



3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, October 28, 2013 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. October 14, 2013
4. Public Hearings
 - a. **COMPREHENSIVE PLAN AMENDMENT – DIEDRICH/REIDER PROPERTY.** The Planning Commission is asked to hold a public hearing for a request by the property owners to amend the Lake Elmo Comprehensive Plan by changing the future land use designation of property located within the I-94 Corridor Planning Area from HDR (Urban High Density Residential) to MDR (Urban Medium Density Residential).
 - b. **ZONING TEXT AMENDMENT – DESIGN REVIEW.** The Planning Commission is asked to hold a public hearing for a zoning text amendment intended to update design review procedures for development activity in urban residential and commercial zoning districts.
5. Business Items
 - a. **DESIGN STANDARDS MANUAL.** The Planning Commission is asked to review an updated version of the Design Standards Manual and make a recommendation to the City Council.
 - b. **RURAL AREA DEVELOPMENT ANALYSIS.** The Planning Commission is asked to review the City's rural development areas and make a recommendation to the City Council concerning future growth and development in these areas.
 - c. **ANIMAL ORDINANCE UPDATE.** The Planning Commission will receive an update from the City Clerk regarding an ongoing effort to update the City's animal ordinances.
6. Updates
 - a. City Council Updates –

- i. Variance - 09.029.21.22.0025 (Hill Trail North) approved at the October 15, 2013 City Council meeting.
 - ii. Met Council 2040 Growth Forecast Discussion
 - b. Staff Updates
 - i. Upcoming Meetings:
 - November 13, 2013
 - November 25, 2013
 - ii. Findings of Fact Worksheets - Draft
 - c. Commission Concerns
- 7. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of October 14, 2013**

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

COMMISSIONERS PRESENT: Williams, Dorschner, Dodson, Larson, Kreimer and Morreale;

COMMISSIONERS ABSENT: Haggard and Lundgren; and

STAFF PRESENT: Planning Director Klatt and City Planner Johnson.

Approve Agenda:

The Planning Commission accepted the agenda as presented.

Approve Minutes: September 23, 2013

M/S/P: Williams/Morreale, move to accept the minutes of September 23, 2013 as amended, **Vote: 5-0, Motion Carried**, with Larson not voting.

Presentation: *Manning Ave. Corridor Study – Washington County*

Frank Ticknor, Washington County, started his presentation by explaining that the main goal is to start a dialogue with all the communities along Manning Ave. (CSAH 15). This dialogue will include analysis of existing conditions, future growth along the corridor, and estimated future traffic volumes.

Manning Ave. is the main north-south arterial in Washington County. The County is preparing this study to be proactive to address future needs for the roadway before challenges arise. Ticknor gave an overview of the entire corridor from I-94 to TH-5, showing the status of existing intersections and forecasts of future performance under a no-build scenario. In addition, Ticknor highlighted all the goals of the Manning Ave. Project. Goals include improving safety, managing traffic demand, improving access, and others.

Brian Jensen, SRF, presented the schedule and stakeholders involved on the Manning Ave. Project. Once stakeholders were identified, Washington County has been coordinating monthly meetings with the key stakeholders. In addition, the County is working on an extensive public engagement effort. The desired outcome includes three documents:

Lake Elmo Planning Commission Minutes; 10-14-13

1. Preliminary roadway design – mutually agreed upon by jurisdictions involved
2. Environmental document
3. Implementation plan – allows stakeholders to prioritize and time improvements

Jensen continued his presentation by explaining the Subarea Study.

Leif Garness, SRF, presented the Subarea Study in greater detail. The Subarea Study includes three alternatives, including 1) realigning TH-5 with CSAH 14, 2) expanding Manning Ave. to a 4-lane facility, and 3) alternatives 1 and 2 combined. The consultant explained how all of the various alternatives impacted future traffic volumes along the Manning Ave. Corridor and adjacent streets and corridors. The preliminary findings of the study shows that the greatest benefit from a traffic management perspective includes an expansion of Manning to a four-lane facility and realigning TH-5 with CSAH 14.

Dodson asked if the County has an idea of the source of the traffic along these corridors. What percentage of the traffic is generated by residents of Washington County? Jensen explained that the traffic data was generated by a County model not taking source into account.

Williams asked if the type of intersection control has been studied for the realignment of TH-5. Jensen explained that the traffic control will be studied at the next level of the study. The City would have input on any future control or improvements.

Larson asked about the final goal of the project from a traffic perspective. The County wants to encourage north-south travel movements, and minimize east-west traffic.

Dodson asked if the new HWY-36 Bridge is included in the Manning Ave. Study. Jensen noted that the bridge is incorporated, but has not shown a significant impact as of yet.

Jensen concluded by presenting the project schedule. Construction phase is expected to begin in April of 2015. The main take away is that it is important for Manning to become a 4-lane facility.

Ticknor finished the presentation by providing contact information and the project website.

Williams asked if the County studied directing Manning straight north to TH-36. Ticknor stated that the limits of this project stop at TH-5. Williams also noted that the County was able to secure grant funding to install traffic signals at Lake Elmo Ave. (CSAH 17).

Dodson noted that he would like to see the wide shoulder maintained to serve bicyclists in Washington County. He noted that Manning Ave. is a popular route.

Larson was wondering if the study was connected to the railroad crossings. Is there any talk of over/under pass? Ticknor said that there are railroad protection zones in the airport area, so it can't have a vertical element. The crossing on Manning is eligible to become a quiet zone, but the communities should participate in that aspect of the project.

Public Hearing (cont.): Zoning Text Amendment – Village Mixed-Use Zoning District

Klatt began his presentation by explaining that the Village Mixed Use (VMX) zoning district would be added to the Zoning Code under Article 11. He started by addressing how multiple areas of review by the Planning Commission have been incorporated into the current draft of the ordinance. He discussed permitted and conditional uses, maximum site dimensions for commercial properties, screening for single family homes, design review, and other considerations. Klatt made connections between the proposed draft ordinance and the workshop meeting that was held on October 7th, including the drawbacks and benefits of mixed-use zoning. Moving forward, Klatt highlighted major decision points, including permitted vs. conditional uses, maximum height, single family attached standards (no front-loading garages), automobile-oriented uses, drive-through facilities, design and demolition review, and others. Finally, Klatt discussed next steps, including zoning and Comprehensive Plan work, as well as future work on form-based codes and implementation of design review.

Williams asked if a clean-up amendment will be necessary, as zoning standards are found in multiple locations in the Code. Klatt confirmed that staff will have to proceed with a clean-up amendment of the Zoning Code.

Klatt noted that staff plans on bringing forward a zoning map amendment to implement the new Village Mixed-Use (VMX) zoning district.

Dorschner asked where the 50-year timeframe comes under the demolition review section. Klatt noted that 50-years was the base standard under historic preservation that qualifies a building as historic.

Related to demolition review, Dodson asked about who determines that an applicant cannot obtain a reasonable economic return. Klatt noted that the Planning Commission and Council make that determination.

Public Hearing closed at 8:12pm.

Dorschner asked about the 3 criteria for demolition of structures in the mixed-use district, including structural defects, threat to public safety and economic feasibility of repair. He asked if all 3 were required, or if applicants only have to meet one of these criterion. Klatt stated that applicant must meet one of the three criterion.

Dodson asked for further clarification related to the review process for design review. He thought the title was confusing. The Planning Commission consented to a title change.

Dodson asked about placeholders and if they should have direction with them for the time being so there is a process associated with them. Klatt suggested just removing them for the time being if the ordinance is adopted. They were in the draft as a tool to look at later.

Dodson asked if two-family dwelling should be exempted. Klatt suggested that it should be exempted.

Dorschner noted that he is concerned that the criterion for the demolition review are subjective. Williams noted that he views the demolition review as similar to a PUD situation, where the applicants and City come to an agreement. Dorschner noted that he is concerned that some buildings that were built 50 years ago were of poor construction and should not be preserved. Williams suggested making all buildings built before 1950 eligible for demolition review. Larson noted that some structures have been added upon and there are portions of the buildings that are built post 1950 and other portions that were built pre-1950. Dorschner reiterated his concern that the demolition review is subjective. Klatt suggested using the language “built prior to 1950” and “meeting 1 or more of the following” regarding the required findings. Johnson asked if single family homes should be included or if there should be different standards. Williams felt the older buildings helped with the old town feel that we want. Kreimer suggested applications to demolish any structure built before 1950 should be reviewed according to the following criteria.

Williams noted that there is no reference to a Village Green in the zoning district. He asked if there should be a reference. Klatt noted that the best way to implement a Village Green is to either zone property for public use or partner with a private developer on a mixed use project that includes a green.

Larson is concerned that the City is letting go of control to incorporate a downtown gathering amenity. Klatt highlighted the tools that the city can use to take a more active role in working towards a master planned village green development.

Williams noted one other update related to the definition of development activity.

M/S/P: Larson/Dodson, move to recommend approval of the ordinance as amended in the discussion, ***Vote: 6-0, motion carried unanimously.***

Business Item: *Design Standards Manual*

Johnson presented a final draft of the Lake Elmo Design Standards Manual. Williams noted that there were a few minor modifications to the document that was distributed at the October 7, 2013 workshop. These modifications were only in regards to pictures, and did not change the text in the document.

Johnson reviewed the purpose of the design standards manual, which is for site and building review in the VMX, Commercial, Business Park and High Density Residential zones. He also discussed the performance standards used in current zoning districts, and summarized the process to date. He noted that Staff has presented previous drafts to the Planning Commission and has conducted a stakeholder meeting with members of the business and development community.

Johnson reviewed contents of the design standards manual with the Commission and noted some of the specific standards that were proposed.

Williams questioned why there was no list of preferred building materials for high density residential structures. He also asked about the use of translucent glass in the High Density Residential section and suggested that this be moved back to the general section.

Dodson stated that the review should be completed by the final development approval for compliance purposes.

Johnson noted that the document provides a balance between permissive and mandatory language. Kreimer suggested that the manual include more mandatory language for certain elements, including streetscape design, landscaping, and scale and mass of buildings. Johnson stated that some things might be mandatory based on use.

Williams questioned the wording related to roof materials and the permissive language in one section of the manual.

Dodson asked whether or not the City would prohibit certain types of development from being built in the community. Johnson replied that the standards generally should not keep a business from locating in the community that wants to be located in Lake Elmo. He further reiterated that the manual attempted for a balance between good design and standards that are not overly restrictive.

Dorschner noted some inconsistencies between various sections of the manual. Johnson noted that he would make revisions to improve the consistency between the various sections.

Kreimer questioned why there were no specific recommendations from the theming work that was recently completed. He also suggested that some of the pictures be amended, especially those that depict buildings that do not step the upper floors back

from the street. Johnson replied that the theming work was focused on public areas rather than private development sites. He stated that he would look for opportunities to reference the theming work and that he would also review the pictures for buildings over two stories in height.

Dodson asked for clarification concerning the use of the term complementary and how this would be interpreted. The Commission discussed if earth tone should be used. He noted that the high density residential section was the only one to reference a maximum height for parking lot lights. The Commission generally discussed the need for separate height requirements for different uses.

Kreimer pointed out that the building placement section in the high density residential section appears to be contradictory with regards to setback requirements.

Williams commented that the parking setback requirements should reference the Zoning Ordinance rather than being listed separately in the manual. He suggested that the lighting section reference dark sky/light pollution as one of the objectives. He further noted that the manual does not reference electronic message signs. Williams suggested that the manual reference restricted root zones. He asked that the manual include a reference to historic buildings and reflecting or recalling the historic character of existing buildings in the Village. Williams made additional suggestions for revisions to the document.

The Commission generally suggested that the document incorporate additional language pertaining to the Village planning area.

It was suggested that in general, metal should be allowed as a building material. Johnson stated that he would do some more research on the use of metal building materials.

There was a general discussion concerning landscaping of parking areas and the required setbacks within business park areas.

Johnson reviewed the next steps in the process, and noted that he would be refining the draft design standards manual based on the comments from the Planning Commission. There will be a public hearing at the October 28, 2013 meeting to adopt it into zoning code.

Williams suggested providing notice to the development community once the final draft has been prepared.

Williams wants a motion to encourage the City Council to proceed with developing a master plan for a Village green. Dodson stated that from a practical standpoint, how would it get implemented and would it be economically feasible? Dorschner stated that if restricted by a plan, it would be hard to implement and would be expensive if planned

to be placed in a specific spot. Williams likes the idea of a Village Green. It doesn't have to be large, but he would like to be proactive in regards to it. Larson would like someone who knows about the vision Lake Elmo has to work with developers on the features we would like. Klatt suggested that it might be leaping ahead to be talking about this now. There currently is no approved Comprehensive Plan. We would need to have that before we talk about a Village Green. It would be good to talk to the City Council about it and get it on the 2014 work plan and incorporate this discussion with the Village land use plan.

Updates and Concerns

Council Updates

1. Comprehensive Plan Amendment for Landucci Property approved by City Council contingent on Met Council approval.
2. Landucci Sketch Plan, submitted by Ryland Homes, was reviewed by the City Council.
3. Variance – 09.029.21.22.0025 (Hill Trail North) was postponed to the October 15, 2013 meeting.

Staff Updates

1. Staff will be preparing a worksheet for finding of fact as a tool for the Commission to use for future land use decisions.
2. Planning Commission meetings upcoming on October 28th and November 13th. The meeting on 11/13/13 is on a Wednesday due to the Veterans Day holiday.

Commission Concerns – None

Meeting adjourned at 10:18pm

Respectfully submitted,

Nick Johnson
City Planner



PLANNING COMMISSION
DATE: 10/28/13
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2013-35

ITEM: Comprehensive Plan Amendment – Diedrich Property

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
Washington County

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a request to amend the Lake Elmo Comprehensive Plan to change the future land use designation of property immediately east of Lake Elmo Avenue and approximately 2,200 feet north of Interstate 94 from HDR – Urban High Density Residential to MDR – Urban Medium Density Residential. The applicant has submitted a Preliminary Sketch Plan for a proposed residential subdivision to support the Comprehensive Plan Amendment (CPA) request. It is anticipated that the applicants will be presenting a formal Sketch Plan at an upcoming Planning Commission meeting. Staff is recommending that the Planning Commission recommend approval of the request.

GENERAL INFORMATION

Applicant: Tammy Diedrich and Gary Reider, 7401 Wyndham Way, Woodbury, MN

Property Owners: Tammy Diedrich and Gary Reider, 7401 Wyndham Way, Woodbury, MN

Location: Part of Section 36 in Lake Elmo, north of I-94, east of Lake Elmo Avenue, and south of the Cimarron Manufactured Home Park. PID Number 36.029.21.32.0002

Request: Application for Comprehensive Plan Amendment – HDR to MDR

Existing Land Use: Vacant

Existing Zoning: RT – Rural Transitional Zoning

Surrounding Land Use: North – manufactured home park; west – vacant/agricultural land, south – single family home and golf practice facility, and east – light industrial

Surrounding Zoning: RT – Rural Transitional; RS – Single Family Residential; MDR – Urban Medium Residential

Comprehensive Plan: Urban High Density (7.5 – 15 units per acre)

Proposed Zoning: MDR – Urban Medium Density Residential

History: The subject property is currently vacant.

Deadline for Action: Application Complete – 10/2/13

60 Day Deadline – 12/1/13
 Extension Letter Mailed – No
 120 Day Deadline – 1/30/14

Applicable Regulations: Article 10 – Urban Residential Districts (MDR)

REQUEST DETAILS

The City of Lake Elmo has received a request from Tammy Diedrich and Gary Reider for a Comprehensive Plan Amendment to change the future land use designation of property north of Interstate 94 and east of Lake Elmo Avenue from High Density Residential (HDR) to Medium Density Residential (MDR). This property is located within the I-94 Corridor Planning Area, and was included in the previous Comprehensive Plan Amendment to incorporate the I-94 Land Use Plan. The property is presently owned by Tammy Diedrich and Gary Reider and is under contract for purchase by Pratt Homes. Pratt would like to develop the property as a single family attached/detached townhome development at a density that is lower than the future land use guidance of HDR (7.5 to 15 units per acre) that was approved as part of the Comprehensive Plan Update.

In addition to the request for a Comprehensive Plan Amendment, the applicant has submitted a preliminary sketch plan to aid the review of the CPA. The preliminary sketch plan includes 48 total residential units (22 attached, 26 detached). While it is difficult to calculate an accurate figure for net density at this time, it is anticipated that the proposed townhome development will have a net density that is consistent with the City's Urban Medium Density Residential – MDR land use category. Finally, it is likely that the applicants will be presenting a Sketch Plan for formal review at an upcoming Planning Commission meeting in the future.

BACKGROUND

The applicant's site is currently vacant and is approximately ½ mile south of 10th Street (CSAH 10), and just south of Cimarron Manufactured Home Park and Golf Course. Water services have been requested by the applicant, but would need to be installed as part of a larger City project to extend water down Lake Elmo Avenue.

When the City drafted the future land use map for this area as part of the I-94 Comprehensive Plan Update last year, this site was guided for high density residential development at a density of 7.5 to 15 units per acre. The applicants have stated that the existing HDR – High Density Residential guidance for this site is not consistent with plans to develop the site as proposed in the submitted preliminary sketch plan. Due to this inconsistency, the applicants are petitioning the City to change the future land use map for this area to MDR – Medium Density Residential. Based upon a similar request for the property to the south of the Diedrich property, as well as other feedback from the development community in general, the market for high density multi-family housing does not appear strong for this location at this time.

