup>			
Riparian dedication required	200 feet	200 feet	200 feet
Riparian dedication not required <sup>d</sup>			
Sewered	75 feet	100 feet	75 feet
Unsewered	100 feet	150 feet	100 feet
Minimum structure setback from top of bluff	30 feet	30 feet	30 feet
Minimum septic system setback from OHWL	75 feet	150 feet	75 feet
Minimum low floor elevation above the 100-year flood elevation	2 feet	2 feet	2 feet
Maximum impervious lot coverage			
With riparian dedication	50%	50%	50%
Without riparian dedication			
Sewered <sup>e</sup>	30%	30%	30%
Unsewered	15% or 6,000 square feet (sf), whichever is larger		
Minimum lot size <sup>f</sup> , riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewered			
Single family detached	20,000 sf	40,000 sf	Same as zoning district
Two-family or duplex	35,000 sf	70,000 sf	
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning district
Minimum lot size <sup>f</sup> , non-riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewered			
Single family detached	15,000 sf	20,000 sf	Same as zoning

Two-family or duplex	17,500 sf	26,000 sf	district
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning district
<b>Minimum lot width<sup>f</sup></b>			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewered			
Single family detached	80 feet	125 feet	80 feet
Two-family or duplex	135 feet	225 feet	115 feet

Notes to Table 17-3:

- a. Reduction of the required setback from a historic site is permitted with the approval of the office of the Minnesota State Archeologist.
- b. Where structures exist on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the Ordinary High Water Level (OHWL), provided the proposed building is not located in a shore impact zone or bluff impact zone.
- c. With the exception of public crossings of public waters, roads, driveways and parking areas shall meet the minimum structure setback. Where no alternative exists, such improvements may be placed within the required structure setbacks provided they are designed to adapt to the natural landscape, soil erosion is minimized and no construction shall occur in shore or bluff impact zones. Exceptions to setback requirements must comply with the rules and regulations of local watershed districts.
- d. Commercial and public and civic uses with public waters frontage shall be setback double the required setback or be substantially screened from the water by vegetation or topography, assuming summer, leaf-on conditions.
- e. The maximum amount of impervious surface allowed for sewered lots zoned Rural Single Family (RS) is 15% of lot area or 6,000 sf, whichever is larger.
- f. Minimum lot size and width requirements apply to residential uses only.

4. Design Criteria for Structures

- a. *Water Oriented Accessory Structures.* Each lot may have one (1) water oriented accessory structure not meeting the normal structure setbacks if the structure complies with the following provisions:
  - i. *Structure Height.* The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, from the average grade of the structure to the peak of the roof. Detached decks must not exceed eight (8) feet above grade at any point.
  - ii. *Structure Size.* Water oriented accessory structures cannot occupy an area greater than two-hundred and fifty (250) square feet.
  - iii. *Structure Setback.* The setback of the structure or facility landward from the Ordinary High Water Level (OHWL) must be at least ten (10) feet on a recreational development lake and fifty (50) feet on a natural environment lake.
  - iv. *The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.*
  - v. *The roof of the structure may be used as a deck with safety rails, but must not be enclosed or used as a storage area.*

- vi. The structure or facility must not be used for human habitation and must not contain water supply or sewage treatment facilities.
  - vii. *Watercraft Storage Facilities.* As an alternative for recreational development water bodies, water oriented accessory structures used solely for watercraft storage, and including the storage of related boating and water oriented sporting equipment, may occupy up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- b. *Stairways, Lifts and Landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- i. Stairways and lifts must not exceed four (4) feet in width. Wider stairways may be used for public open space or recreation properties.
  - ii. Landings for stairways and lifts must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space or recreation properties.
  - iii. Canopies or roofs are not allowed on stairways, lifts or landings.
  - iv. Stairways, lifts and landings may be either constructed above ground on posts or pilings or placed into the ground, provided that they are designed and built in a manner that ensures control of soil erosion.
  - v. Stairways, lifts and landing must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
  - vi. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (i) through (v) above are satisfied.
5. *Subdivision Standards.* The following standards shall apply to subdivisions in shoreland areas:
- a. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. In determining suitability the City will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision, or of the community at large.
  - b. Subdivisions must conform to all other official controls adopted by the City of Lake Elmo. Subdivisions will not be approved that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose.
  - c. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this section, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirement of this section as much as possible.
6. *Agricultural Activities.* The following standards shall apply to agricultural activities in shoreland areas:
- a. The shore impact for parcels with permitted agricultural uses is equal to a line parallel to and 50 feet from the OHWL.

