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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Wednesday, November 13, 2013 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. October 28, 2013
4. Public Hearings - *None*
5. Business Items
 - a. RURAL AREA DEVELOPMENT CONTINUED DISCUSSION. The Planning Commission is asked to continue its discussion concerning rural development areas and make a recommendation to the City Council concerning future growth and development in these areas.
 - b. DRIVEWAY ORDINANCE UPDATE. The Planning Commission will receive an update from staff regarding an effort to update the city's ordinance related to driveways. This amendment is a continuous improvement effort in collaboration with the Building and Engineering Departments.
6. Updates
 - a. City Council Updates:
 - i. Diedrich-Reider Comprehensive Plan Amendment approved contingent upon Met Council approval.
 - ii. Village Mixed Use Zoning District – Approved with modifications November 6, 2013.
 - iii. Design Standards Manual and design guidelines ordinance amendments – Postponed until workshop review on November 12, 2013.
 - b. Staff Updates
 - i. Upcoming Meetings:
 - November 25, 2013
 - December 9, 2013
 - December 23, 2013 – CANCEL?
 - c. Commission Concerns
7. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of October 28, 2013**

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

COMMISSIONERS PRESENT: Haggard, Lundgren, Dorschner, Dodson, Larson, Kreimer and Morreale;

COMMISSIONERS ABSENT: Williams; and

STAFF PRESENT: Planning Director Klatt, City Planner Johnson, City Clerk Bell and Deputy Clerk Gumatz.

Approve Agenda:

The Planning Commission accepted the agenda as presented.

Approve Minutes: October 14, 2013

M/S/P: Kreimer/Morreale, move to accept the minutes of October 14, 2013 as presented, ***Vote: 5-0, Motion Carried***, with Haggard and Lundgren not voting.

Public Hearing: Comprehensive Plan Amendment – Diedrich Property

Johnson explained that there is a request by the property owners to amend the Lake Elmo Comprehensive Plan by changing the future land use designation of the property located within the I-94 Corridor planning area from HDR to MDR. The applicants have a contract with Pratt homes and have submitted a preliminary sketch plan. This property is 14.3 acres and is a critical pinch point for the minor collector road (5th Street) that is to serve East-West traffic in the I-94 Corridor. The property to the South, the Landucci Property, was recently granted a similar amendment contingent on approval of the Met Council.

The small size of this parcel will not have a large impact on the City to achieve the population forecast. The current lack of interest in high density housing makes it important to be responsive to market driven development to provide a reasonable return on major infrastructure improvements. The City is continuing to work towards reduction of growth targets in the MOU.

There was some concern that there was no park land included in this development and none in the Landucci development. Dodson asked if the 2 properties could partner

together to at least put a tot lot in place. Johnson stated that the City is working to partner with ISD #834 to put a park at Oakland Junior High. Johnson stated that he will pass along the concerns to the Parks Commission, but he thinks that Parks Commission is looking more at adding trails and having area parks and not a park for every development.

Morreale stated that he is concerned about making this decision before we have a formal reduction by the Met Council. He is concerned that a reduction in one area could ultimately force a higher density in another area. Johnson stated that the future reduction of RECs will likely occur in the commercial and high density areas.

Dorschner stated that his understanding is that it is likely that the number will go down and that there is low risk that we will have to add density to another area. Johnson confirmed that it is his opinion that based on the model, those numbers will go down. We have an opportunity for a development and it does help us utilize the infrastructure that is being planned for this area.

Public Hearing opened at 7:30pm

Len Pratt, homebuilder, and Tammy Diedrich, the property owner, spoke about the reasons for the amendment request. Mr. Pratt explained why the amendment is necessary, as the market is not responsive to the amount of density that the property is currently programmed for. He noted that they are planning a townhome development that is consistent with the City's MDR category. The homes that are being planned for the site are empty nester type homes.

Steve Delapp, 8468 Lake Jane Trail, spoke about the purpose of the Planning Commission. He stated that they are there to support the Lake Elmo residents. He also noted his support for the Comp Plan Amendment, as the City should take every opportunity to reduce density.

Public Hearing closed at 7:44pm.

Haggard supports the staff's effort to work with the Met Council and she stated that she trusts the staff in that this action won't lead to more density in another location in the future.

Kreimer agrees and supports the request, especially with the reduction of the Landucci property.

Morreale supports the request, especially if it is what the market will support.

Larson made a comment that it would be nice to have more open space and trails that connect so there would be a general flow.