Finally, it should be noted that the property to the south the Diedrich property, the Landucci property, is currently under contract by Ryland Homes. Ryland also petitioned the City for an amendment of the future land use map in the Comprehensive Plan for this property, changing the land use designation from Urban Medium Density Residential – MDR to Urban Low Density Residential – LDR. The City Council approved this request on 10/1/13 (Resolution #2013-086) contingent upon Met Council approval. In addition, Ryland completed a Sketch Plan review with the Planning

Commission and City Council on 9/23/13 and 10/1/13 respectively. As part of the Ryland submittal process for the Landucci property, the alignment of the 5th Street minor collector road was relocated to the south to accommodate all parties. This alignment has been mutually agreed upon by all parties and is included in both the sketch plan for the Landucci property (Ryland) and preliminary sketch plan for the Diedrich property (Pratt).

PLANNING AND ZONING ISSUES

The City undertook a lengthy process to update the Comprehensive Plan for the I-94 Corridor, which included establishing a work group to help craft the overall land use plan and conducting a series of meetings in order to receive public comments concerning the plan. The updated plan made several modifications from the City's earlier plans, and most significantly, created several different categories of residential development. The approved plan now establishes three distinct residential planning categories that use increasing densities to separate each of these residential areas ranging from low density to high density. The City was also able to successfully negotiate a lower threshold at the bottom end of the density scale in order to better respond to current market conditions.

In order to achieve the growth targets as specifies in the City's Memorandum of Understanding (MOU) with the Met Council, the City did need guide a certain portion of the I-94 Corridor for medium and high density residential development. The applicant's site was determined to be an appropriate location for high density housing. This decision was partly based on comments from the impacting property owners stating their desire to guide their properties for the higher density residential development.

The applicant's parcel and parcel to the south are somewhat unique because they are isolated from the larger residential areas within the I-94 corridor. The subject parcel is located immediately adjacent to land that is guided for Business Park development, while the remaining property it borders is guided for high density residential. The property is also close in proximity to The Forest single family residential neighborhood. Given the surrounding land uses, a rational argument could be made to either keep this area guided for higher density residential development in order to provide for additional buffering from future business park uses, or to change the designation to medium density in order to better fit with the existing neighborhood across the street and the single family development expected on the Landucci property to the south.

In order to consider a Comprehensive Plan Amendment, the Planning Commission should take into account any changes that may have occurred in the community since the Comprehensive Plan was adopted that would warrant an amendment. In this case, it has been a very short time since the I-94 Corridor Land Use plan was adopted; however, Staff would like to note that in the time since adoption there has been considerable interest in development from the market that was either lacking or non-existent in the recent past. Based upon the nature of the development interest generated thus far, there has been little interest in multi-family residential projects in the areas that have been guided for such uses. Obviously the market can and will change in the future, but the City will be faced with significant infrastructure costs (and potential penalties under the MOU) should projects fail to materialize.

REVIEW AND ANALYSIS

The applicant's site is 14.34 acres in size, representing a small portion of the total I-94 development area. Given the size of the parcel, the proposed reduction in overall density will not have a significant impact on the overall projections for residential units in this area. Additionally, the three residential categories that are used in the Comprehensive Plan are defined by a range of units, which provides some additional room for the City to achieve its City's growth targets while taking into account the uncertainty surrounding the true development potential for any given parcel of land. The City did not perform any detailed studies to identify how much of each parcel in the corridor was developable (i.e. not wetland, heavily wooded, located on steep slopes, etc.), and the range will allow some leeway for allowing an appropriate level of development that is consistent with the City's overall goals and objectives for growth and development.

Staff is also continuing to work with the Met Council to achieve the City Council's stated objective of reducing the overall residential unit counts that are mandated under the MOU. Given recent conversations with the Met Council, the City anticipates that some relief will be granted, reducing the overall projected REC unit and population figures as part of the upcoming 2040 projections. It is Staff's initial opinion that any reductions would likely occur in the areas of the City that are guided for the denser residential categories since it may be difficult to develop the entirety of these areas at the planned higher densities.

Finally, it should be noted that Washington County submitted review comments related to the requested Comprehensive Plan Amendment. Washington County's review comments can be found in attachment #5. While the majority of the review comments are applicable to the Preliminary Sketch Plan submitted by the applicants, it should be noted that Washington County does not offer any objection to the request to amend the City's Comprehensive Plan.

DRAFT FINDINGS

Given the relatively small size of the applicant's parcel (taking into account potential changes in the vicinity) and the current lack of interest in high density, or multi-family, residential development, Staff is supportive of the proposed amendment and is recommending approval of the requested change to the Comprehensive Plan based on the following findings:

1. That the proposed area impacted by the proposed amendment is relatively small and will not have a significant impact on the City's ability to achieve its 2030 household and population forecasts.
2. That current market conditions are not favorable for multi-family housing, yet it is in the City's interests to accommodate market-driven development at present in order to provide a reasonable return on recent major infrastructure improvements.
3. That the City is continuing to work towards potential reductions to the 2030 growth targets specified in the Met Council MOU that will likely reduce the amount of areas in the community that are guided for high density housing.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of request by Tammy Diedrich and Gary Reider to amend the Lake Elmo Comprehensive Plan by changing the future land use designation of property immediately east of Lake Elmo Avenue and approximately ½ mile south

of 10th Street North (PID: 36.029.21.32.0002) from HDR – Urban High Density Residential to MDR – Urban Medium Density Residential. Suggested motion:

“Move to recommend approval of the request by Tammy Diedrich and Gary Reider to amend the Lake Elmo Comprehensive Plan based upon the findings outlined in the Staff Report”

ATTACHMENTS:

1. Application w/Narrative and Preliminary Sketch Plan
2. Location Map
3. Future Land Use Map (Map 3-3 from Comprehensive Plan)
4. Proposed Amendment: MDR to LDR
5. Washington County Review Comments

ORDER OF BUSINESS:

- Introduction.....Community Development Director
- Report by Staff.....Community Development Director
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing.....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

☒ **Amendment** ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance*(see below) ☐ Zoning Appeal

☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading

☐ Lot Line Adjustment ☐ Minor Subdivision

Applicant: Gary Reider and Tammy Diedrich

Address: 7401 Wyndham Way, Woodbury MN 55125

Phone #: 612-328-6115

Email Address: Gary.Reider@co.hennepin.mn.us and Tammy.Diedrich@minneapolismn.gov

Fee Owner: Same as above

Address: _____

Phone #: _____

Email Address: _____

Property Location (Address and Complete (long) Legal Description): P10 36029 21 32 0002
see attached legal

Detailed Reason for Request: see attached letter

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Tammy Diedrich Date: 9/25/13

City Use Only

Planning: Zoning District: _____ Date: _____

Reviewed by: _____ Subject to the following conditions: _____

Engineering: Reviewed by: _____ Date: _____

Subject to the following conditions: _____

LEGAL DESCRIPTION

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, according to the United States Government Survey thereof and situate in Washington County, Minnesota.

Gary Reider and Tammy Diedrich
7401 Wyndham Way
Woodbury, MN 55125

September 27, 2013

Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Avenue N
Lake Elmo, MN 55042

Re: Comp Plan Amendment Request

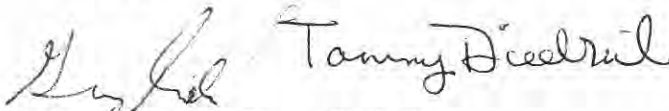
Dear Mr. Klatt:

Enclosed please find our Comp Plan Amendment Request, along with a sketch plan for our property located on the east side of Lake Elmo Avenue, N., approximately ½ mile north of Interstate Hwy 94. With this application, we are requesting a Comprehensive Plan Amendment from High Density Residential to Medium Density Residential, which will allow for the new neighborhood's proposed density.

The proposed new neighborhood would include 48 townhomes and right-of-way for Lake Elmo's new east/west collector road (5th Street). Access to the new neighborhood would be from the new east/west collector road.

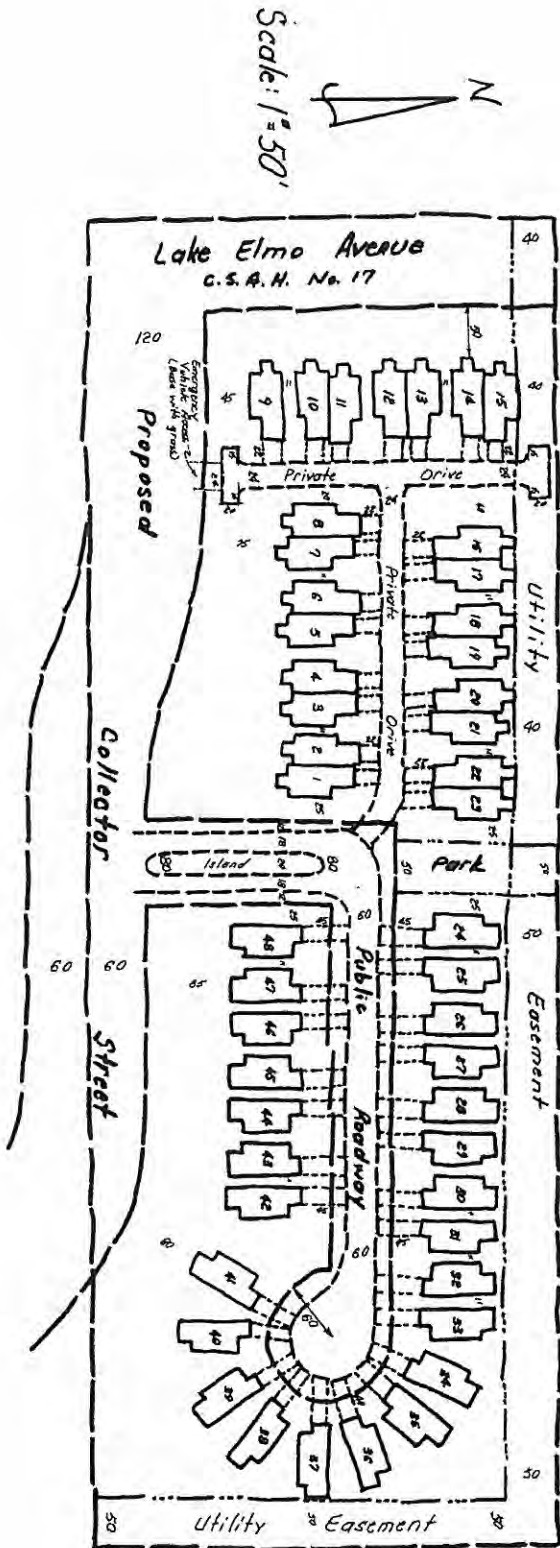
We have appreciated City Staff's comments and direction so far with this project and we look forward to continuing to work with City Staff to make this a successfully new neighborhood for the City of Lake Elmo. Please feel free to contact us with any questions.

Sincerely,

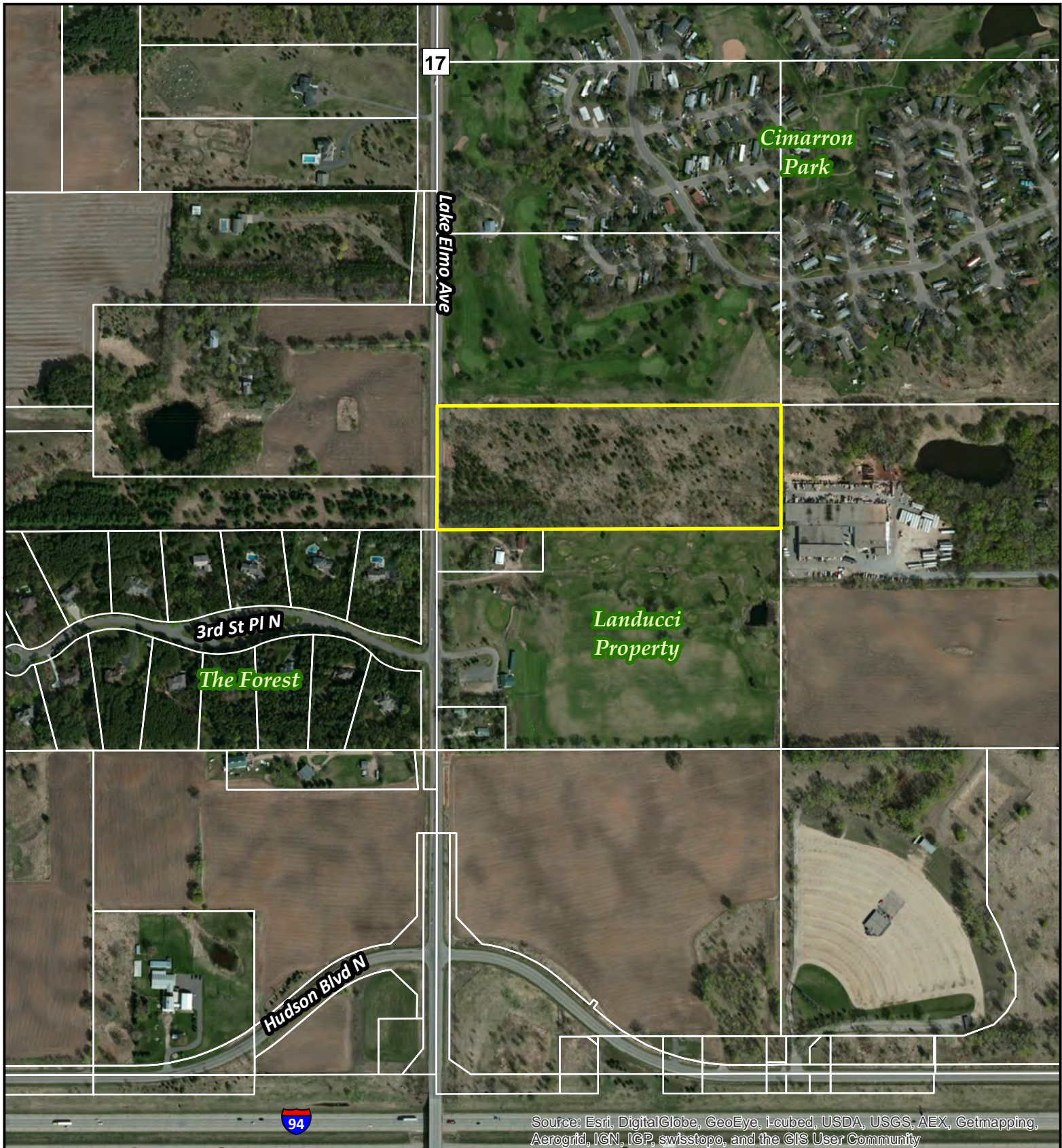
Handwritten signatures of Gary Reider and Tammy Diedrich in black ink.

Gary Reider and Tammy Diedrich

Preliminary Sketch Plan



9-22-2013



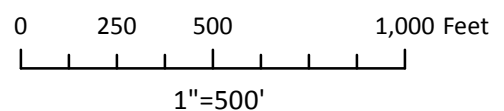
Location Map: Diedrich Property (PIN: 36.029.21.32.0002)



Data Source: Washington County, MN
10-22-2013



Diedrich Property





Planned Land Uses

- Business Park
- Urban Low Density
- Urban Medium Density
- Urban High Density
- Village (TBD)
- Commercial
- Limited Business
- Public/Park
- Rural Area Development
- Rural Area Development Alt
- Residential Estate
- Rural Single Family

(white hatching denotes possible mixed use areas)

**Village
Land Use
Plan
Pending**

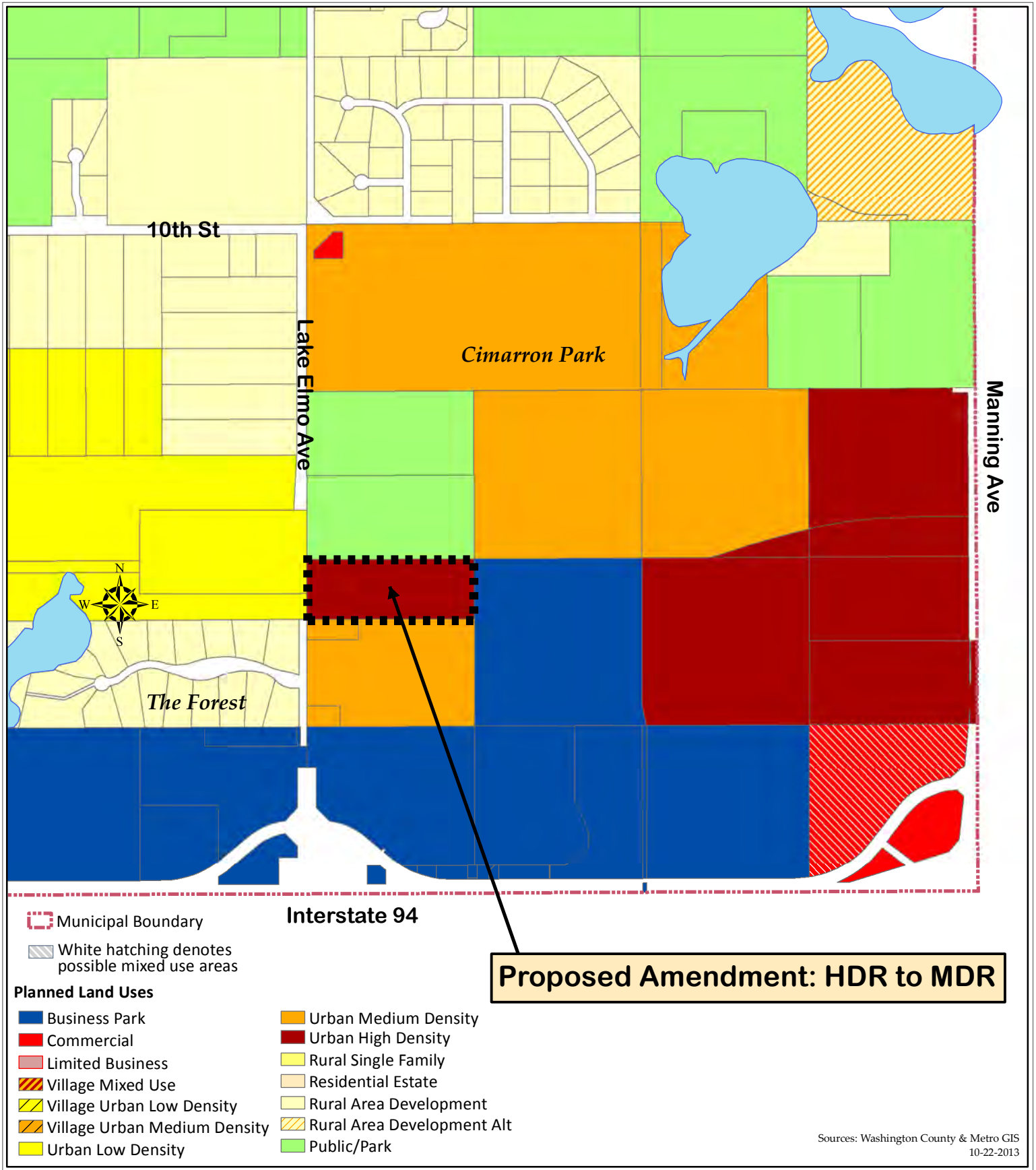
Sources: MetroGIS
8-14-12

Planned Land Use

Lake Elmo Comprehensive Plan 2030



This map was created using MFRA's Geographic Information Systems (GIS), it is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MFRA is not responsible for any inaccuracies contained herein.