- b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation district or the USDA Natural Resources Conservation Service.
  - c. Feedlots and manure storage are not permitted within the shoreland of watercourses or in bluff impact zones, and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins identified in subsection (1).
  - d. The use of pesticides, fertilizers or animal wastes within shoreland areas shall be done in such a way as to minimize impacts on shore impact zones by proper application or use of earth or vegetation.
7. *Shoreland Alterations.* The purpose of this section is to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent back slumping and protect fish and wildlife habitat. Shoreland alterations shall be allowed in accordance with the following standards:
- a. No principal or accessory structure or use shall be placed within bluff or shore impact zones other than agricultural activities as permitted by subsection (5)(b).
  - b. Shore impact zones shall be maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district.
  - c. *Intensive Vegetative Clearing.* Intensive vegetation clearing within shore and bluff impact zones and/or steep slopes is not permitted. Intensive clearing within shoreland areas outside of bluff or shore impact zones and steep slope areas is permitted subject to City approval of an erosion and sedimentation control plan that is consistent with the City's Storm Water and Erosion and Sediment Control Ordinance (§150.270).
  - d. *Limited Tree Clearing.* Limited clearing of trees and shrubs and the cutting, pruning and trimming of trees within bluff and shore impact zones or steep slopes to accommodate picnic areas, trails and water access and to provide a view to the water from a principal dwelling site shall be permitted provided the screening of structures, as viewed from the water, is not substantially reduced. These provisions do not apply to the removal of tree limbs or branches that are dead or pose a safety hazard.
  - e. *Grading in Shoreland Areas.* All grading and filling activities must be in conformance with the Wetland Conservation Act. Any grading or filling on steep slopes or within shore or bluff impact zones involving the movement of ten (10) or more cubic yards of material or involving more than fifty (50) cubic yards of material elsewhere in a shoreland area shall require the submission of a Grading Permit. Approval shall be granted only if the following conditions are met:
    - i. Any filling or grading in any Type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in conformance with the Wetland Conservation Act of 1991 and shall require consideration of how extensively the proposed activity will affect the following functional qualities of the wetland:
      - a) Sediment and pollution trapping and retention
      - b) Storage of surface runoff to prevent or reduce flood damage
      - c) Fish and wildlife habitat and endangered plants and animals
      - d) Recreational use
      - e) Shoreline or bank stabilization
      - f) Historical significance
    - ii. The smallest amount of bare ground is exposed for the shortest time possible;

- iii. Ground cover such as mulch is used for temporary bare soil coverage and permanent ground cover, such as sod, is established;
  - iv. Methods to prevent erosion and trap sediment during construction are employed;
  - v. Altered areas are stabilized to accepted erosion control standards;
  - vi. Fill is not placed so as to create unstable slopes;
  - vii. Plans to place fill or excavated material on steep slopes are certified by qualified professionals as to slope stability;
  - viii. Alterations below the OHWL are authorized by the Commissioner of the Minnesota Department of Natural Resources per Minn. Stats. § 103G.245;
  - ix. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the OHWL and the height of the riprap above the OHWL does not exceed three feet; and
  - x. Alterations of topography shall only be permitted if accessory to a permitted or conditional use.
- f. *Dedicated Riparian Areas.* Riparian areas dedicated to the City shall be protected from intensive development. Permitted uses include passive open space, pedestrian trails, public parks and park-related structures, facilities for public water access, fishing piers, parking lots for park users, and stormwater treatment ponds. Unless being used for active park purposes, the riparian areas shall be maintained in permanent natural vegetation.
8. *Sand and Gravel Extraction.* The following standards shall apply to sand and gravel extraction uses:
- a. Processing machinery shall be located consistent with setback standards for structures.
  - b. A site development and restoration plan shall be developed by the owner for approval by the city which addresses dust, noise, possible pollutant discharges, hours and duration of operation and anticipates vegetation and topography alterations. It shall identify actions to be taken to mitigate adverse environmental impacts and measures to be employed to restore the site after excavation.
9. *Stormwater Management.* Stormwater management shall be in accordance with the City's Storm Water and Erosion and Sediment Control Ordinance (§150.270). In addition, the Minnesota Pollution Control Agency's Minnesota Stormwater Manual shall be used as guidance. Within shoreland areas, the following standards also apply:
- a. Existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain storm water in a manner consistent with local watershed district rules and regulations before discharge to public waters.
  - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as grading is complete and facilities or methods used to retain sediment on the site are removed.
  - c. Use of fertilizers, pesticides or animal wastes within shoreland areas must be done in a way to minimize impact on the shore impact zone or public water by proper application.
  - d. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
10. *Private Utilities.* The following provisions shall apply in shoreland areas:
- a. Private subsurface sewage treatment systems shall meet applicable City and County requirements and Minnesota Pollution Control Agency's Chapter 7080 standards. Publicly owned sewer systems shall be used where available.