M/S/P: Dorschner/Morreale, move to recommend approval of the Comprehensive Plan Amendment request with the findings outlines in the Staff Report, **Vote: 7-0, motion carried unanimously.**

Public Hearing: Zoning Text Amendment – Design Review

Johnson started his presentation regarding the design review procedures for development activity in urban residential and commercial districts. The design standard manual is a comprehensive approach to design standards. This action would replace the existing language and would move the review process to the zoning administration section.

Public Hearing opened at 7:55 pm

Greg McGrath, 1509 15th St. Ct. N., asked who is in charge of reviewing the design standards. Johnson stated that whoever is authorized to issue the permit is the review body.

Public hearing closed at 8:01pm

Rolf asked who at the City would respond to concerns or problems regarding the design standards. Johnson noted that staff would work with the applicants. Dorschner stated that there is always a process for a resident to voice their concerns.

M/S/P: Dodson/Haggard, move to recommend approval of the Design Review Ordinance, **Vote: 7-0, motion carried unanimously.**

Business Item: *Design Standards Manual*

There were a number of changes requested by the Planning Commission at the last meeting that have been incorporated.

Dodson asked about the Damon Farber document. He would have liked to see more of that in the document. Johnson mentioned that it was incorporated by a couple of images and the streetscape subsection included references. Johnson stated that the theming document is widely distributed to developers. The two documents are closely related, but do serve two different purposes.

Haggard would like to see more of the 2007 images or ones that are really amazing or our ideal. In addition, she recommended excluding vinyl siding as a primary building material in the commercial district. There was consensus regarding this change.

Haggard also inquired if the property guided for commercial at TH-55 and Manning would fall under commercial standards or mixed use as it is the entrance to the Village area. Johnson stated that the underlying zoning determined the design review. Also, he noted that Planning Commission does have the authority to work with the applicant regarding architectural and site design at the time of final development approval.

M/S/P: Larson/Lundgren, move to recommend approval of the Lake Elmo Design Standards Manual with discussed amendments, **Vote: 7-0, motion carried unanimously.**

Business Item: *Rural Growth Discussion*

Klatt began his presentation by providing history about Lake Elmo comprehensive planning efforts related to the current rural land use categories. The adoption of the 1979 Comp Plan initiated the adoption of the A and RR zones, requiring 10 acre minimum lots. This zoning did not apply to the existing lots of record that were platted in the earlier history of the community. Klatt moved forward by describing the changes to the regulations for rural areas: These changes include:

- Residential Estates Zoning (1990)
- Open Space Preservation Development Zoning (1996)
- The urban growth plan, creation of the RAD land use category (2005)

At the time of the 2005 Comp Plan Update, the RAD-2 category was also incorporated into the Land Use Plan.

Klatt moved on to explain how the various rural land use categories were utilized to account for future growth in the Rural Planning Area. The City studied three scenarios of growth: conservative, moderate and aggressive. These scenarios differed by how the zoning rules would apply for future Open Space Preservation (OP) developments. He noted that the conservative approach did not meet the required growth targets for the rural area (1,259 households needed).

Klatt also highlighted the ongoing discussion being led by the Council to reduce the population forecast to 18,000 for the City's 2040 Comprehensive Plan. Klatt moved on to describe the land use categories of RAD and RAD-2 as described by the current Comprehensive Plan.

To wrap up his presentation, Klatt asked 6 questions of the Planning Commission as they relate to future growth in the Rural Planning Area. The questions are the following:

1. Should the minimum lot sizes in the A and RR zones be reduced?
2. Does the City need to retain the RAD-Alt land use category?
3. Would an increase in the types of allowed uses with rural areas (senior housing, community services, townhomes, etc.) be consistent with the City's stated goal of preserving open space character?
4. Are the current uses allowed within rural areas appropriate?

5. Is the density allowed within OP developments acceptable or is it too high or low?
6. The City's Land Use Plan does not allow for the expansion of RS – Rural Single Family or RE – Residential Estates areas. Should new developments be allowed that are zoned in this manner?

Klatt recommended that the 2040 forecast be finalized before any major changes are initiated.

Haggard asked what land use designation the parcels would revert to if changed from RAD-2. Klatt noted that these parcels would revert back to simple RAD.

Lundgren asked about the location of the parcels guided as RAD-2. Klatt described where the 3 parcels totaling 156 acres are located.