Planned Land Use

Lake Elmo Comprehensive Plan 2030





Public Works Department

Donald J. Theisen, P.E.
Director

Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

October 23, 2013

Nick Johnson
City Planner
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on the Comprehensive Plan Amendment, concept plan for a 48 Unit single family detached townhome development on 14 acres of property, PID: 3602921320002.

Dear Mr. Johnson:

Thank you for providing the county with the concept plan for the detached townhome subdivision, Section 36, Township 29N , Range 21W along County Road (CR) 17B/Lake Elmo Avenue in the City of Lake Elmo. The project consists of 48 single family detached townhome units on 14 acres of land. Based on the plan provided, we have the following comments:

- The development plan is consistent with the Washington County Comprehensive Plan 2030, A Policy Guide to 2030, Land Use, The development implements Goal 3-2, which states "support the growth of attractive urban communities while preserving rural functions and appearances."The development will implement strategies such as utilizing the Municipal Urban Service Area (MUSA), and development along the Gateway Transitway Corridor."
- According to the Washington County Comprehensive Plan 2030, CR 17 B is classified as an "A" Minor arterial roadway with 184 feet future right-of-way necessary. There is currently 50 feet of right-of-way from the center line of the road; therefore, an additional 42 feet should be dedicated on the plat or the same dedication as the Landucci Plat located south of this property. Their preliminary concept has identified 40 feet.
- Local street connections from the development to the north and east should be considered even though there is an existing golf course to the north and a commercial/warehouse use to the east.
- Future improvements on 17 B are required for the new collector road intersection which include left and right turn lanes. Washington County and the City of Lake Elmo will continue to work towards an acceptable roadway /intersection plan. A Washington County Right of Way Permit and Access Permit will be required for the improvements and connection to 17B which will be constructed based on traffic impacts from new development in the area.
- Any grading within County right of way will require a Washington County Right of Way Permit.

- All utility connections for the development require Washington County Right of Way permits. Typically, these are the responsibility of the utility companies.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds. County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

Thank you for the opportunity to comment on this comprehensive plan amendment. If you have any questions, please contact me at 651-430-4362 or ann.pung-terwedo@co.washington.mn.us

Regards,



Ann Pung-Terwedo
Senior Planner

Cc: Carol Hanson, Office Specialist
Joe Gustafson, Traffic Engineer



PLANNING COMMISSION
DATE: 10/28/13
AGENDA ITEM: 4B – PUBLIC HEARING
CASE # 2013-37

ITEM: Zoning Text Amendment – Residential and Commercial Design Review
SUBMITTED BY: Nick Johnson, City Planner
REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Zoning Text Amendment intended to update the City's design review procedures for development activity in urban residential and commercial districts. The City has been engaged in a long process to develop a design standards manual to serve as the main mechanism for design review. The Zoning Text Amendment as proposed will replace the existing design review provisions by adopting the Lake Elmo Design Standards Manual by reference. Staff is recommending that the Planning Commission recommend approval of the proposed Design Review Ordinance

STAFF REPORT:

As part of the effort to develop a comprehensive design standards manual, it is necessary to amend the Zoning Code to adopt the manual by reference and remove any conflicting provisions. Within Article XII - Commercial Districts, there are existing design related performance standards. These performance standards were carried over from the City's other commercial districts and were intended to serve as a mechanism for design review in the interim period before adopting the design standards manual. Now that the city has progressed far enough towards a final draft of the manual, it is now necessary to amend the code to integrate the manual into the Zoning Code. This zoning text amendment is intended to complete this process. Also, it should be noted that the existing design standards located in Article XII – Commercial Districts will be struck and replaced by the proposed language.

Within the proposed ordinance, the design standards manual is adopted by reference in both Article X – Urban Residential Districts and Article XII – Commercial Districts. The language proposed is nearly identical to the language that was used in the draft Village Mixed-Use (VMX) zoning district, which also adopted the design standards manual by reference. Regarding process, the proposed ordinance notes that the review procedures outlined in the VMX district will be followed in the Urban Residential and Commercial zoning districts by linkage (§154.506.A). This method to reference the review procedure is temporary. Ultimately, Staff would like to relocate the design review procedures back to the Article III – Zoning Administration and Enforcement. Therefore, with the ordinance as proposed, staff should be able to change the links once the design review procedures are moved to Article III, minimizing future amendments to the Zoning Code.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed Design Review Ordinance to the City Council through the following motion:

“Move to recommend approval of the Design Review Ordinance.”

ATTACHMENTS:

- 1. DRAFT §154.455 and §154.555
- 2. Existing Commercial District Design Standards

ORDER OF BUSINESS:

- Introduction City Planner
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

ARTICLE 10. URBAN RESIDENTIAL DISTRICTS

§154.455 Residential District Design Standards

§ 154.555 Residential District Design Standards

Review of Design. For certain development activity as specified in the *Lake Elmo Design Standards Manual*, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the *Lake Elmo Design Standards Manual* and shall follow the review procedures specified in 154.506.A.

ARTICLE 12. COMMERCIAL DISTRICTS

§154.555 Commercial District Design Standards

§ 154.555 Commercial District Design Standards

Review of Design. For certain development activity as specified in the *Lake Elmo Design Standards Manual*, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the *Lake Elmo Design Standards Manual* and shall follow the review procedures specified in 154.506.A.

Existing Commercial District Design Standards (to be replaced)

§ 154.555 COMMERCIAL DISTRICT DESIGN STANDARDS.

(A) *Purpose and Intent.* It is the purpose and intent of the city, by the adoption of the performance standards of this article, to ensure commercial buildings constructed within the city are of a high quality of exterior appearance and consistent with the Comprehensive Plan. These standards shall apply to all commercial districts within the city.

(1) It is the finding of the city that a limited selection of primary exterior surfacing materials meets this standard of quality.

(2) It is the further finding of the city that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The variations of percentage of specific accent materials relates to a finding by the city as to the relative quality and rural character of those respective accent materials.

(B) *Architectural and Site Plan Submittals.* New building proposals shall include architectural and site plans prepared by registered architect and shall show the following as a minimum:

- (1) Elevations of all sides of the buildings;
- (2) Type and color of exterior building materials;
- (3) Typical general floor plans;
- (4) Dimensions of all structures; and
- (5) Location of trash containers, heating, cooling and ventilation equipment and systems.

(C) *Applicability - Structure Additions and Renovation.*

(1) Additions to existing structures resulting in an increase of gross floor area of the structure of less than 100%; and/or installation of replacement exterior surfacing of any portion of an existing structure shall be exempt from the standards of this division where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure.

(2) Where additions to an existing structure result in an increase in the gross floor area of the existing structure of 100% or greater, the entire structure (existing structure and structure addition) shall be subject to the standards of this section.

(D) *Performance Standards - Primary Exterior Surfacing.*

(1) The primary exterior surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or thin veneer brick or stone less than nominal 4 inches thick shall not qualify as complying with this performance standard.

(2) Primary Exterior Surface shall be defined as not less than 70% of the sum of the area

of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this division. Windows and glass doors shall be considered a primary surface, but the sum area of this glass shall be deducted from the wall area for purposes of the 70% primary/30% accent formulas of this chapter. Doors of any type of material, except glass, shall not be considered a primary exterior surface.

(3) Each wall of the structure shall be calculated separately and, individually comply with the 70/30 formula.

(E) *Performance Standards - Exterior Surfacing Accents.* Not more than 30% of the exterior wall surfacing, as defined by division (D) of this section, may be of the following listed accent materials, but no single accent material, except natural wood, may comprise more than 20% of the total of all accent materials; and, no combustible materials shall be used:

- (1) Cedar, redwood, wood siding;
- (2) Cement fiber board;
- (3) Standing seam metal;
- (4) Architectural metal;
- (5) Stucco;
- (6) Poured in place concrete (excluding “tilt-up” panels);
- (7) Architectural metal panels; and
- (8) Porcelain or ceramic tile.

(F) *Performance Standard - Accessory Structures.* All accessory structures shall comply with the exterior surfacing requirements specified by division (D) of this section.

(G) *Performance Standard - HVAC Units and Exterior Appurtenances.* All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the public with the primary exterior materials used on the principal structure.

(H) *Performance Standard - Visible Roofing Materials.* Any roofing materials that are visible from ground level shall be standing seam metal, fire-treated cedar shakes, ceramic tile, clay tile, concrete or slate.

(I) *Applicability - New Construction.* The standards of this division shall be applicable to all structures and buildings constructed in the city, on and after the effective date of this chapter. The performance standards of this division shall not be in any manner minimized by subsequent planned unit development plans or agreement.

(Ord. 2012-062, passed 9-18-2012)



PLANNING COMMISSION
DATE: 10/28/13
AGENDA ITEM: 5A – BUSINESS
CASE # 2013-34

ITEM: Design Standards Manual
SUBMITTED BY: Nick Johnson, City Planner
REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider an updated version of the Lake Elmo Design Standards Manual. The Planning Commission reviewed the draft document at the previous meeting (10/14/13) and provided significant feedback. The document has been updated to address the review comments and questions of the Planning Commission. Staff is recommending that the Planning Commission recommend formal adoption of the Design Standards Manual to the City Council.

REQUEST DETAILS

The Lake Elmo Design Standards Manual is intended to replace existing design related performance standards currently found in specific zoning districts in the Zoning Code. The manual will support design review procedures for all development, redevelopment and major building/renovation activity in 4 land use types: 1) High Density Residential, 2) Commercial, 3) Business Park, and 4) Mixed-Use. To integrate the new design review procedure, the city's Zoning Code must be updated to adopt the Lake Elmo Design Standards Manual by reference. These updates will occur in Article X – Urban Residential Districts and Article XII – Commercial Districts.

STAFF REPORT

The Planning Commission provided thorough feedback on the content of the draft manual at the meeting on 10/14/13. The manual has since been updated with the following edits:

- The compliance section of the introduction was updated to provide greater clarity and detail regarding the timing of the design review process and responsible review authority.
- Conflicting standards related to setbacks of high density residential buildings were better integrated as to not create confusion about building location.
- Regarding street or boulevard trees, language was added to all sections to encourage tree species selection that considers root zone and salt tolerance.
- Language was added to encourage applicants to utilize streetscape amenities and designs that are consistent with the Lake Elmo Branding and Theming Study.
- A list of preferred building materials was added to the high density residential section.

- Related to the height of lighting in all sections, specific heights were removed in favor of language that references the standards within the City’s outdoor lighting ordinance.
- Specific parking area setbacks were removed from the Commercial and Business Park sections. These zoning provisions will remain in the Zoning Code.
- The guidelines related to form and façade within the Commercial section were updated to include provisions that all sides of structures should include architectural treatments. This is consistent with the standards for the high density residential section, which do not allow any blank facades.
- The Commercial, Business Park and Mixed-Use sections were updated to require applicants to submit samples of building materials in advance of building permit approval.
- The allowed building materials in the Business Park section was amended to include quality metals.
- The Mixed Use section was updated to include additional references to the existing small-town character of the Village in the introduction and form and façade subsections.
- Two images that the Planning Commission felt were not consistent with their vision for future development outcomes were replaced with updated images. More specifically, the Planning Commission wanted to include more buildings that utilize “step-back” technique for reducing building mass and scale.

With the addition of these recommended changes, it is staff’s goal to move the design standards manual towards formal adoption. Once the Planning Commission makes a formal recommendation, the recommended draft will be presented to the City Council.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend formal adoption of the Design Standards Manual to the City Council through the following motion:

“Move to recommend approval of the Lake Elmo Design Standards Manual.”

ATTACHMENTS:

1. Lake Elmo Design Standards Manual – Draft 10/28/13

ORDER OF BUSINESS:

- Introduction City Planner
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

City of Lake Elmo
DESIGN STANDARDS MANUAL



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1 *Introduction*

Intent and Purpose

The City of Lake Elmo is currently preparing for a significant amount of growth and development in two areas of the city: the I-94 Corridor and Old Village. To ensure that growth is carried out in a manner reflective of the goals and principles of Lake Elmo, measures are being taken to ensure development outcomes of a high quality. Included in these measures is the creation of design standards, establishing requirements and guidelines related to site design and building form. The purpose of these standards is to incorporate the following principles in residential and commercial development outcomes in the I-94 Corridor and Old Village:

1. *To ensure high quality site design and building materials, supporting both function and form;*
2. *To provide open space in future areas of growth, building off of Lake Elmo's existing character and environment;*
3. *To accommodate automobile traffic in a manner that respects the pedestrian environment;*
4. *To utilize natural and ecological systems into public and private development, particularly in the realm of storm water management;*

5. *To encourage site design that is mindful and conscientious of the existing landscape and topography; and*
6. *To foster connections between the new and existing areas of Lake Elmo through consistent standards and theming, resulting in an identity that is unique to this community.*

The two areas guided for sewered residential and commercial development in Lake Elmo are the I-94 Corridor and Old Village. While both of these areas are guided for future growth and have ample greenfield development opportunity, it is important to recognize the differences between these districts as they pertain to geography and character. These differences will play a major role in the types of development that are realized in each area.

Areas of Growth

I-94 Corridor. The I-94 Corridor is geographically bounded by CR-10 (10th St.) and I-94 from north to south and CR-15 (Manning Ave.) to CR-13 (Inwood Ave.) from east to west. The City has guided this corridor for residential development of various densities, as well as commercial and business park development. Given its location and high level of access, the vision for this corridor is more

highway-oriented by nature, offering good opportunities for higher density and commercial development. In addition, the City has envisioned this area to provide increased employment opportunities in Lake Elmo.

Old Village. The Old Village is located in the heart of Lake Elmo, centered along State Highway 5 and bordered to the east by CR-15 (Manning Ave.) and to the south by 30th St. As the historic center of Lake Elmo, the Old Village is guided for residential and mixed-use development types, which are consistent with historic downtown areas. In order to reinforce the identity of the Old Village as a destination, it is the City's goal to emphasize a positive pedestrian environment, consistent with main street character. Given this vision and the historic context, the Old Village will most likely attract different development types than the I-94 Corridor.

Considering the character, geography, and visions for these two growth areas, it is unreasonable to expect that the development types will be the same. However, in order to establish standards for high quality sites and buildings in Lake Elmo, the design standards laid out in this manual will be applicable to development within both the I-94 Corridor and Old Village.

Structure of the Standards

The standards contained within this manual are structured in a manner that establishes standards and desired outcomes for private development sites within four land use types guided for the I-94 Corridor and Old Village. The four land use types, or development types, addressed in this manual are as follows:

1. High Density Residential;
2. Commercial;
3. Business Park; and
4. Mixed-Use.

In addition to land use types, the standards are organized into two primary categories: Site Design and Building Design. The standards contained within these categories are organized using the following sub-categories:

1. Site Design

- Building Placement
- Streetscape
- Landscaping
- Parking
- Delivery, Service, Storage and Utility Areas

2. Building Design

- Form and Facade
- Building Materials
- Scale and Mass
- Roof Design
- Entries
- Signage
- Lighting

These categories and respective sub-categories are intended to organize the specific standards within each land use or development type.

Compliance

As part of the City's development review process, any new development, redevelopment, or major renovation within the I-94 Corridor and Old Village will be reviewed for compliance to the standards contained within this manual. Design review will be completed within the established review process at the stage of final development or building approval. This review will be conducted by the individual or body authorizing the permit or certificate. Exceptions to the standards contained within the manual may be granted by the Review Authority under but not limited to the following circumstances:

- The proposed project is found to be of an architectural value above and beyond the accepted standard and therefore a community asset;
- The proposed project demonstrates a commitment to theming elements and open-space character, thereby supporting Lake Elmo's unique identity;
- The proposed project is found to prioritize pedestrian circulation and safety, including streetscape treatments above the minimum standards that contribute to a positive pedestrian environment;
- The proposed project demonstrates a significant commitment to natural storm water management practices; or
- The proposed project includes a significant commitment to sustainable building practices, similar to the standards required for LEED certification.

In order to receive relief or exception to the standards within the manual, it is the responsibility of

the applicant to demonstrate why a specific standard presents an unreasonable burden in the context of the proposed site or project.

2 High Density Residential Development

Applicable Zoning Districts:

- Urban Medium Density Residential (MDR)
- Urban High Density Residential (HDR)

Both the I-94 Corridor and Old Village are expected to experience growth in the form of high density residential development. This growth will be comprised of single-family attached (townhome) development and multi-family residential development, including apartments and condominiums. For residential development, the intent of the design standards is to provide housing of a high aesthetic quality with open or recreational spaces integrated directly into the site.

