

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 2023-14

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING SECTION 105.12.200 TO CLARIFY THE IMPROVEMENTS THAT CAN ENCROACH THE ESTABLISHED SETBACKS FOR A PROEPRTY.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 105.12 Zoning Code; Article IV. Additional Regulations and Modifications: by amending Section 105.12.200 Permitted Encroachments On Required Yards; (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language):

105.12.200 Permitted Encroachments On Required Yards

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter:

1. *In any yards.*
  1. Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to three feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, egress window/wells, sidewalks, fences, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five feet from any lot line nor less than one foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.
  2. Porches as defined in LEC 1.08 may encroach up to six feet into a required front yard setback or side corner yard, but in no case shall be setback less than ten feet from the front property line. A porch is not allowed in a side or rear yard setback.
2. *Side and rear yards.* Fences; walls and hedges six feet in height or less; bays not to exceed a depth of three feet or containing an area of more than 30 square feet; egress/window wells not to exceed the minimum area needed to meet building/fire code or fire escapes not to exceed a width of three feet.
3. *Corner lots.* Nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and ten feet above the centerline grades of the intersecting streets within 100 feet of the intersection.
4. *Off-street parking.* In no event shall off-street parking spaces, structures of any type, buildings, or other improvements cover more than 75 percent of the lot area. In no event shall the landscaped portion of the lot be less than 25 percent of the entire lot as a result of permitted encroachments. In shoreland areas, no more than one-third of lot areas shall be covered with improvements.


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 2023- 14 was adopted on this 20<sup>th</sup> day of June 2023, by a vote of 5 Ayes and 0 Nays.

**LAKE ELMO CITY COUNCIL**

  
\_\_\_\_\_  
Charles Cadenhead, Mayor

ATTEST:

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

This Ordinance 2023- 14 was published on the 30<sup>th</sup> day of June, 2023.