Kreimer asked if the RAD-2 areas are intended to be sewerred. Klatt noted that they are not intended to be sewerred.

Dodson asked if the City intends to serve any areas outside the urban service boundary with municipal sanitary sewer. Klatt stated that for the 2030 planning projections there is no intention of expanding outside the areas planned for sewer other than for the Hamlet on Sunfish Lake development that has a non-compliant system. Klatt further stated that the Comprehensive Plan gives the City the ability to expand outside the MUSA lines if it so chooses.

Dodson asked about septic systems that serve OP developments. Klatt explained that properties in OP neighborhoods are allowed to be served by on-site individual sewage septic system. The Pollution Control Agency only gets involved if a system reaches a certain size.

Larson asked if the areas guided for rural area development are considered by the Memorandum of Understanding. Klatt noted that they are not part of the sewerred growth as guided by the MOU.

Haggard asked how the population forecasts were developed. She noted concern about the figure related to the Village. Klatt explained that it is a little misleading as it includes existing units as well. Klatt stated that they want to try to get back to a more typical model of land use planning and get away from a rec unit count to drive planning.

Dodson asked how often the City receives inquiries or requests related to development in the rural areas. More specifically, he asked how prevalent the requests are for the RAD-2 areas. Klatt explained there has not been any surveying, but do hear occasionally from developers. There is not much activity going on right now.

Haggard stated that if people wanted to use their land differently and we want to consider that, we need to notify people.

Public comments were accepted by the Planning Commission:

Larry Weiss, 9302 Stillwater Blvd, would like to see the Friedrich property go back to RAD.

Ed Nielson, 9498 Stillwater Blvd, feels that RAD-2 is not an appropriate zone and does not fit the surrounding area.

Susan Dunn, 11018 Upper 33rd St, stated that she felt that RAD-2 should go away. She noted she supports the OP Ordinance, RS and RE developments.

Steve Delapp, 8468 Lake Jane Trail, corrected the legislative history of the RAD-2 land use category and stated that nothing north of 10th street other than the Old Village should have this type of density.

Klatt asked the Planning Commission how they wanted to address the questions related to the rural planning area. The Planning Commission would like to just continue to discuss the rural areas as a whole rather than to discuss individual properties. The Commission wanted this to come back to their next meeting.

Haggard and Kreimer both feel that there is more to discuss than just RAD and RAD-2. They would like to see RE & RS discussed as well as other things.

Business Item: Animal Ordinance Update

Bell presented the updates to the animal ordinance. The cats and dogs section was recently updated. Bell stated that there have been a lot of inquiries in regards to livestock, especially chickens and bees. The trend in the metro is that people are interested in making their own food. Currently the livestock section is in the zoning code, but staff would like to see that moved to the animal section. Currently the code limits the keeping of livestock to 10 acres. That is one of the questions that should be addressed. Staff is proposing that chicken and bees would be allowed on ½ acre with a permitting process. This seems consistent with the metro trend.

Johnson stated that a lot of communities are going the direction of allowing bees and chickens on smaller acreage, but the staff has also gotten a lot of inquiries about the keeping of chickens on smaller acreage.

Morreale would like to see a scale for chickens that is more in line for personal consumption. It seems that if you can have 32 chickens on 2.5 acres that is more commercial in nature and would create problems with waste, etc. He feels that the

scale is too high. Bell stated that homeowners associations might also limit some of these things. Bell said that these were preliminary numbers and they are looking for input.

Haggard stated that there are a lot of properties that do not have HOA's and it could be a problem. She also asked that with the 2 year licensing, will the staff be sending a notice out when that license is to expire. Bell confirmed that the permitting period is correct.

Johnson stated that this activity is already taking place and if we put in good regulations that are followed respectfully, there should be less problems.

Lundgren stated that she likes that the education component is required for the beekeeping.

Dodson feels that the chart is confusing and should be cleaned up. The animal units are confusing. Bell stated that it has to do with grazeable acreage. You need a minimum of 5 acres for any livestock other than bees or chickens. Staff will work to clean up the table. Dodson was wondering why there was a distinction between chickens and other fowl. Bell stated that it is how other Cities have their code. The requests have been for chickens. Also the different birds have different needs with chickens being the easiest to care for.

Dodson asked who was able to have roosters. Bell stated that anyone over 5 acres would be allowed to have roosters.

Updates and Concerns

Council Updates

1. Variance – 09.029.21.22.0025 (Hill Trail North) was approved at the October 15, 2013 meeting with the 2 conditions discussed at the Planning Commission meeting.
2. Met Council 2040 Growth Forecast Discussion.