A. Site Design

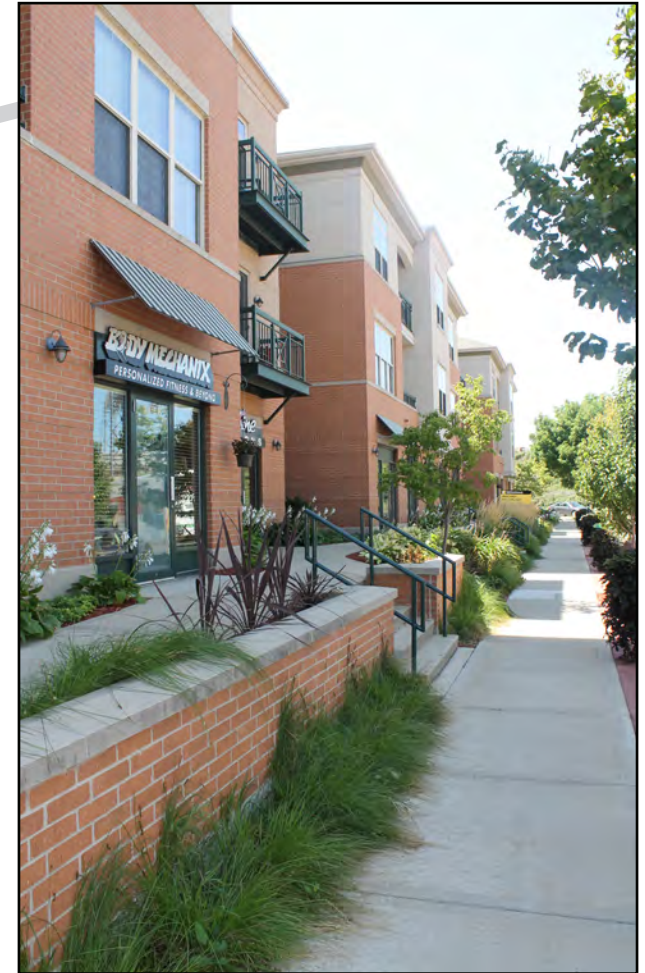
Building Placement

Goal: Structures should be located and oriented in a manner that allows for pedestrian accessibility and provides visual interest from the public right of way.

- Buildings are encouraged to be located as close to the public street as possible while still meeting the setback requirement. In addition, the setbacks of adjacent residential buildings are encouraged to be varied slightly to contribute to an interesting streetscape, avoiding monotonous facade or wall depth.
- Buildings should be easily accessed from the street, particularly near commercial or mixed-use development.
- The area fronting the main public street, or front-yard setback area, should be utilized for entryways, landscaping, porches, patios and other amenities that may be utilized by residents and provide visual interest or a sense of place.
- Recreational and common spaces should be located at the interior or rear of the site to promote access and safety for residents. Keeping these spaces out of the front of the site also helps maintain visual interest and attractive sight lines.
- Some provision of open or common space on the site is required to maintain Lake Elmo's open space character. This provision can be found in §154.454 of the Lake Elmo City Code.



Common open or recreation spaces should be located to the interior or rear of the site.



Buildings are encouraged to be sited closer to public streets to promote access and visual interest.

HIGH DENSITY RESIDENTIAL DEVELOPMENT



Decorative fencing provides a nice transition from the public right of way to the entryway.



At left: Pedestrian amenities contribute to an inviting and functional streetscape.

Streetscape

Goal: Residential streetscapes should provide for pedestrian accessibility and safety while offering aesthetically pleasing environments.

- a. Sidewalks shall be provided parallel to public streets in order to ensure pedestrian accessibility and circulation.
- b. Sidewalk materials should be attractive and low-maintenance, such as concrete or decorative pavers.
- c. Boulevard areas should be planted with turf grass and/or other attractive, low-maintenance ground cover. In addition, boulevard trees should be provided in regular intervals.
- d. Site furnishings such as benches, pedestrian-scaled lighting, decorative fencing, trash receptacles and other amenities are recommended. Applicants are encouraged to utilize design elements and site amenities from the Lake Elmo Branding & Theming Study.
- e. Paths and access points/entryways should be clearly visible and well lit at night.

Landscaping

Goal: To enhance the visual aesthetic of the built environment and reduce impervious surface, thereby aiding storm water management practice.

- a. Shade and ornamental trees and other plant material should be installed within the front setback area.
- b. Bare soils should be planted or mulched with bark, stone or other suitable material to avoid unnecessary runoff.
- c. Plant species are encouraged to be native, low-maintenance and suitable to the Lake Elmo climate.
- d. Making use of similar plant materials as adjacent properties and public spaces is encouraged to create continuity.
- e. Mature trees located on building sites should be retained whenever possible.
- f. Service, storage, utility and parking areas should be buffered by plantings to reduce visual impact.
- g. Parking areas should include landscaped islands or plant beds to reduce the visual impact, break up monotonous hardscape and retain storm water.
- h. The installation of rain gardens is encouraged to improve on-site storm water infiltration.



Lighting should be down-cast and shielded to prevent glare or spill-over onto adjacent properties.

Parking

Goal: To accommodate automobile parking in a manner that reduces visual impact, supports pedestrian circulation and maintains good sight lines along the public right of way.

- Parking areas should be located to the rear, side or within primary buildings whenever possible.
- Structured or underground parking is encouraged.
- The linear measurement of surface parking areas parallel to the public street may not exceed more than 50% of primary street frontages. Sites or projects that are unable to meet this requirement will be required to install berms and/or additional landscaping to buffer areas of surface parking adjacent to the primary street frontage.

- Access to parking areas should be designed in a way that does not impede pedestrian traffic.
- Parking should be screened from adjacent structures with landscaping strips not exceeding 4 feet in height in order to ensure pedestrian safety.
- Lighting must be provided in parking areas at night for safety purposes. However, direct glare, spillover or other forms of light pollution directed at adjacent properties are prohibited.
- The installation of rain gardens within parking areas is encouraged for storm water infiltration purposes.
- Parking facilities must be ADA compliant when deemed necessary.

Delivery, Service, Storage and Utility Areas

Goal: To minimize the visual impact of storage and utility areas within residential developments.

- Exterior storage and utility areas should be located in low trafficked areas and screened from adjacent properties.
- Trash enclosures should be located so that noise and odor do not affect nearby residents or adjacent properties.
- Screening of storage and utility areas may include landscaping and architectural features that match the primary structure.
- Storage areas should match the architectural design of the primary structure.
- Utilize directional signage for storage and trash areas when appropriate.

B. Building Design

Form and Facade

Goal: Standards are intended to ensure high quality design, encourage creativity and promote visually appealing development, thereby cultivating a sense of place and identity.

- No blank facades without windows and doors are allowed. All sides of the structures shall have architectural treatments.
- Window and door styles should reflect the prevailing architectural style of the structure.
- Window sills and trim are required for all exterior windows.
- Flat panel exterior and garage doors are discouraged.
- Garages should be recessed from the facade of the principal structure whenever possible to draw visual attention away from parking areas.
- If there are multiple garages within a structure, they should be varied in their location to minimize the visual impact of a row of garage doors.



Attached units on a public street benefit from individual entries.

HIGH DENSITY RESIDENTIAL DEVELOPMENT

- g. Detached garages shall be architecturally consistent with the principal structure.
- h. Finished exterior materials shall be applied to all wall facades above 18 inches from the finished grade line, where unfinished exterior foundation may be visible.
- i. Ground level of multi-family structures should be distinguished architecturally from upper levels to provide human-scale elements for pedestrians.
- j. Living space below the main building level, such as a walkout structure, may not be visible from the front side of the structure facing the main public street.
- k. Split entry type structures are discouraged.
- l. Where individual units face a public street, each unit should be designed with a walkway from the sidewalk to the front entry feature.
- m. Entryways to individual units should contain an entryway feature, such as a porch or portico.

Building Materials

Goal: To offer a variety of attractive and quality building materials that will shape the identity and visual interest of residential development in Lake Elmo.

- a. All structure facades should utilize multiple building materials.
- b. Changes in facade building materials should occur at clean horizontal and vertical separations, such as at building levels or architectural features.
- c. Siding materials should emphasize horizontal lines to reduce the appearance of height and mass.
- d. Multiple facade colors are encouraged as long

as they are balanced and consistent.

- e. Primary building materials for residential structures should include brick, finished wood, stone, quality metals, glass, cast-stone, or pre-cast concrete panels with aggregate, banding, texturing, or other similar decorative finish.
- f. Exposed exterior building materials such as brick, stone, wood, or stucco should be authentic. Simulated materials may also be used if demonstrated to be of high quality and approved by the City.
- g. Materials which are prohibited as the primary facade material include the following:
 - Vinyl siding
 - Unpainted galvanized metal
 - Corrugated metal, plastic, or fiberglass
 - Plain, unpainted, or painted concrete block
 - Prefabricated concrete panels
- h. Roofing materials should consist of composition shingles, wood shakes, or clay or stone tiles. Metal used as a roofing material must incorporate ribs or standing seams to be acceptable.
- i. Samples of facade and roof materials must be submitted to the City prior to the approval of the building permit.

Scale and Mass

Goal: To establish parameters for building horizontally and vertically with a human scale in mind.

- a. Building volume should be broken up with recesses and projections such as balconies, bay windows, dormers, porches, and other features

that provide variation and identity.

- b. Mass should be reduced through facade articulation, breaking up the wall area into smaller sections.
- c. Architectural elements, such as dormers, decorative windows and trim, porch details, decorative shutters, and wainscoting, can reduce the appearance of bulk and mass by providing visual interest.
- d. Building mass should be broken up with multiple roof and ridgelines perpendicular with one another.
- e. Structures of two-stories or higher should have articulated facades to minimize the appearance of mass, as well as multiple roof lines with corresponding gables.
- f. Scale should be reduced by utilizing “step-down” methods towards the public street. Porches, entries, window-bays or bump-out are effective in this regard.



Building Mass is reduced by breaking the building up into smaller sections and “stepping-back” levels above the ground floor. Source: www.minnpost.com

Roof Design

Goal: To break up monotonous roof lines, add architectural detail and screen rooftop equipment.

- a. All rooftop equipment and must be screened using materials consistent with the overall architecture, particularly on roofs that are visible from adjacent buildings.
- b. Multiple peaks and ridgelines are encouraged to promote greater visual interest.
- c. Dormers are encouraged to break up continuous rooftop.
- d. Providing architectural detail on soffits and fascias are encouraged.

Entries

Goal: To encourage entryways of high architectural quality that emphasize access, safety, and a human scale.

- a. Primary building entries shall be visible and connected to the street sidewalk by the most direct route practical. However, some curvature in design for aesthetic purposes is allowed.
- b. Each building should have one or more clearly identifiable “front doors” that address the street and include signage denoting property address.
- c. Building entries should incorporate design elements or architectural treatments, such as awnings, columns or cornices to emphasize the primary entryway.
- d. Primary communal entryways are encouraged to be recessed to offer shelter from inclement weather. Units with individual exterior entries

are encouraged to include porches, covered recesses or covered stoops.

- e. Ground floor residences that adjoin a public street or open space shall have direct access to the public street or open space.
- f. For units with individual exterior entries, small, landscaped private entry yards afford an attractive appearance on the street side and allow residents to take pride in these areas.

Lighting

Goal: To provide for safety and visual interest, while respecting the City’s dark sky ordinance.

- a. Lighting should be provided in all common areas, including parking, vehicular and pedestrian entries, walkways and common facilities (mailboxes, pools, etc.).
- b. Lighting height shall be consistent with the City’s exterior lighting standards.
- c. Service area lighting shall be confined within the service yard boundaries and enclosure walls.
- d. Spill-over light from storage or service areas is not allowed. Lights at service or exit doors shall be limited to low wattage, downcast or low cut-off fixtures that remain on throughout the night.
- e. Accent lighting should be used to draw interest to architectural features or entryways and not to exhibit or advertise buildings. Architectural lighting must be downcast and shielded to prevent light pollution.
- f. Bare bulb or exposed neon lighting is not allowed for accentuating building form.

Signage

Goal: Residential signage should be subtle in nature and utilized to promote building identity and to properly direct automobile and pedestrian traffic.

- a. Signs shall be consistent with the architectural style of the building on which they are placed, including scale, lighting levels, color and material.
- b. Signs shall be constructed of quality materials.
- c. All signage should be illuminated and clearly visible after dark.
- d. Signs are encouraged to be creative in the use of two and three-dimensional forms, lighting and graphic design, and use of color, patterns, typography, and materials.
- e. Interior vehicle and pedestrian routes should be clearly marked.
- f. All buildings are encouraged to incorporate elements of community theming in appropriate signage, supporting district and city identity.

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3 Commercial Development

Applicable Zoning Districts:

- Commercial (C)
- Convenience Commercial (CC)

The future commercial areas within the I-94 Corridor and Old Village will include a variety of service, office, retail and other uses that will serve existing and future Lake Elmo residents and beyond. While the differences in character and geography of these two growth areas may attract different types of commercial uses, it is important to establish standards that will ensure quality development outcomes regardless of location and use classification. In the commercial districts, quality development outcomes consist of buildings of high architectural quality and sites that function well for all users, both drivers and pedestrians.

A. Site Design

Building Placement

Goal: To ensure access and circulation for all users in a manner that minimizes traffic disruption and safety concerns, as well as maintains good sightlines from the public street.

- Buildings must be setback at least 30 feet from the public right of way. Buildings are encouraged to be located as close to the public street as possible while still meeting the setback requirement.
- The orientation of multiple buildings on one site must be clearly coordinated.
- Buildings should be oriented parallel or perpendicular to the street they front, promoting continuity of design.
- Buildings should be arranged to provide convenient access to entrances and efficient on-site circulation for vehicles and pedestrians.
- Shared access points from the public ROW are encouraged. Vehicular access points should be limited to minimize traffic disruption.
- For master planned development, the provision of landscaped open or gathering spaces is encouraged within commercial developments.



Landscaped gathering spaces provide a distinctive and welcoming space for visitors.

COMMERCIAL DEVELOPMENT



Fencing around outdoor dining areas helps delineate pedestrian walkways and patio space.



Bollards are an effective tool in delineating the pedestrian space. This style of bollard is drawn from the Lake Elmo Branding and Theming Study.

Streetscape

Goal: To create safe, pleasant and functional pedestrian spaces within commercial development, improving access and district identity.



Streetscapes should include plant beds with trees to provide shade and add aesthetic value along sidewalks.

- Sidewalks are required along primary street frontages, unless a suitable alternative that promotes pedestrian access safety is approved. In addition, pedestrian access to the building from the public street shall be provided.
- Street trees shall be installed at regular intervals along the public right of way.
- Ornamental or bollard lighting is encouraged to increase safety, as well as add visual interest.
- Fencing shall be installed around outdoor dining areas that are adjacent to pedestrian areas or streets.
- Site furnishings such as decorative fencing, trash receptacles, planters, bicycle racks, and benches are recommended. Applicants are encouraged to utilize design elements and site amenities from the Lake Elmo Branding & Theming Study.

Landscaping

Goal: To ensure development of a high aesthetic quality, and to reduce the amount of impervious

surface at commercial sites.

- Parking, public and streetscape areas should utilize trees, plant beds, and potted plants to add visual interest and break up continuous hardscape.
- Parking, service, storage and utility areas should be buffered by plantings. Near areas of pedestrian circulation, these plantings shall not exceed 4 feet in height for safety purposes.
- Hardy and native plant materials that are resistant to the climate, disease and salt are encouraged.
- Making use of similar plant materials as adjacent properties and public spaces is encouraged to create continuity.
- Mature trees located on building sites should be retained whenever possible.
- Bare soils should be planted or mulched with bark, stone or other suitable material to avoid unnecessary runoff.
- The installation of rain gardens is encouraged to increase on-site storm water infiltration, particularly in parking areas.

Parking

Goal: To provide parking facilities that adequately serve the needs of commercial properties, while ensuring pedestrian safety and maintaining a positive visual aesthetic from the public right of way.



Sidewalks within larger parking lots improve pedestrian circulation and safety.



Landscaping strips along public streets add a visual separation between parking areas and the public right-of-way.

- a. The linear measurement of surface parking areas parallel to the public street may not exceed more than 60% of primary street frontages. Sites or projects that are unable to meet this requirement will be required to install berms and/or additional landscaping along areas of surface parking adjacent to the primary street frontage.
- b. The entrance to parking facilities should be located on secondary streets when possible.
- c. Shared parking facilities between adjacent uses or businesses are strongly encouraged when possible to avoid excessive amounts of parking.
- d. Structure parking is encouraged, and should be located behind or beneath primary buildings when possible.
- e. Structure parking or parking areas located beneath the primary structure should be screened with architectural elements that match the pri-

mary building.

- f. Parking areas should be screened from view of public streets by means of grading and/or landscaping.
- g. Parking areas should be screened from adjacent structures with landscaping strips not exceeding 4 feet in height in order to ensure pedestrian safety.
- h. Landscaped islands should be installed within surface parking areas to break up continuous hardscape and reduce concentration of imperious surface.
- i. The installation of rain gardens within parking areas is encouraged for storm water infiltration purposes.
- j. Lighting must be provided in parking areas at night for safety purposes. However, direct glare, spillover or other forms of light pollution directed at adjacent properties are prohibited.
- k. Parking facilities must be ADA compliant when deemed necessary.

Delivery, Service, Storage and Utility Areas

Goal: To provide physical and visual separation between delivery, service and storage areas and areas of pedestrian and automobile circulation.