- b. Any private water supply to be used for domestic purposes shall meet quality standards established by the Minnesota Department of Health and the Minnesota Pollution Control Agency.
11. *Planned Unit Developments.* Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of Article XVI of this chapter.
- a. Design criteria for planned unit developments within shoreland areas:
    - i. At least 50 percent of the total project area shall be preserved as open space. The open space computation shall not include road rights-of-way, or land covered by roads, structures or parking surfaces.
    - ii. Open space shall include areas having physical characteristics that are unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries.
    - iii. Open space may contain outdoor recreational facilities for use by the owners of residential units or the public.
    - iv. The appearance of open space areas, including topography, vegetation and allowable uses, shall be preserved.
    - v. PUDs shall be connected to public water supply and sewer systems.
    - vi. Before final approval of a PUD is granted, the developer/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.
12. *Nonconformities.* Nonconformities, substandard lots and structures, and nonconforming on-site sewage treatment systems within shoreland areas shall meet the requirements specified in Article IV of this chapter.
- a. The expansion or enlargement of a riparian substandard structure shall meet the shoreland development standards set forth in subsection (3) except as follows:
    - i. The extension, enlargement or alteration of a riparian substandard structure or sanitary facility may be permitted on the side of the structure or facility facing away from the OHWL without following the variance process.
    - ii. An improvement to a riparian substandard structure or sanitary facility may be allowed to extend laterally by a conditional use permit (parallel to the OHWL) when the improvement is in compliance with the other dimensional standards of this chapter. In no case shall the improvement extend closer to the OHWL than the existing structure.
    - iii. Decks may be allowed without a variance where riparian dedication is not required, provided as follows:
      - a) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing OHWL setback of the structure;
      - b) The deck encroachment toward the OHWL does not exceed 15 percent of the existing shoreline setback of the structure from the OHWL or does not encroach closer than 30 feet, whichever is more restrictive; and
      - c) The deck is constructed primarily of wood, and is not roofed or screened.
    - iv. If a riparian substandard structure is demolished, replacement shall comply with the dimensional standards of this section.
- C. *Required Notice to the Department of Natural Resources.* The zoning administrator shall send copies of notices of any public hearings to consider variances, plats, ordinance amendments, PUDs or conditional uses under local shoreland management controls to the commissioner of the department of natural resources or his designee at least ten days prior to the hearings. In

addition, a copy of the approved amendments, plats, variances and conditional uses shall be sent to the commissioner or his designee within ten days of the final decision.

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

**SECTION 4. Adoption Date.** This Ordinance 08-111 was adopted on this third day of June 2014, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL

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

ATTEST:

  
\_\_\_\_\_  
Adam Bell, City Clerk

This Ordinance 08-111 was published on the 11th day of June, 2014.



CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-112

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
REVISING THE REQUIREMENTS FOR ATTACHED GARAGES IN  
URBAN RESIDENTIAL ZONING DISTRICTS

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended as follows:

§154.457 Attached Garages, Urban Residential Districts

A. *Attached Garages.*

1. Attached garages are encouraged to be side or rear loaded. ~~If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:~~
  - a. ~~The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or~~
  - b. ~~The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or~~
2. For single family detached dwellings, ~~the width of the visible garage door area when closed attached garage shall not exceed 60% of the principal building façade width of the entire principal building façade (including garage) fronting the primary street.~~

SECTION 2. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. **Adoption Date.** This Ordinance 08-112 was adopted on this 3<sup>rd</sup> day of June 2014, by a vote of 4 Ayes and 1 Nays. (BLOYER-NAY)

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Adam Bell, City Clerk

This Ordinance 08-112 was published on the 11 day of JUNE, 2014.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-113

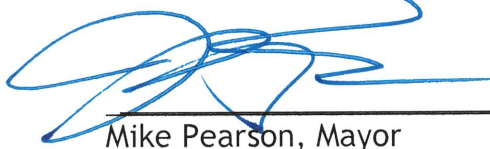
AN ORDINANCE AMENDING CHAPTER 154 OF THE LAKE ELMO CITY CODE OF  
ORDINANCES BY ADOPTING A REVISED OFFICIAL ZONING DISTRICT MAP

**SECTION 1.** The Zoning Map of the City of Lake Elmo established by the City Code, Section 154.351 is amended by deleting the existing Lake Elmo Zoning Map and adopting a new official Zoning Map which is attached and incorporated herein as Exhibit "A".

**SECTION 2.** Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3.** Adoption Date. This Ordinance 08-113 was adopted on this 22<sup>nd</sup> day of July 2014, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Adam Bell, City Clerk

This Ordinance 08-113 was published on the \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA

ORDINANCE NO. 08-114


AN ORDINANCE AMENDING MUNICIPAL FEES

The Lake Elmo City Council hereby adopts the following fee schedule amendment and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

Joint Trench Permit fee = \$100 per lot per utility \$275.00 + \$0.60/ft

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 5<sup>th</sup> day of August, 2014.

CITY OF LAKE ELMO

By:   
Mike Pearson  
Mayor

ATTEST:

  
Adam Bell  
City Clerk

**EFFECTIVE DATE:** This ordinance shall become effective immediately upon adoption and publication.

**PUBLICATION DATE:** Published on the 20 day of August 2014.

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

**ORDINANCE NO. 08-115**


**AN ORDINANCE SETTING MUNICIPAL FEES FOR CALENDAR YEAR 2015**

The Lake Elmo City Council hereby adopts the following fee schedule for calendar year 2015 and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

Appendix A – 2015 Fee Schedule

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 16th day of December, 2014.

CITY OF LAKE ELMO

By:   
Mike Pearson  
Mayor

ATTEST:

  
Adam Bell  
City Clerk

**EFFECTIVE DATE:** This ordinance shall become effective on January 1, 2015 following adoption and publication.

**PUBLICATION DATE:** Published on the 24<sup>th</sup> day of DECEMBER 2014.