Staff Updates

1. Planning Commission has meetings upcoming on November 13th and 25th. The meeting on 11/13/13 is on a Wednesday due to the Veterans Day holiday.
2. Discussed having finding of facts worksheets that sets out what the criteria is and helps to formulate how to come up with your decision. Worksheets were handed out by Planner Johnson.

Commission Concerns – None

Meeting adjourned at 10:45pm

Respectfully submitted,

Nick Johnson
City Planner



PLANNING COMMISSION
DATE: 11/13/13
AGENDA ITEM: 5A – BUSINESS ITEM
CASE # 2013-036

ITEM: Rural Area Development Analysis and Discussion – Further Review
SUBMITTED BY: Kyle Klatt, Community Development Director
REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to continue its discussion from its October 28, 2013 meeting concerning the City's rural development areas. The Commission is specifically asked to further review the RAD-ALT land use category and to conduct an analysis of the potential to expand the use of Residential Estates zoning in the future. Staff is therefore seeking a recommendation from the Commission on the following:

1. Whether or not to continue guiding areas in the RAD-ALT land use category as part of the City's Future Land Use Map; and
2. Whether or not the City should pursue Comprehensive Plan and zoning amendments that would either expand the use of the Residential Estates land use category or revise the rural development standards in some other manner in order to allow additional development opportunities on parcels less than 40 acres.

The first inquiry may be acted upon with an amendment to the City's Future Land Use Map in the Comprehensive Plan while the latter issue will require further review and discussion by the Planning Commission should the Commission want to pursue such changes.

GENERAL INFORMATION

Applicant: City-initiated action for discussion
Request: Continue previous review and discussion of 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 AND ANALYSIS

After considering the history of the City's rural development areas and reviewing recent population projections with Staff, the Planning Commission is being asked to further discuss two aspects of this discussion from its October 28, 2013 meeting as described above. Rather than repeating the information presented at the last meeting, Staff has attached the previous Staff report for further review and discussion by the Commission. The two questions that are now being carried forward for further discussion include the future application of the RAD-ALT land use category and the potential for additional development opportunities within smaller parcels in the City's rural areas.

RAD-ALT LAND USE CATEGORY

The City of Lake Elmo currently guides 157 acres in the RAD-ALT land use category, which corresponds to roughly 314 units of housing. The three areas that have been assigned this designation include the following parcels:

PIN	Owner	Area (acres)
16.029.21.24.0002	3M Company	96
15.029.21.31.0001	Irvin Friedrich	24
25.029.21.44.0001	Terry Emerson	37

The 3M and Emerson properties were changed to the RAD-ALT category as part of the 2005 Comprehensive Plan amendment, while the Friedrich parcel was changed to this category as part of a stand-alone amendment approved by the City in 2010. There were no corresponding reductions or revisions elsewhere in the code with the 2010 amendment, and at that time, the City found that the affected area was small enough that it would not significantly alter any of City's household projections. The Council has previously discussed the idea of implementing a development rights transfer program in order to allow transfers of density between RAD and RAD-ALT development sites, but has not taken any action since 2010 to create such a program.

As the Planning Commission considers the future status of the RAD-ALT land use category, Staff would like to point out the following:

- To date, there have been no developments approved in the City's RAD-ALT areas, and only one proposal for RAD-ALT development has been brought forward at a conceptual level.
- The concept plan noted above was for a 52-unit senior living and farm-based preschool proposal that is no longer a valid development application. The time limit for the submission of a preliminary plan for the site has expired. No new development plans for this property have come forward, although the former applicant has approached Staff recently to discuss an alternative concept plan.
- The Friedrich family does not support any changes to the future land use for their property that would lower the current density of the site.
- As part of its discussions with the Met Council concerning the recently released preliminary population and household forecasts for Lake Elmo, the City will be seeking reductions in these numbers when the forecast is finalized. As presented in Staff's previous report to the City Council, the proposed reductions would allow the City to lower the number of

households that are expected in rural development areas. Should the Met Council accept these numbers, the RAD-ALT category would not be needed to meet the old forecasts. The City may decide to keep this land use classification for other reasons (i.e. to encourage a wider mix of uses in rural development areas).