- a. Service, storage, maintenance or trash collection areas should be located out of the view from the public right of way, or significantly screened through landscaping or architectural features.
- b. Service, storage and trash collection areas are not allowed in the setback areas.
- c. The location of delivery, storage and service areas should be clearly marked with signage and

should not interfere with other automobile or pedestrian circulation.

- d. Storage and delivery areas should be hard surface, minimizing the dispersal of dust.

B. Building Design

Form and Facade

Goal: To ensure structures of high architectural quality that promote visual interest, thereby supporting district identity.

- a. No blank facades without windows and doors are allowed. All sides of structures should have architectural treatment. Variety and creativity in building facade is encouraged through changes in building materials, fenestration height, and roof lines, especially on primary facades that face the public right of way.



Facade articulation and windows with architectural detail add visual interest and break up long expanses of continuous façade.

COMMERCIAL DEVELOPMENT



High quality and durable building materials add aesthetic value and create a more attractive environment.

- b. Window and door styles shall reflect the prevailing architectural style of the structure.
- c. Ground level retail and commercial uses should employ a significant amount of transparent glass in the form of windows and doors, particularly near pedestrian entrances.
- d. Minimizing continuous expanses of wall through facade articulation, recession and projection is encouraged.
- e. Structures that are oriented towards the public street are encouraged to provide multiple access points or entrances if the parking area is located to the rear of the structure.
- f. Architects and builders are encouraged to incorporate topographical features into the form of the structure when possible, utilizing natural grades to create unique design.

Building Materials

Goal: To promote quality development through durability and visual aesthetics, thereby supporting district identity.

- a. High-quality and durable materials should be used in street facing facades.
- b. Primary building materials for commercial structures should include brick, finished wood, stone, cast stone, or pre-cast concrete panels with exposed aggregate, banding, texturing, or other similar decorative finish treatment.
- c. High quality synthetic materials that adequately duplicate natural materials may be acceptable if approved by the City.
- d. The following building materials are not allowed to be used as the primary facade for commercial development:
 - Unpainted galvanized metal
 - Unfinished “green-treated” lumber
 - Unfinished wood
 - Plain or unpainted concrete
 - Cast-in-place concrete
 - “Tilt-up” concrete panels
 - Painted concrete block may be used on the rear of the building or sides not visible from the public right of way.
- e. Facade colors should reflect subtle earth tones. However, other primary facade colors will be considered by the Review Authority. Accent materials should complement the colors of the primary facade.
- f. Samples of facade and roof materials shall be submitted to the City prior to the approval of the building permit.

Scale and Mass

Goal: To establish standards for building with a human scale in mind.

- a. Buildings should be broken down into smaller parts to avoid monotonous or continuous design and the appearance of mass.
- b. Exterior design that provides the appearance of multiple structures is encouraged to reduce scale and minimize mass.
- c. Building mass should be broken up with multiple roof and ridgelines perpendicular with one another.
- d. Structures of two-stories or higher should have



Parapets of varying heights add architectural interest and accentuate building entries.

articulated facades to minimize the appearance of mass, as well as multiple roof lines with corresponding gables.

- e. Scale should be reduced by utilizing “step-down” methods towards the public street. Entries and other bump out features are effective in this regard.

Roof Design

Goal: To ensure architectural consideration and consistency in roof design in relation to the structure, and to reduce the visual impact of rooftop equipment.

- a. The design of the roof must be consistent with the overall architecture or design of the structure.
- b. Parapets of varying heights are required for large commercial buildings with flat roofs.
- c. Rooftop equipment, particularly on flat roofs, must be screened by the parapet or other architectural features.

Entries

Goal: To provide identifiable entryways that emphasize access, pedestrian safety, architectural quality and a human scale.

- a. Entryways to commercial structures should be accessible for pedestrians from the public right of way. Large retail sites in particular should consider installing a dedicated pedestrian way.
- b. Architectural features should be incorporated into entryways, such as facade detailing or prominent windows.
- c. The use of canopies, awnings and other sheltering features are encouraged.
- d. Pedestrian amenities such as trash recepta-

cles, benches, or lighted bollards are encouraged near entryways to commercial buildings.

Lighting

Goal: To ensure safety of patrons, employees, pedestrians and automobiles, as well as providing visual interest and aesthetic value to a site, while limiting light pollution of the night sky to the best extent possible.

- a. Lighting must be provided in entryways, parking areas, pedestrian ways, storage and service areas, and other locations that require additional safety lighting.
- b. Lighting height shall be consistent with the City's exterior lighting standards.
- c. Lighting styles should be complementary to the architectural style of the building.
- d. Lighting of architectural features should be used to provide accent and interest, as well as identify the building entryway. Architectural lighting must be downcast and shielded to prevent light pollution.
- e. Bollard lighting is encouraged for pedestrian areas.
- f. Overhead lighting must be shielded to prevent light trespass and spill-over onto adjacent properties.
- g. Commercial uses near residential zones must utilize lighting that minimizes light trespass.
- h. Bare bulb and exposed neon lighting are not allowed.

Signage

Goal: To provide signage that clearly identifies businesses within the Commercial district, while promoting quality and consistency in terms of design and materials.

- a. Building signage should be complementary to the architecture of the structure, as well as consistent with the style of the surrounding buildings or district.
- b. Sign elements that will be evaluated for consistency include scale, color, lighting and materials.
- c. Signs must be constructed of high-quality, durable materials.
- d. Directional signage to delivery, service and storage areas is required.
- e. Two and three-dimensional signs are encouraged to promote creativity and district identity.
- f. All buildings are encouraged to incorporate elements of community theming in appropriate signage, supporting district and city identity.



Signage should complement the architectural style of the building.

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4 *Business Park Development*

Applicable Zoning Districts:

- *Business Park/Light Manufacturing (BP)*

The intent of this zoning district is to provide opportunities for high quality business park development for office, light manufacturing, and other non-retail uses. In terms of design, this manual establishes consistent architectural standards between various users in the BP district. These architectural standards are intended to promote a coordinated identity and avoid mismatched design. In addition, the manual ensures the installation of open-space character within business park development through effective site design and landscaping.

A. Site Design

Building Placement

Goal: To establish standards for building location that ensure effective automobile and pedestrian circulation and promote coordination of buildings between adjacent sites and structures.

- Buildings must be setback at least 50 feet from the public right of way.
- Buildings should be located in a manner that allows for effective automobile and pedestrian circulation.
- Shared access points from the public ROW are encouraged. Vehicular access points should be limited to minimize traffic disruption.
- The orientation of buildings should be compat-



Utilizing natural topography within business park development adds aesthetic value and reinforces Lake Elmo's open space character.

- ible with adjacent structures and sites.
- Utilizing the natural topography or features of the site is encouraged to create unique landscapes and add visual interest and value to the design.
- The provision of common and open spaces to the rear of the site is encouraged for the use of employees and visitors, reinforcing Lake Elmo's open-space character.



Street trees provide an attractive streetscape, as well as help screen and provide shade within parking areas.

Streetscape

Goal: To provide high quality landscaping in areas visible from the public view, as well as promote pedestrian connections in the BP district.

- Street trees shall be installed at regular intervals along the public right of way. Species of street trees should be selected according to root zone and salt tolerance.
- Additional landscaping along public streets is encouraged. Landscape materials should be low-maintenance and native to ensure heartiness.
- Sidewalks along the public right of way are encouraged to extend pedestrian connections throughout the BP district.
- Utilizing site amenities as guided by Lake Elmo Theming Study is encouraged.

BUSINESS PARK DEVELOPMENT

Landscaping

Goal: To reduce continuous hardscape and impervious surface, as well as ensure development of a high visual quality.

- a. Trees, plant beds, and potted plants should be installed in parking, sidewalk, and other hard surfaced areas to add visual interest and break up continuous impervious surface.
- b. Parking, service, storage and utility areas should be buffered by plantings, particularly when in view of public streets. Near areas of pedestrian circulation, these plantings shall not exceed 4 feet in height for safety purposes.
- c. Hardy and native plant materials that are resistant to the climate, disease and salt are encouraged.
- d. Making use of similar plant materials as adjacent properties and public spaces is encouraged to create continuity.
- e. Mature trees located on building sites should be retained whenever possible.
- f. Bare soils should be planted or mulched with bark, stone or other suitable material to avoid unnecessary runoff.
- g. The installation of rain gardens is encouraged to increase on-site storm water infiltration, particularly in parking areas.



Landscape islands greatly improve that character of surface parking lots.

Parking

Goal: To adequately serve the parking needs of businesses in the BP district, while ensuring pedestrian safety, reduced impervious surface, and a high quality visual aesthetic and appearance.

- a. The linear measurement of surface parking areas parallel to the public street may not exceed more than 75% of primary street frontages. Sites or projects that are unable to meet this requirement will be required to install berms and/or additional landscaping to buffer areas of surface parking adjacent to the primary street frontage.
- b. The entrance to parking facilities should be located on secondary streets when possible.
- c. Shared parking facilities between adjacent uses or businesses are strongly encouraged when possible to avoid excessive amounts of parking.

- d. Structure parking is encouraged, and should be located behind or beneath primary buildings when possible.
- e. Structure parking or parking areas located beneath the primary structure should be screened with architectural elements that match the primary building.
- f. Parking areas should be screened from view of public streets by means of grading and/or landscaping.
- g. Parking areas should be screened from adjacent structures with landscaping strips not exceeding 4 feet in height in order to ensure pedestrian safety.
- h. Landscaped islands should be installed within surface parking areas to break up continuous hardscape and reduce concentration of impervious surface.
- i. The installation of rain gardens within parking areas is encouraged for storm water infiltration purposes.
- j. Lighting must be provided in parking areas at night for safety purposes. However, direct glare, spillover or other forms of light pollution directed at adjacent properties are prohibited.
- k. Parking facilities must be ADA compliant when deemed necessary.

Delivery, Service, Storage and Utility Areas

Goal: To provide physical and visual separation of delivery, service, storage and utility areas from the public right of way and areas of automobile and pedestrian circulation.

- a. Delivery, service, storage, maintenance or trash collection areas should be located out of the view from the public right of way, or significantly screened through landscaping or architectural features that match the primary structure.
- b. Service, storage and trash collection areas are not allowed in the setback areas.
- c. The location of delivery, storage and service areas should be clearly marked with signage and should not interfere with other automobile or pedestrian circulation.
- d. Storage and delivery areas should be hard surface, minimizing the dispersal of dust.

B. Building Design

Form and Facade

Goal: To promote buildings of high architectural quality and creativity in design.



Garbage collection areas should be located to the rear of the site and screened using materials that match the principal structure.

- a. No blank facades without windows and doors are allowed. All sides of the structures should have architectural treatments.
- b. Window and door styles should reflect the prevailing architectural style of the structure.
- c. Variety and creativity in building facade is encouraged through changes in building materials, fenestration height, and roof lines. Primary facades should not present a continuous wall without architectural details that add visual interest.
- d. Minimizing continuous expanses of wall through facade articulation, recession or projection is encouraged.
- e. Architects and builders are encouraged to incorporate topographical features into the form of the structure when possible, utilizing natural grades to create unique design.



Corner treatments to larger structures add visual interest and break up monotonous design.

Building Materials

Goal: To promote quality development through durability and visual aesthetics, thereby supporting district identity.

- a. High-quality and durable materials should be used in street facing facades.
- b. Primary building materials for structures in the BP district should include brick, stone, cast stone, quality metals, glass, Exterior Insulation Finish Systems (EFIS), or pre-cast concrete panels with exposed aggregate, banding, texturing or other similar decorative finish treatment.
- c. Synthetic materials that adequately duplicate natural materials may be acceptable.
- d. The following building materials are not allowed to be used as primary finished facade material for business park development:
 - Unpainted galvanized metal
 -



Long expanses of wall can be broken up using windows and other treatments.

BUSINESS PARK DEVELOPMENT



High quality building materials are required for street-facing facades.

Unfinished “green-treated” lumber

- Unfinished wood
- Plain or unpainted concrete
- Cast-in-place concrete
- “Tilt-up” concrete panels
- Painted concrete block may be used on the rear of the building or sides not visible from the public right of way.

- g. Facade colors should reflect subtle earth tones. However, other primary facade colors will be considered by the Review Authority. Accent materials shall complement the colors of the primary facade.
- h. Samples of facade and roof materials should be submitted to the City prior to the approval of the building permit.

Scale and Mass

Goal: To reduce the appearance of mass in the BP district.



Parapets of varying height provide additional architectural detail that add aesthetic value.

- a. Scale should be reduced by utilizing “step-down” methods, particularly near areas of pedestrian circulation. Entries and other bump out features are effective in this regard.
- b. Structures of two-stories or higher should utilize facade treatments, such as multiple building materials or additional windows, to minimize the appearance of mass.

Roof Design

Goal: To ensure architectural consideration and consistency in roof design in relation to the architecture of the building, and to reduce the visual

impact of rooftop equipment.

- a. The design of the roof must be consistent with the overall architecture or design of the structure.
- b. Parapets of varying heights are required for buildings in the BP district with flat roofs.
- c. Rooftop equipment, particularly on flat roofs, must be screened by the parapet or other architectural features.

Entries

Goal: To provide identifiable entryways that emphasize access, pedestrian safety, architectural quality and a human scale.



Canopies accentuate entryways and provide additional detail and character.

- a. Entryways to buildings in the BP district should be accessible for pedestrians from the public right of way.
- b. Architectural features should be incorporated into entryways, such as facade detailing or prominent windows.
- c. The use of canopies, awnings and other sheltering features are encouraged.
- d. Pedestrian amenities such as ornamental trash receptacles, benches or lighted bollards are encouraged near entryways to buildings in the BP district.

Lighting

Goal: To ensure safety of patrons, employees, pedestrians and automobiles, as well as providing visual interest and aesthetic value to a site, while limiting light pollution of the night sky to the best extent possible.

- a. Lighting must be provided in entryways, parking areas, pedestrian ways, storage and service areas, and other locations that require additional safety lighting.
- b. Lighting height shall be consistent with City's exterior lighting standards.
- c. Lighting styles should be complementary to the architectural style of the building.
- d. Lighting of architectural features should be used to provide accent and interest, as well as identify the building entryway. Architectural lighting must be downcast and shielded to prevent light pollution.
- e. Bollard lighting is encouraged for pedestrian areas.
- f. Overhead lighting must be shielded to prevent light trespass and spill-over onto adjacent properties.
- g. Buildings near residential zones must utilize lighting that minimizes light trespass.
- h. Bare bulb and exposed neon lighting are not allowed.

Signage

Goal: To provide signage that clearly identifies businesses within the BP district, while promoting quality and consistency in terms of design and materials.

- a. Building signage shall be complementary to the architecture of the structure, as well as consistent with the style of the surrounding buildings or district as a whole.
- b. Sign elements that will be evaluated for consistency include scale, color, lighting and materials.
- c. Signs must be constructed of high quality, durable materials.
- d. Directional signage to delivery, service and storage areas is required.
- e. Two and three-dimensional signs are encouraged to promote creativity and district identity.
- f. All buildings are encouraged to incorporate elements of community theming in appropriate signage, supporting district and city identity.



Two and three-dimensional signage provides creativity and visual interest.

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5 Mixed-Use Development

Applicable Zoning Districts:

- Village Mixed-Use

The Village Mixed-Use district is expected to develop as an extension of Lake Elmo's historic downtown area on Lake Elmo Ave. south of State Highway 5. The downtown area of Lake Elmo represents quintessential small-town charm. It is the City's goal to build off this old, small-town character to the best extent possible. The standards of the Mixed-Use district place a high emphasis on walkability, streetscapes, and the overall pedestrian environment. For this district to be successful, site design must be conducive to pedestrian circulation and safety. In addition, the development that occurs in the Mixed-Use district will serve an important function as a unique gathering place in the community. For that reason, it is critical to establish consistent and high quality architectural standards that ensure creativity and an attractive aesthetic.

A. Site Design

Building Placement

Goal: To promote compact development that is consistent with Lake Elmo's vision for a pedestrian-oriented downtown.

- Buildings in the Mixed-Use district may meet a zero lot line setback, but may not be setback further than 20 feet from the public right of way.



It is the goal of the mixed use development area to build off of the existing charm of Downtown Lake Elmo.

- If buildings do not meet a zero lot line orientation, plazas, patios, outdoor dining areas and landscaped entries are encouraged in the setback area.
- Buildings must be oriented either perpendicular or parallel to the street they front, with the primary facade being parallel to the sidewalk.
- Gaps and openings between buildings should be minimized in order to preserve a compact pedestrian environment.
- Off-street parking areas should be located to the rear or side of buildings in the Mixed-Use district and accessed from secondary streets or parking alleys. On-street parking may be available on public streets in the front of buildings.
- Ground floor uses of structures in the Mixed-Use district should encourage pedestrian activity.

Streetscape

Goal: To provide a pleasing pedestrian environment that promotes a vibrant and walkable downtown area.

- Sidewalks are required parallel to public streets in the Mixed-Use district. Larger sidewalks are encouraged to support the amount of pedestrian activity that is conducive to downtown areas. The minimum sidewalk width in the Mixed-Use district is 6 feet.
- Sidewalk materials should be attractive, durable and low-maintenance, such as concrete and pavers. Special paving materials are encouraged to add visual interest and promote a unique identity.
- Pedestrian space may be maximized through the use of permeable pavers or tree grates at the base of street trees.
- Street or boulevard trees should be planted at regular intervals. Species of street trees should be selected according to root zone and salt tolerance.



Tree gates help maximize pedestrian space in areas of high pedestrian activity.

MIXED-USE DEVELOPMENT



Bump-out areas provide greater opportunity for pedestrian amenities, such as benches and trash receptacles.

- e. Planting beds and other type of street landscaping are encouraged as long as they do not conflict with pedestrian circulation.
- f. Benches, bicycle racks, ornamental trash receptacles and other site furnishings are encouraged. Applicants are encouraged to utilize design elements and site amenities from the Lake Elmo Branding & Theming Study.
- g. Pedestrian scaled lighting in the form of bollard or ornamental lighting promotes district identity and pedestrian safety.
- h. Ornamental fencing shall be installed around outdoor dining areas to provide separation from pedestrian routes.

Landscaping

Goal: To promote an aesthetically pleasing pedestrian environment through landscaping, as well as reduce the amount of impervious surface in the Mixed-Use district.

- a. Parking, public and streetscape areas should



Seasonal planters attract more activity to mixed-use areas by creating a pleasant pedestrian space.

- c. Hardy and native plant materials that are resistant to the climate, disease and salt are encouraged.
- d. Making use of similar plant materials as adjacent properties and public spaces is encouraged to create continuity.
- e. Mature trees should be retained when possible.
- f. Bare soils should be planted or mulched with bark, stone or other suitable material to avoid unnecessary runoff.
- g. The installation of rain gardens is encouraged to increase on-site storm water infiltration, particularly in parking areas.

Parking

- a. Off-street surface parking is not allowed in front of the building along the primary street frontage. However, opportunities for on-street parking on the public street should be available.

utilize trees, plant beds, and potted plants to add visual interest and break up continuous hard-scape.

b. Parking, service, storage and utility areas should be buffered by plantings. Near areas of pedestrian circulation, these plantings shall not exceed 4 feet in height for safety purposes.

c. Hardy and native

- b. Structured parking located to the side, rear or beneath the building is encouraged in the Mixed-Use district.
- c. Structure parking should be screened with architectural elements that match the primary building.
- d. The entrance to parking facilities should be located on secondary streets when possible.
- e. Shared parking facilities between adjacent



Parking is encouraged in the rear of the site to accentuate front building elevations.



Angled parking promotes traditional main-street character and provides a greater buffer between pedestrian and automobile areas.

uses or businesses are strongly encouraged when possible to avoid excessive amounts of parking.

- f. Surface parking areas should be screened from view of public streets by means of grading and/or landscaping.
- g. Landscaped islands should be installed within surface parking areas to break up continuous hardscape and reduce concentration of impervious surface.
- h. The installation of rain gardens within parking areas is encouraged for storm water infiltration purposes.
- i. Lighting must be provided in parking areas at night for safety purposes. However, direct glare, spillover or other forms of light pollution directed at adjacent properties are prohibited.
- j. Parking facilities must be ADA compliant when deemed necessary.

Delivery, Service, Storage and Utility Areas

Goal: To provide physical and visual separation between delivery, service and storage areas and areas of pedestrian circulation.



Trash and utility areas should be located out of the view of the right-of-way and screened using materials that match the principal structure.

- a. Service, storage, maintenance or trash collection areas should be located out of the view from the public right of way, or significantly screened through landscaping or architectural features.
- b. Delivery areas should be located in the rear of the building whenever possible.
- c. Service, storage and trash collection areas are not allowed in the setback areas.
- d. Delivery, service, storage, maintenance and utilities should be located in a way that does not interfere with pedestrian circulation.
- e. These areas should be marked with directional

signage when appropriate.

- f. Delivery, storage and trash collection areas should be hard surface, minimizing the dispersal of dust.

B. Building Design

Form and Facade

Goal: To promote buildings of high architectural quality and old-town character that are oriented towards the primary street frontage and pedestrian environment.



Canopies, windows, lighting and high-quality building materials all provide architectural detail at the pedestrian level.

MIXED-USE DEVELOPMENT

- a. No blank facades without windows and doors are allowed. All sides of the structures should have architectural treatments.
- b. Variety and creativity in building facade is encouraged through changes in building materials, fenestration height, and roof lines.
- c. Minimizing continuous expanses of wall through facade articulation, recession or projection is encouraged.
- d. Window and door styles should reflect the prevailing architectural style of the structure.
- e. Architecture should be conscious of the design of surrounding structures and overall district identity, including facade treatments, windows, building materials and entries.
- f. Buildings should be designed to provide human scale.
- g. The highest level of architectural detail should occur adjacent to areas of pedestrian activity.
- h. Auto-oriented uses, such as garages, delivery areas or bay should be oriented away from the primary street frontage.

Building Materials

Goal: To promote quality development through durability and visual aesthetics, thereby supporting district identity.

- a. High quality and durable materials should be used on all facades.
- b. Primary building materials for commercial structures should include brick, finished wood, glass, stone, cast stone, or pre-cast concrete panels with exposed aggregate, banding, texturing, or other similar decorative finish treatment.
- c. Synthetic materials that adequately duplicate



Brick is a high quality material that is consistent with an old downtown mixed-use area.

- d. The following building materials are not allowed to be used as the primary facade for development in the Mixed-Use district:
 - Unpainted galvanized metal
 - Unfinished “green-treated” lumber
 - Unfinished wood
 - Concrete block (painted or unpainted)
 - Cast-in-place concrete
 - “Tilt-up” concrete panels
- e. Facade colors should reflect muted earth tones. However, other primary facade colors will be considered by the Review Authority. Accent materials should complement the colors of the primary facade.
- f. Samples of facade and roof materials shall be submitted to the City prior to building permit approval.

Mass and Scale

Goal: To establish standards for building with a human scale in mind.

- a. Buildings should be broken down into smaller parts to avoid monotonous or continuous design and the appearance of mass.
- b. Exterior design that provides the appearance of multiple structures is encouraged to reduce scale and minimize mass.
- c. Scale should be reduced by utilizing “step-down” methods towards the public street. Entries and other bump out features are effective in this regard.
- d. Structures of two-stories or higher should have articulated facades to minimize the appearance of mass.
- e. Building mass should be broken up by multiple roof and ridgelines perpendicular with one another.

Roof Design

Goal: To encourage creativity and architectural treatments in roof design, and to reduce the visual impact of rooftop equipment.



Step-down techniques and variation in building materials help reduce the scale of the building and accentuate the street/ pedestrian area.

- a. The design of the roof must be consistent with the overall architecture or design of the structure.
- b. Creativity and variety in roof design is encouraged in the Mixed-Use district to support district identity.
- c. Flat roofs should include variation in parapet height, materials, and architectural detailing to avoid monotonous roof lines.
- d. Rooftop equipment, particularly on flat roofs, must be screened by the parapet or other architectural features.
- e. Rooftops that are visible from adjacent buildings should minimize the visual impact of rooftop equipment and give consideration to rooftop aesthetics.

Entries

Goal: To provide identifiable entryways that emphasize access, pedestrian safety, architectural quality and a human scale.

- a. Entryways must be provided on the side of the building fronting the primary street.
- b. Entryways should receive the highest level of architectural treatments. This may include facade treatments, prominent windows or other features.
- c. The use of canopies, awnings and other sheltering features are encouraged.
- d. Pedestrian amenities such as ornamental trash receptacles, benches, bicycle racks or lighted bollards are encouraged near entryways of buildings in the Mixed-Use district.

Lighting

Goal: To ensure safety of patrons, employees, pe-

destrians and automobiles, as well as providing visual interest and aesthetic value to a site, while limiting light pollution of the night sky to the best extent possible.

- a. Lighting must be provided in entryways, parking areas, pedestrian ways, storage and service areas, and other locations that require additional safety lighting.
- b. Lighting styles should be complementary to the architectural style of the building and surrounding district.
- c. Lighting of architectural features should be used to provide accent and interest, as well as identify the building entryway. Architectural lighting must be downcast and shielded to prevent light pollution.
- d. Bollard lighting is encouraged for pedestrian areas.
- e. Overhead lighting must be shielded to prevent light trespass and spill-over onto adjacent properties.
- f. Bare bulb and exposed neon lighting are not allowed.

Signage

Goal: To provide durable, quality signage that identifies businesses and supports district identity.

- a. Building signage must be complementary to the architecture of the structure, as well as consistent with the style of the surrounding buildings or district.
- b. Sign elements that will be evaluated for consistency include scale, color, lighting and materials.

- c. Signs must be constructed of high-quality, durable materials.
- d. Directional signage to delivery, service and storage areas is required.
- e. Two and three-dimensional signs are encouraged to promote creativity and district identity.
- f. All buildings are encouraged to incorporate elements of community theming in appropriate signage, supporting district and city identity.



Directional signage helps facilitate good traffic circulation and flow.



Signage design should be complimentary to the materials of the building.



PLANNING COMMISSION
DATE: 10/28/13
AGENDA ITEM: 5B – BUSINESS ITEM
CASE # 2013-036

ITEM: Rural Area Development Analysis and Discussion

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to conduct a review of the City's rural development areas as defined in the Comprehensive Plan. This matter is being brought before the Planning Commission at the request of the City Council, which generally discussed the City's rural development areas as part of its retreat earlier this year. The Commission has also requested a broader discussion on this topic in response to its own recent conversations concerning growth and development in these areas.

GENERAL INFORMATION

Applicant: City-initiated action for discussion

Request: Review land use plans and policies concerning Rural Development Areas

History: The City revised its Comprehensive Plan for rural areas in the early-mid 1990's to allow for open space developments. The amendments from this time period limited the use of the Residential Estates as a future land use and instead encouraged any future development of land to be consistent with the City's open space regulations. The RAD-2 category was added to the Plan in 2005 in response to Met Council growth directives.

Deadline for Action: None

Applicable Regulations: Comprehensive Plan – Chapter III: Land Use Plan
Zoning Ordinance – Article 9: Rural District Standards

REVIEW DETAILS

For the purposes of this review, Staff is suggesting that the Planning Commission's review of the City's rural development areas focus on the following issues:

- The current plan for rural development areas and the history behind the development of this plan.
- The most recent projections for growth and development for the rural portions of the community.
- The application of the RAD and RAD-ALT (formerly RAD-2) land use designation, and whether or not the City should make any changes to these categories.

Earlier this year the City Council adopted two significant updates to the City's Comprehensive Plan that incorporated new land use plans for the Village and I-94 Corridor planning areas into the document. While the focus of these updates was on the future sewer service areas, all of the existing land use categories for the rural development areas were carried forward into the new Plan. A review of the rural development areas is therefore a worthwhile exercise at this time since these the future land use guidance for these areas has been left relatively unchanged since the last major Comprehensive Plan amendment in 2005.

The City Council has also recently drafted a response to the preliminary 2040 Met Council forecast for Lake Elmo that, if accepted, would reduce the City's projections for population and household numbers in 2040. As part of the proposed revisions requested by the City Council, the City's 2040 population target would go from 24,000 to 18,000. This reduction would allow the City to plan for a more moderate amount of growth and development within the rural portions of the community, while keeping a moderate level of growth and development within the urban service areas that will be needed to help pay for the required infrastructure improvements.

At this time, Staff does not recommend any changes to the Comprehensive Plan that would lower the overall household and population projections until a final forecast for Lake Elmo is adopted by the Metropolitan Council. This forecast is expected to be finalized sometime in the spring of 2014. The Planning Commission may want to recommend any adjustments to the plan for rural development areas based on the recent updates that focused the land use within the urban service areas.

BACKGROUND

The City of Lake Elmo's land use plan has undergone significant changes since the City was incorporated into its present form over 30 years ago. At that time, the City's Comprehensive Plan was essentially divided into two primary areas: the areas that had been developed and subdivided prior to 1980 (i.e. the Tri-Lakes and Village areas) and the City's agricultural and rural residential development areas. As far back as the late 1970's the City has maintained zoning regulations that have established a minimum lot size of 10 acres in rural residential zones and 40 acres in agricultural zones. Any developments with parcels smaller than 10 acres were mostly platted prior to 1979 under either township regulations or a City ordinance that closely followed township requirements.

Beginning with the City's adoption of the 1979 Zoning Ordinance, areas that contained existing platted lots, with a few exceptions, were grouped into a single family zoning district with a minimum lot size requirement of 1.5 acres (the former R-1 district). This minimum was based partially on the need to provide adequate room for septic systems on these lots, even though many of the parcels in these single family areas did not meet the lot size requirement. Parcels with less than the minimum required area were, and are still, considered legal non-conforming lots. The expansion of the single family R-1 district has been discouraged by the City's more recent comprehensive plans.

Since the adoption of the 1979 zoning regulations, the City has adopted three significant land use changes to regulate growth and development within the rural development areas. These major policy updates have included the following:

- As part of the 1990 Comprehensive Plan update, the City adopted a goal to establish a new zoning category for residential development with a minimum lot size of 2.5 acres per unit and a maximum net density of 3 units per 10 acres. This led to the creation of the RE – Residential Estates zoning district, which is still in place today. With subsequent comprehensive plan amendments, the City has moved away from the designation of any new land for RE development.

- In 1996 the City adopted a Comprehensive Plan amendment to guide most of the remaining rural and agricultural portions of the community for open space development. This led to the creation of the Open Space regulations that have been in place since this time. When first adopted, the open space requirements allowed up to 16 homes per 40 acres, but this was subsequently revised to allow densities of 18 homes per 40 acres (or 0.45 units per acre). With later plan amendments, the City categorized the areas guided for open space development as “Rural Agricultural Density” or RAD. Within the RAD category, working farms, alternative agricultural uses, and low density residential developments (10+ acre lots) are allowed, with a specific notation that new development is allowed consistent with the City’s open space regulations. This language has been in place since the 2005 Comprehensive Plan update.
- Without going into a detailed history of the City’s dispute with the Metropolitan Council, the City agreed to accept new sewered development as part of a negotiated agreement with the Met Council. Lake Elmo therefore undertook a major comprehensive plan revision in 2005 that identified two new growth areas within the community that will be serviced by public sanitary sewer. One such area was located along the I-94 Corridor while the other included existing and proposed development within the Village Planning area. The City did not substantially alter the RAD land use category at this time, and left any land not previously developed and located outside of the new sewered growth areas in the RAD category. Given the new household and population forecasts that were adopted by the City in 2005, it was determined that there would not be enough development in the RAD areas to accommodate this growth; hence the RAD-2 land use category was created to allow additional development in limited locations at a density of two units per acre.

For the most part, the City’s development standards within rural development areas (classified as RAD current Comprehensive Plan) have not been substantially revised since the open space zoning approach was adopted. Some areas were removed from this category to provide room for sewered development, and a few select parcels have been moved into the RAD-2 category. The City now has 18 open space developments located in all portions of the City, and there is room to accommodate additional open space developments in the future.

The RAD-2 category is somewhat unique because it was not part of the original amendment that created opportunities for open space development. The creation of the RAD-2 land use category was done after a review by the City indicated that there was not enough developable land in the RAD development areas to accommodate the number of rural households required to achieve the population forecasts that came out of the City’s 2004 Memorandum of Understanding (MOU) with the Met Council. After performing an analysis of the rural areas, it was decided that an additional 250-300 units of housing above and beyond the number that would be achieved under the existing RAD densities would be needed to meet the requirements of the MOU. Two sites with a total acreage of 142 acres were included in the RAD-2 category as part of the 2005 Comprehensive Plan update in order to accommodate 284 additional units of housing within the rural development areas.

Since the adoption of the 2005 Comprehensive Plan update, the City has approved the required decennial updates to the Plan in 2009 and further updated the land use and housing chapters to accommodate refinements to the sewered growth areas. The City did not take any action to adopt zoning regulations specific to the RAD-2 areas until it was presented with a land use request to change the RAD designation of a 24-acre parcel along Stillwater Boulevard from RAD to RAD-2. This

request, and the subsequent action taken by the City, are reviewed in greater detail a little later in this memorandum.

GROWTH PROJECTIONS/DENSITY ANALYSIS

In preparation for discussions concerning proposed updates to the Comprehensive Plan in 2010, the Planning Department conducted an analysis of the City's rural development areas in order to better understand the need to accommodate additional housing in these areas. The resulting report that was presented to the City Council is attached for review by the Planning Commission. Please note that since this information was assembled, the City has received its household and population numbers from the 2010 Census, which shows a modest increase from the household numbers that Staff was using at the time. Because these numbers are very close to one another and Staff was using the 2009 figure (instead of the 2010 census amount) the information cited below has not been updated. Additionally, please keep in mind that the City Council ultimately adopted new population and household growth forecasts as part of the recent land use plan amendments. The amendments do not create the need to revise any of Staff analysis concerning rural areas from 2010 since the rural growth projections were not impacted by the sewer land use changes.

To briefly summary the 2010 Staff analysis of rural development areas, please consider the following:

- In 2009 there were estimated to be 2,814 households in Lake Elmo.
- By removing those existing households that will be connected to sewer in the future, Staff estimated that the household count in the City's RAD development areas was 2,120.
- The household projections included in the 2005 and 2013 Comp Plan updated show that 3,527 households will be located in the rural development areas in 2030.
- By subtracting existing housing units from the 2030 projection for rural areas, Staff determined that 1,407 units would need to be built in rural development areas between 2010 and 2030 to achieve the population and household forecasts.
- A review of platter lots within the rural development areas in 2010 identified 148 vacant lots. By removing these lots from the needed household count, Staff determined that the City would need to allow for 1,259 additional units of housing in rural areas in order to achieve the growth projections. Since no new rural development lots have been platted since 2010, this number still represents an accurate accounting of needed future growth.

As part of this exercise, Staff researched the amount of land that is still available to accommodate the 1,259 housing units and studied three alternatives to accommodate this growth by either:

- 1) Assuming all development would follow current zoning requirements for rural development areas, and specifically, the densities allowed under OP and RED zoning. For this scenario, Staff only considered parcels larger than 40 acres as available for OP developments since this is the current minimum area requirement. This was described a conservative approach;
- 2) Keeping the above assumptions, but calculating potential development potential using a 20-acre minimum for OP developments. This would open up additional potential for OP

developments that could otherwise not be constructed under a 40-acre minimum requirement. Staff referred to this scenario as a moderate growth strategy;

- 3) Taking a more aggressive approach with the assumptions from item (1) and projecting that all parcels over 10 acres in size would be developed as part of an open space development.

The result of this exercise showed that the City could expect rural population growth of 1,070 units using the conservative assumptions from above, 1,422 with a more moderate approach, or 1,578 or more units with a very aggressive zoning approach. These results indicate that the conservative (or status quo) approach would not allow the City to achieve its growth targets for 2030. Please note that Staff did consider the areas currently guided for RAD-2 and RED in these calculations, and the units projected for these areas are included in the numbers for each growth strategy. Expanding the areas guided for RAD-2 would alter the above estimates by increasing the household totals proportionate to the amount of land added to the RAD-2 category.

Since Staff completed this analysis, the City did proceed with updates to the Comprehensive Plan, but did not make any changes to the areas outside of the urban services boundary. The City has also recently received an updated Met Council forecast for population and household growth that is substantially lower than the 24,000 currently referenced in the City's planning documents and as specified in the 2005 MOU. In order to respond in a timely manner to the preliminary Met Council forecast, the City Council has developed a response that requests the following:

- 2040 population of 18,000 (reduced by 6,000)
- 2040 household count of 6,545 (reduced by 2,182)
- 2040 REC unit count of 5,000 (reduced by 1,600)

The Staff report to the City Council outlining a response to the Met Council forecasts is attached to this document. Should these revised numbers be accepted by the Met Council, the City would be in a position to reduce the growth projections within rural development areas to a more moderate level. In this case, the Council has recommended reducing the portion of new households within rural areas to 720 units, well below the current number of 1,407.

RAD AND RAD-ALT REVIEW AND ANALYSIS

Prior to 2010, the City had only identified two potential sites for the RAD-2 land use category. In early 2010, the City received an application to amend the Comprehensive Plan to add a new 24-acre parcel into this future land use category in order to facilitate the a proposed development at 9442 Stillwater Boulevard North. The developer for this project proposed to construct a senior living complex, townhouses, and a farm-based preschool on the site, but was not able to move forward without a land use plan amendment. In addition, the City had not yet created zoning regulations that corresponded to the RAD-2 designation; however, the applicant's request included an amendment to create a new OP-2 zoning district.

When this matter was brought before the Planning Commission for review, Staff did not recommend approval of the proposed amendments for a number of reasons, citing 1) the lack of build out within existing open space developments, 2) the lack of any substantial changes since the Comprehensive Plan was adopted that would warrant the change, 3) language in the Comprehensive Plan that encourages multi-family and senior development within sewer service areas, and 4) the incompatibility of the propose land uses with the uses allowed in the City's rural development areas.

Based partly on positive feedback from residents in the community and a desire to move forward with a unique project, the Planning Commission recommended approval of the land use and zoning amendments, which were ultimately adopted by the City Council. The City now has guided three distinct areas for RAD-2 development (which was renamed RAD-ALT as part of the recent amendments) including the property at 9442 Stillwater Boulevard North. These areas are currently depicted on the City's Future land use map (see Map 3-3 attached) and include:

- Approximately 36 acres located immediately north of 10th Street at the intersection of Manning Avenue and 10th Street.
- Approximately 173 acres of land located northeast of the intersection of State Highway 5 and Ideal Avenue close to the City's western boundary with Oakdale.
- The 24 site at 9442 Stillwater Boulevard North

One of the key questions for the City as the City moves forward with implementation of the Comprehensive Plan is whether or not there should be an alternate land use category that allows for increased development and land uses other than single family homes within the City's rural development areas. Based on the analysis presented above, the areas that have been guided for RAD-ALT development will help the City achieve its growth targets; however, it does appear very likely that the City will be receiving some form of relief from the 2005 population targets. Should the revised projections be implemented, the original pressure that led to the creation of the RAD-2 category would likely go away.

In addition, there are other ways that the City can accommodate growth within rural areas, for instance, by either increasing the allowed density in RAD areas (i.e. from 18 homes per 40 acres to 20 homes per 40 acres) or by allowing OP developments on parcels less than 40 acres. Another option to add units within rural development areas would be to reduce the minimum lot size requirements for A – Agriculture and RR – Rural Residential zoning districts, which are presently set at 40 acres and 10 acres respectively. The other relevant question that should be considered by the Planning Commission is whether or not the City should be considering an expansion of the allowed uses within rural development areas to accommodate things like senior housing and the provision of goods and services for the community. The City Council has also asked that the Planning Commission consider reducing the minimum lot size requirement within rural areas, and to specifically consider allowing new residential construction on parcels of less than 10 acres.

Any of these, or similar, actions will have implications for how the City's rural area will grow and develop over the next 30 years and should be considered within the context of the City's overall goals and objectives. With the above comments in mind, please note the City's overarching mission statement for land use planning as adopted by the Council which reads:

“To thoughtfully adopt a City-wide Comprehensive Plan that maintains the open space character of the community while balancing attractive, sustainable growth opportunities that meet the requirements of the Metropolitan Council.”

PLANNING COMMISSION ACTION (QUESTIONS)

Since this matter is being brought before the Planning Commission without a specific request or recommendation, Staff would like to suggest that the Commission consider the following questions as it considers the City's land use planning in rural development areas:

- Should the minimum lot sizes in A and RR zoning districts be lowered in order to accommodate increased opportunities for the use of larger parcels? Is 10 acres the optimal number for preserving open space character?
- Does the City need to retain the RAD-ALT land use category, and should this land use be eliminated if the proposed population forecasts are accepted by the Met Council?
- Would an increase in the types of allowed uses within rural development areas (i.e. townhouses, senior housing, congregate housing, schools, community services, neighborhood commercial) be consistent with the City's stated goal of preserving open space character?
- Are the current uses allowed within rural areas appropriate? Is agriculture something that should be more heavily encouraged by the City?
- Is the density allowed within OP developments acceptable or is it too high or too low? Have the existing OP developments contributed towards or detracted from the City's open space character?
- The City's land use plan does not allow for the expansion of RS – Rural Single Family or RE – Residential Estates areas; these zoning districts have been restricted to existing development only. Should new developments be allowed that are zoned in this manner?

In order to facilitate the Planning Commission discussion on these matters, or any others that might be raised by the public of the Commission, Staff will spend time at the meeting reviewing the reports, projections and land use plans that are referenced in this report and will present a more detailed summary of the questions that are raised above. At this point, Staff is seeking general guidance from the Commission, and will be presenting any specific direction from the meeting back to the City Council.

RECCOMENDATION:

Staff is recommending that the Planning Commission consider the list of questions that have been raised in the Staff report within the context of the information present in and attached this report. Any specific recommendations should be made in the form of a motion.

ATTACHMENTS:

1. Met Council Forecast Discussion – 10/15/13 Council Report
2. Rural Development Analysis – 7/6/10 Council Report
3. OP-2 Zoning Regulations
4. Lake Elmo Future Land Use Map (Map 3-3)

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by StaffCommunity Development Director
- Questions from the Commission Chair & Commission Members
- Public ComentsChair

- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013

REGULAR

ITEM #: 15

AGENDA ITEM: Met Council 2040 Growth Forecast Discussion

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Staff
- Report/Presentation..... Staff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

PUBLIC POLICY STATEMENT

In preparation for next spring's adoption of Thrive MSP 2040 and the beginning of decennial Comprehensive Plan updates, the Metropolitan Council has developed preliminary local forecasts of population and employment to 2040. This is the beginning of the process to determine the population and household projections that will be used for the City's next Comprehensive Plan Update. With the release of these forecast numbers, the City intends to continue working with the Met Council towards an overall reduction of the population, household, and employment projections specified in the Memorandum of Understanding (MOU) between the City and the Met Council, with the ultimate goal of eventually eliminating the MOU as regulatory document.

FISCAL IMPACT: None at present – the Wastewater Inefficiency Fees that are included as part of the MOU would require the City to make payments to the Met Council if the development targets specified in the agreement are not met.

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to review proposed population, household, and employment projections for Lake Elmo that have been prepared in response to recent conversations with the Met Council concerning the Thrive MSP 2040 process. With the release of preliminary 2040 forecast numbers for Lake Elmo, the timing is appropriate for the City to propose a new set of growth targets for the community that are much more consistent with the expected level of development in the community and the help the City Council achieve its stated goal of easing the Met Council REC unit mandates and to extend the deadlines for development out until 2040. Planning Staff has recently met with Mayor Pearson and Council Member Smith to begin the process of creating a credible 2040 forecast for the City of Lake Elmo, with the intent of:

- Understanding the real growth potential of the community in the next 27 years using primarily a single family residential philosophy.
- Determining how this growth relates to sewer REC units.
- Allowing enough growth to provide enough cash flow to support ancillary efforts like downtown development.
- Ensuring that the population forecast will be viewed as credible by the Met Council and provide a sufficient level of development to permit the eventual elimination of the MOU.

The projections that have been proposed as a result of this meeting are included below as part of this memorandum.

At this time, Staff is seeking conformation from the City Council that the proposed forecast numbers may be presented to the Met Council for consideration as a first step towards revising or eliminating the MOU. With the City Council's support, Staff will be submitting a letter to the Met Council with the proposed updated numbers for Lake Elmo. The suggested motion for this action is as follows:

"Motion to authorize Staff to present the proposed 2040 forecast numbers to the Met Council"

PROPOSED FORECAST:

Using the goals noted above, the following numbers are being proposed to replace the projections included in the Comprehensive Plan and Memorandum of Understanding (both of which were updated earlier this year). These numbers would be presented as a minimum commitment on the part of the City.

	PROPOSED	EXISTING MOU
MOU Projections		
2040 Total Population	18,000	24,000
2040 REC Units	5,000	5,600
New Housing Units		
Rural Development Areas	720	1,407
Village Planning Area	1,250	900
I-94 Corridor	2,600	3,300
Commercial REC Units		
I-94 Corridor	500	1,400

Please note that it is very difficult (if not impossible) to predict the number future housing units and commercial REC units within the Village due to the mixed-use zoning that will be used for the central portions of the Village Planning Area. Rather than attempting to guess at the commercial/housing nature of future development and the amount of existing units will be lost due to redeveloped in the future, Staff is proposing to establish a baseline REC count of 2.5 units per acre for all land outside of the greenbelt in the Village. This allows the City to use a general number for planning purposes while allowing flexibility to plan for various forms of development. The number used in the existing MOU does not take into account any future housing development within the mixed use development area within the Village, nor

does it take into account any future commercial development in the Village (this is why the existing MOU number is smaller than the proposed unit count).

In moving ahead with a proposal to revise or eliminate the MOU, the City's ultimate goal is the elimination of any numbers that are otherwise not required to be included in the Comprehensive Plan. This would allow the City to focus on attracting appropriate development that is consistent with the overall objectives of the Comprehensive Plan rather than having to worry about whether or not an arbitrary housing or commercial REC number is being met. The projected REC counts are important for planning purposes, but typically are only reported as part the wastewater plan and generally do not serve as targets for growth and development.

The assumptions and rationale that led to these numbers include in the above table are as follows:

- That the City should be planning for residential densities of 2.5 units per acre throughout all of the areas that guided for public sanitary sewer service. This is seen as the minimum level of housing development that is needed to help support the needed public infrastructure on City-wide basis. This also correlates with the housing demand that is anticipated in Lake Elmo.
- That the household and population growth in the rural development areas should be set at a level that anticipates a low to moderate level of growth consistent with the City's 2010 rural development review and analysis.
- That the overall projections should reflect a reduced amount of housing in all three of the City's future development areas (Village Area, I-94 Corridor, and rural development areas) rather than reducing the household numbers in only one or two of these areas. Although it does not appear to the case, the proposed Village unit count does represent a decrease from the current plan following the methodology described above.
- That previous projections for commercial development areas were overly aggressive and could only be achieved through the creation of large employment centers. The City prefers to focus on developing appropriate land uses within the commercial areas rather than concentrating on employment numbers and REC unit counts.

The numbers as proposed have also been drafted in order to account for the following variables, which will be very difficult to project with any degree of certainty in the future:

- How much of the Village Planning Area will develop for commercial or mixed use development compared to housing alone.
- What the average household size will be in 2040 given current population trends and the City's desire to accommodate senior housing options.
- Other factors that may shift more of the City's planned REC units into commercial or mixed-use development.
- How much development is likely to occur in the City's rural development areas. Under the City's current comprehensive plan, many of the City's 10-20 acre parcels would need to be redeveloped as OP or OP-2 development in order to achieve the housing unit projections. The proposed rural development number of 720 would greatly reduce this pressure

STAFF RECCOMENDATION:

Based upon the above background information and Staff report, it is recommended that the City Council authorize the drafting and submission of a letter to the Met Council with the proposed updated projections for Lake Elmo by undertaking the following action:

"Motion to authorize Staff to present the proposed 2040 forecast numbers to the Met Council"



MAYOR & COUNCIL COMMUNICATION

DATE: 7/6/10

REGULAR

ITEM #: J-8

DISCUSSION

AGENDA ITEM: Unsewered Area Population Projections and Density Analysis – Review of 2030 Comprehensive Plan Information

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator

REVIEWED BY: Kelli Matzek, City Planner
Daniele Bailey, Planning Intern

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to review the housing and population projections from the Lake Elmo Comprehensive Plan, and to specifically discuss the status of these projections as they relate to the City's rural (unsewered) development areas. Staff has attempted to expand upon the population projection chart from the Comprehensive Plan (page III-17) to provide additional information concerning the number and location of both sewerred and unsewerred households throughout the time period addressed by the Plan. The attached charts contain a significant amount of information that will be more thoroughly discussed at the City Council meeting on July 6th.

REVIEW OF COMP PLAN PROJECTIONS:

One of the attached charts developed by Staff provides information on the population and number of households in Lake Elmo as of the year 2000 and then projected in 5-year increments out to 2030. The Comprehensive Plan does not give any specific information; however, regarding how many of these units will be located in rural areas (non-sewerred). By deducting the number of projected sewerred units from the total household estimates, we can begin to make some assumptions about where these non-sewerred units will be located. There are a couple of issues; though, that complicate this analysis: 1) some existing non-sewerred units will be converted to sewerred units in the future, and 2) the conversion of the existing village housing units in 2030 overstates the number of units currently located in the Village.

Removing the existing housing units to be converted to sewer (which includes the Cimarron Manufactured Housing Park and the existing Village Area units) is a fairly straight-forward process. What is more problematic is the overestimate of the current housing in the Village. A

study conducted in 2007 showed that there were 194 housing units within the Village area, which is 306 less than would hook up to the regional sewer in 2030 according to the Comprehensive Plan. In order to address this problem, Staff revised the rural area unit counts to address the overcount. The net affect of this recalculation is a more accurate baseline concerning unsewered housing units for the years 2000 and 2009.

The problem with attempting to adjust the numbers used in the Comprehensive Plan is that the 306 Village units either need to be added to the unsewered development areas or the sewer development areas in order for the overall housing unit and population projections to reach the respective targets of 8,727 and 24,000 set in the Comprehensive Plan. For the purposes of the analysis below, Staff made the assumption that these units would be added to sewer service areas, but did not attempt to redistributed the 306 units on the attached charts (for the numbers to be accurate, the total number of Village units would need to be reduced by 306 or the unsewered areas would need to be increased by 306 units).

In order to address this problem, the City has three primary options:

- Add the 306 units into the sewer development areas in the Village or along the I-94 corridor. This action would either keep the overall Village total housing unit amount the same (by increasing the new sewer units to 906) or would result in a final distribution of 4,406 sewer units along I-94 and 794 sewer units within the Village area (4,100 units plus the 306 unit shortfall and 1,100 units minus the 306 unit shortfall).
- Add the 306 units into the unsewered development areas guided RAD or RAD2 on the future land use map. This action would address the overall population total for the City in 2030, but would cause the City to fall short of achieving the sewer household projections for 2030 (4,894 verses the required 5,200).
- Reconsider the calculations for employment Residential Equivalency (REC) Units throughout the City to claim credit for existing employment within the Village area. It is possible that the City's total projected REC units might remain the same under this scenario, but there would need to be 1,500 employees in the Village area in order to reach this total. In addition, the population projections would need to be adjusted downward under this scenario, which would not be consistent with the 2005 Memo or Understanding between the City and Met Council.

RURAL AREA ANALYSIS:

Based on the information assembled by Staff, the City will need to add 1,259 unsewered housing units to rural areas by 2030 to achieve the overall population targets in the Comprehensive Plan. This number was achieved by taking the number of non-sewered households projected in 2030 and subtracting from this amount the City's current household numbers as of 2009 (and removing the known number of units that will be sewer in Cimarron and the Village area). From there, Staff worked to identify the amount of land available for rural development in the

future by taking all land guided RAD, RAD2, and RED on the future land use map and then subtracting out land that has already been developed in these areas.

The total amount of available land that is devoted to unsewered residential development (RAD, RAD2, RE) is 3,816 acres. This total includes land that is not developable, for instance land that has been placed into a conservation easement or water surface areas, and parcels that are not likely to be redeveloped in the future due to the small size of the lot or other circumstances that make consolidation or several parcels unlikely. Staff has estimated that at least 145 acres of this land is not developable and removed this amount from the final calculations presented below.

In order to evaluate whether or not the City is on pace to reach the rural population targets in the Comprehensive Plan, Staff has developed three distinct scenarios related to future rural development to specifically address how many units might realistically be developed in the City's rural areas between now and 2030. These scenarios include the following:

- An aggressive development scenario that assumes all land over 10 acres in size will be developed as part of an open space project in the future.
- A more moderate scenario that assumes only parcels over 20 acres in size will be developed in the future.
- A conservative development scenario that assumes only parcels over 40 acres in size will be developed in the future.

Based on these scenarios, Staff is projecting that the following future household growth may be anticipated within rural development areas:

<u>Scenario</u>	<u>Households</u>
Aggressive	1,578
Moderate	1,442
Conservative	1,070
Comprehensive Plan	1,259

ADDITIONAL INFORMATION:

Given the complex nature of this information, Staff is planning to take time with the City Council to review and discuss attached report and charts at the July 6th meeting.

RECOMMENDATION:

The City Council is not being asked to take any specific action at this time. Staff is seeking feedback concerning the methodology used to achieve the population scenarios described above,

and any additional comments regarding the Comprehensive Plan's population and household projections.

ATTACHMENTS:

- 1) Household Projection Chart
- 2) Future Rural Development Analysis
- 3) Comprehensive Plan Population Projections

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Planning Director
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Discussion Mayor & City Council

§ 154.067 OP-2 - OPEN SPACE PRESERVATION OVERLAY DISTRICT.

(A) *Purpose.* The purpose of the Open Space Preservation Overlay District (OP-2) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. The OP-2 Overlay District allows for higher density development than is permitted under the OP District regulations at a density of up to 2 units per acre. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district.

(B) *General regulation.* All regulations governing the OP Open Space Preservation District, §§ 150.175 through 150.189, shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:

- (1) Senior housing;
- (2) Farm schools for pre-school children and school-aged children;
- (3) Townhouses (no more than 50% in any development).

(D) *Development standards.* The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:

(1) All development within an OP-2 district shall only be permitted as a planned unit development. All requests for flexibility from the standards of this section shall be considered and documented as part of a request for a planned unit development.

(2) The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.

(3) Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.

(4) *Buffer zones.* A 100-foot setback shall be provided between the property line of the abutting parcel and any structure and a 50-foot setback shall be provided between the property line and any driving surface within an OP-2 development.

(5) *Densities.* The maximum dwelling unit density shall be 2 units per gross

Lake Elmo, MN Code of Ordinances

acres of buildable land.

(6) *Domestic farm animals.* The keeping of domestic farm animals related to an agricultural use or farm-based preschool within a development shall comply with all applicable city and MPCA requirements related to livestock and other domestic farm animals.

(7) *Minimum district requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP zoning district except as noted below:

<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Maximum Building Height:		
Primary Structure	2 stories or 35 feet	35 feet
Accessory Structure	25 feet	25 feet
Minimum Lot Width		
½ acre lot; 1 acre lot	NA	NA
Maximum Impervious Surface Coverage:		
Calculated on a development-wide basis	25%	25%
Minimum Setback Requirements:		
Front Yard	20 feet	30 feet
Side Yard	10 feet	10 feet
Corner Lot Front	20 feet	30 feet
Corner Lot Side Yard	20 feet	30 feet
Well from Septic Tank	50 feet	50 feet
Minimum Lot Size:		
Individual Well and Septic System	NA	NA

Lake Elmo, MN Code of Ordinances

Individual Well and Communal Drainfield	6,000 square feet per unit	NA
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(Ord. 08-025, passed 6-1-2010)



Planned Land Uses

- Business Park
- Urban Low Density
- Urban Medium Density
- Urban High Density
- Village (TBD)
- Commercial
- Limited Business
- Public/Park
- Rural Area Development
- Rural Area Development Alt
- Residential Estate
- Rural Single Family

(white hatching denotes possible mixed use areas)

**Village
Land Use
Plan
Pending**

Sources: MetroGIS
8-14-12

Planned Land Use

Lake Elmo Comprehensive Plan 2030



This map was created using MFRA's Geographic Information Systems (GIS), it is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MFRA is not responsible for any inaccuracies contained herein.



Planning Commission
Date: 10/28/13
Item: 5c
Business Item

ITEM: Animal Ordinance Update

SUBMITTED BY: Adam Bell, City Clerk

REVIEWED BY: Beckie Gumatz, Deputy Clerk

SUMMARY AND ACTION REQUESTED:

The City of Lake Elmo has been working towards updating the City Code and making it easier to understand. Staff has recently amended the Animals Chapter of the City Code regarding cats, dogs, horses and dangerous animals. We are now looking at moving Livestock from the Zoning Code to the Animals Chapter, amending the definition of a Kennel, as well as adding sections on Chickens and Bees. Staff has now completed the first draft of the document and is seeking input and feedback from the Planning Commission.

BACKGROUND INFORMATION:

City Staff is currently working on updating the current Animals Chapter of the City Code. As part of this update, city staff is looking to move the Livestock section from the Zoning Code into the Animals Chapter. Staff also is proposing changes to the definition of a private kennel. Staff would also like to add language to allow chickens and bees on certain parcels in the City. There have been many requests and inquiries from the public on whether or not the city allows these animals. There is also a growing trend of people wanting to produce their own food. There are many communities around the metro area that are starting to allow chickens and bees for this very reason. The proposed ordinance for these updates will have eight sections and they are as follows:

- Removing Livestock section from the Zoning Code. Staff feels this would be prudent because with the addition of Chickens and Bees as allowable animals on smaller lots in the City of Lake Elmo, it will facilitate easier compliance by the public and administration and enforcement by the City.
- Place and amend Livestock section in the Animals Chapter of the Code. Staff has proposed changes to some of the animal units, as well as changing the amount of acreage allowed to have livestock in the City of Lake Elmo. The main change that has been made to the Livestock chapter is allowing domestic farm animals and livestock on parcels of five acres or more. Previously, ten acres were required in order to have domestic farm animals or livestock, with the exception of horses. In

accordance with this lowering of the amount of required parcel size, staff has also made changes to the animal unit equivalents. They are detailed in a table in the draft ordinance which is attached to this document. Language was also added to clarify that animal units are cumulative. This means that no one is allowed to have more than a density of one animal unit per two grazable acres.

- Amend the Kennel definitions section in the Zoning Code. Most of this language was changed to establish consistency between the updates and existing city code. Currently, the zoning definitions of commercial and private kennels conflicted with the general definition of a kennel. The commercial kennel definition was amended to require four or more dogs, cats or other domestic pets, rather than two. This is to make it consistent with the animal ordinance that was adopted by council on October 1. The private kennel definition was amended to apply to dogs, cats, and other domestic pets rather than just applying to dogs. Language was also added to this definition that states that it applies to parcels of land five acres or greater and that the maximum number of animals allowed is six.
- Amending ‘General Businesses – Conditional Use’ Table in Section 154.051(A). Language is added to clarify that only commercial kennels require a CUP.
- Amending Table 9.1: Permitted and Conditional Uses, Rural Districts, and corresponding Development Standards section. These sections were amended to allow private kennels and stables to be permitted uses in RT, A, and RR districts. Language was also added to clarify that commercial kennels may not be located on parcels less than 10 acres while accessory kennels and stables only require parcels of 5 acres. This change is needed to comply with preexisting horse regulations.
- Add clean up language to ‘Prohibition of Kennels’ and ‘Number of Dogs and Cats Limited’ sections of Animal Code. This is merely clean up language. Based on the changes made in section 3 regarding Kennels, updates were needed to the Animal Code to maintain consistency. The language referencing kennel licenses was removed, as the City will not be issuing kennel licenses.
- Add a section to the Animal Code regarding Keeping of Chickens. As stated previously, the city has received quite a few inquiries about the rules regulating the keeping of chickens in the city. After extensive research by staff of surrounding and similar communities, staff is proposing adding a section the Animal Code that would allow chickens in the City of Lake Elmo on parcels less than ten acres. Roosters and crowing hens are strictly prohibited on parcels less than five acres. Staff broke down the number of chickens allowed into three different sections. First, a minimum of a half-acre is required for any property to have any chickens. If you live on one half-acre to an acre of land you are allowed four chickens. If you live on one acre to one and one-half acres you are allowed eight chickens. The number goes up by eight chickens per half acre until you get to three acres. Chickens on parcels of three to five acres are restricted to 0.02

animal units per acre. Chickens on parcels of more than five acres are restricted to 0.01 animal units per acre. The City also would require a permit for the keeping of chickens on parcels of less than five acres. The first permit will be valid for up to two years, with subsequent permits being valid from Jan 1 to Dec 1 of the same year. The requirements for application and the permit conditions are detailed in the proposed ordinance. Of note, Stillwater just recently passed an ordinance allowing the keeping of chickens, which staff used as part of its research.

- Add a section to the Animal Code regarding Keeping of Bees. Staff also received requests to allow bees to be kept in the city. Staff also researched similar and surrounding communities when drafting the section of the ordinance that deals with bees. Bees are not allowed on properties of less than one-half acre. The ordinance also lays out how many colonies are allowed to be kept on parcel sizes. Lots equal to or larger than one half acre up to three-fourths of an acre are allowed four colonies. Lots larger than three-fourths of an acre up to one acre are allowed six colonies, while lots one acre to five acres are allowed eight colonies. There are no restrictions on lots which are larger than five acres in size. Permits are also required for the keeping of bees in the city. The permits are valid for two years. The ordinance also states that beekeeping training from a credible course is required before any beekeeping permits will be issued. More information on the bee section of the animal ordinance can be found in the attached ordinance. Of note, Stillwater just recently passed an ordinance allowing the keeping of bees, which staff used as part of its research.

Staff plans to bring this topic back to the Planning Commission to hold a Public Hearing and seek a formal recommendation to remove the Livestock section from the Zoning Code, as well as amending the Kennel sections of the Zoning Code.

RECCOMENDATION:

No formal action is requested at this time.

ATTACHMENTS:

1. First Draft of Ordinance 08-0XX
2. Current Livestock Ordinance
3. Lot Size Analysis Map

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....City Clerk
- Questions from the Commission..... Chair & Commission Members
- Discussion by the Commission..... Chair & Commission Members

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-0XX

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) ~~(A)~~ *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) ~~(B)~~ *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) ~~(C)~~ *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) ~~(D)~~ *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. Horses may be kept on any parcel larger than 5 acres. No domestic farm animals, or livestock, other than chickens or bees, or commercial kennels shall be placed-allowed on any site-parcel of less than 40 5 acres. No commercial kennels shall be placed on any site of less than 10 acres.

(F) ~~(E)~~ *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 ~~cow, or its equivalent, animal unit~~ per 2 acres. Grazable acreage shall not include non-jurisdictional wetlands or slopes over 12%.

(G) ~~(1)~~ For purposes of these regulations, the following animal equivalents apply: ~~one slaughter steer, heifer or horse — 1.0; one mature dairy cow — 1.4; one swine over 55 pounds — .4; one sheep — .1; one turkey — .01; one chicken — .01; one duck — .02.~~ 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, llama, or alpaca	1.0
One hog/swine over 55lbs	0.5
One hog/swine under 55lbs	0.4
One sheep or goat	0.2
One turkey or goose	0.1
One duck or other fowl	0.04
One chicken, 3-5 acre parcels	0.02
One chicken, greater than 5 acres	0.01

(1) ~~(2)~~ 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 ~~two~~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 ~~six~~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	CP	CP	CP	-	-	154.404.I
Stable, Private	CP	CP	CP	-	-	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 facility 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 ~~holds a valid kennel license~~ 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 ~~holds a valid kennel license~~ 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 ~~holds a valid kennel license~~ 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.

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 3 acres.

Lot Size (acres)	Chickens Allowed
0.00 – 0.49	0
0.50 – 0.99	4
1.00 – 1.49	8
1.50 – 1.99	16
2.00 – 2.49	24
2.50 – 2.99	32

B. Chickens on 3 – 5 acres.

Chickens maintained on parcels of 3-5 acres are restricted to 0.02 animal units per acre. *For reference, see “Animal Unit Equivalency” chart in Section 95.50.*

C. Chickens on more than 5 acres.

Chickens maintained on parcels more than 5 acres are restricted to 0.01 animal units per acre. A permit is not required for keeping chickens on a parcel size of more than 5 acres. *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.
 - 1. If there are objections received within ten days of mailing the notices, then the permit application must be considered by the city council.
 - 2. 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.
- 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 100 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. No chicken shall be allowed to roam freely without being within a completely enclosed pen.
12. Butchering a chicken must not be in public view.
13. All butchering waste shall be disposed of in a sanitary manner.
14. 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 clerk and officer 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 officer 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 officer 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 one-half acre lots 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. Lot equal to or larger than half acre but smaller than three-fourths acre: four colonies;
 - ii. Lot larger than three-fourths acre lot but smaller than one acre: six colonies;
 - iii. One acre lot but smaller than five acres: eight colonies;
 - iv. Five acres or larger: no restriction.
2. In each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, the beekeeper shall establish and maintain a flyway barrier at least six feet in height.

§ 95.74 Permit Required

1. No beekeeping may occur on any property 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 95.70-95.75 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 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 08-0XX was adopted on this _____ day of _____ 2013, by a vote of _____ Ayes and _____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk

This Ordinance 08-0XX was published on the _____ day of _____, 2013.

§ 154.914 LIVESTOCK.

(A) *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.

(B) *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.

(C) *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.

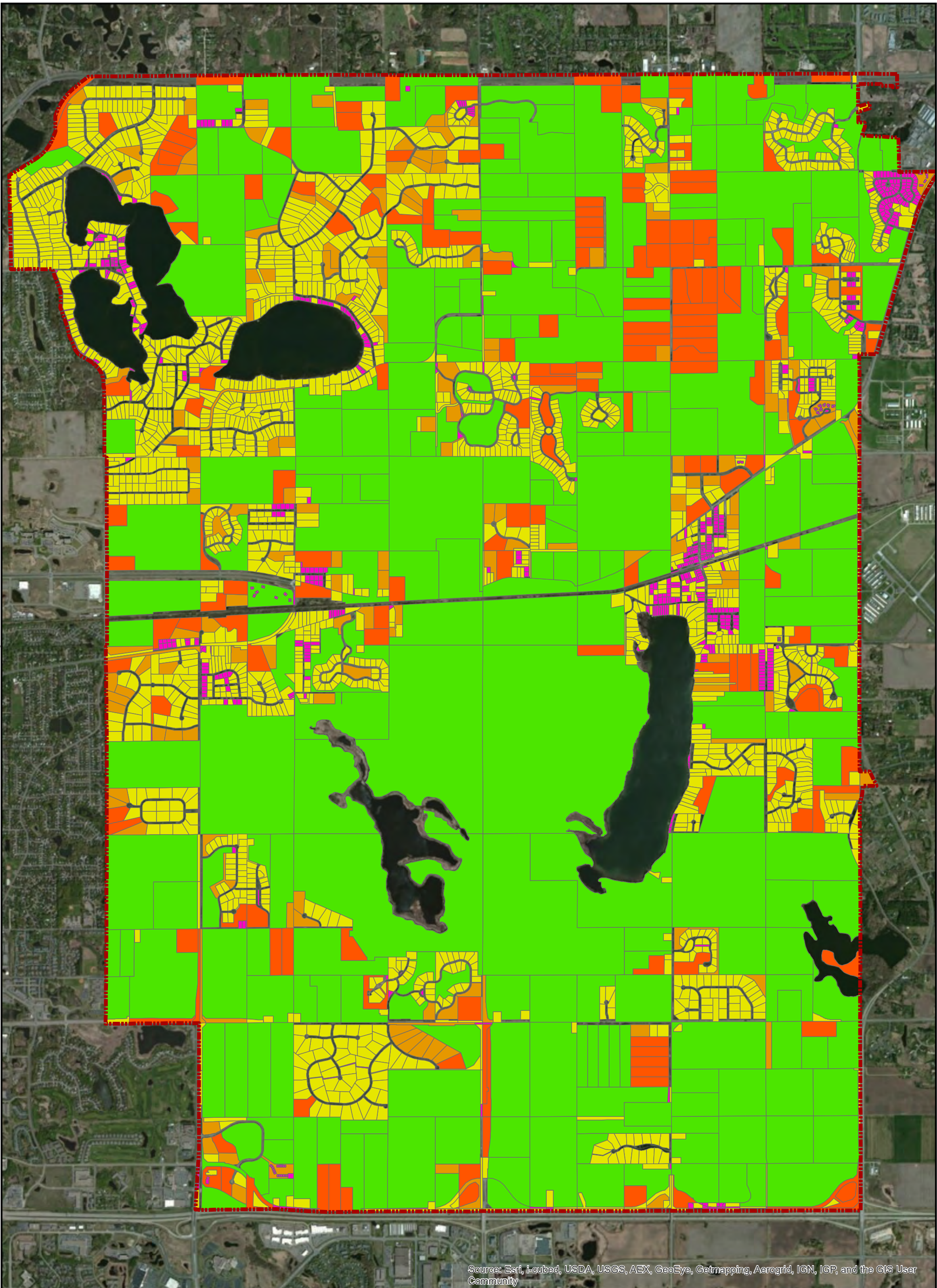
(D) *Hazards and nuisances.* On parcels of less than 40 acres which are not part of a larger crop-producing commercial agricultural farm, the keeping of horses, cattle, or other grazing animals on a site with less than 2 acres of existing grazable land per animal is, by this section, declared to be a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

(E) *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 cow, or its equivalent, per 2 acres. Grazable acreage shall not include non-jurisdictional wetlands or slopes over 12%.

(1) For purposes of these regulations, the following animal equivalents apply: one slaughter steer, heifer or horse - 1.0; one mature dairy cow - 1.4; one swine over 55 pounds - .4; one sheep -.1; one turkey - .01; one chicken - .01; one duck - .02.

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

(1997 Code, § 300.13 Subd. 15) (Am. Ord. 9763, passed 9-19-2000) Penalty, see § 154.999








Animal Ordinance Research Map



Data Source: Washington County, MN
9-6-2013

Parcel Size (Acres)

	0.00 - 0.49		3.00 - 4.99		
	0.50 - 2.99		5.00 - 9.99		10.00 - 485.19



0 0.25 0.5 1 Miles