During previous discussions concerning the RAD-ALT district and based on the City's review of previous open space projects, the following questions and concerns have been raised

- The RAD-ALT category allows for 2 units of housing per acre, which is a density that is much closer to an urban or suburban form of development than a rural type of development. For comparison purposes, the single family areas within the future Lennar development are slightly under 3 units per acre on a net density basis, while the Carriage Station subdivision was platted to meet a density of 2 units per acre.
- The use of well and septic systems in RAD-ALT areas presents challenges for developers because there is so little area to work with once the homes, roads, and other infrastructure is taken into consideration. While more homes mean a more reasonable allocation of costs for shared systems, more users also require a much larger and more costly system as well.
- The Planning Commission has previously discussed the potential to serve RAD-ALT areas with public sanitary sewer. Given the relatively small differences in density between RAD-ALT and the low density urban areas, it might be better to simply guide these sites for sewer residential densities if the City wants to support more development outside of the existing sewer service area boundaries.
- Some of the areas that are guided for RAD-ALT development are located adjacent to general RAD areas or other existing lower density residential neighborhoods. The compatibility between these areas has been a concern for the neighbors surrounding the Friedrich property.
- There is also the question of whether or not it is truly feasible to develop a project under the RAD-ALT ordinance given the current requirement to preserve half of a site as open space. Acknowledging the downturn in the economy that has affected the housing market since the late 2000's, there have been no RAD-ALT projects approved by the City (and only one that even made it to a concept stage) in the last eight years.

Staff is recommending that the Planning Commission further review and discuss the City's RAD-ALT land use classification at its next meeting and provide direction to Staff should any the Comprehensive Plan changes be deemed necessary by the Commission. The options that should be considered by the City include the following:

- 1) Eliminate the RAD-ALT land use category from the Comprehensive Plan and change all areas presently guided in this manner to RAD.
- 2) Eliminate some of the RAD-ALT areas and leave only those areas as RAD-ALT that the Planning Commission believes should be guided in this manner.
- 3) Wait to make any changes to the RAD and RAD-ALT land use classifications until after the Met Council has finalized the City's 2014 forecast. This action is expected to occur sometime in the spring of 2014.

- 4) Do not take any action at this time to make changes to the Comprehensive Plan.
- 5) Expand the areas that are guided for RAD-ALT in the Comprehensive Plan or move the current areas guided for such density to other parcels.
- 6) Consider revisions to the RAD-ALT land use in order to address concerns regarding compatibility between uses.
- 7) Consider other revisions to the RAD-ALT land use to either expand the uses allowed within these areas or to further revise the regulations to promote certain types of activities (i.e. to allow certain types of housing or only low traffic-generating activities).

Of these options, Staff is recommending that the Planning Commission follow number (3) and take this issue up as part of a broader Comprehensive Plan discussion once the 2014 forecast is finalized. In the meantime, the Commission should be aware that taking this course of action would allow developments to come forward under the present guidelines, but any such projects would be subject to new public hearings and would require review by the Planning Commission. Staff does not recommend a moratorium on RAD-ALT development because the MOU between the City and Met Council is still in effect. The City should continue to work towards implementation of the current plan as long as the MOU remains in effect.

GENERAL RURAL DEVELOPMENT REGULATIONS

One of the Commission's discussion items from the last meeting also included the City's rural development areas in general, and in particular, how to best plan for the future use of parcels that are under 40 acres in size. The City's current open space ordinance allows for OP developments on parcels that are 40 acres or more in size, but would only allow such development on smaller parcels through an exception process. In practice there have only been a few OP developments that have been created on properties with less than 40 acres. Under current zoning regulations, parcels that are less than 40 acres and zoned RR – Rural Residential could be split into lots no smaller than 10 acres, while parcels zoned A – Agriculture could not be further subdivided.

The Commission may also want to further discuss the RED (Residential Estates) land use category to assess whether or not this land use could be expanded into new areas in order to provide alternative development options on smaller parcels. At present, the City's Comprehensive Plan does not identify any new areas for RED development outside of existing developments or areas that were planned for such land use prior to the 2005 land use plan. The Staff comments below concerning residential development on smaller rural parcels take into account an expansion of the RED classification.

In order to provide the Planning Commission with a better perspective on the remaining undeveloped land in the City's rural development areas, Staff will be bringing a report with a summary of the lot sizes in these areas for discussion at the meeting.

Some facts that should be considered by the Commission as it discusses this item include the following:

- There have been around 20 OP developments approved and constructed over the past 20 years in Lake Elmo. Some of these developments have been recognized nationally for best practices in conservation-based subdivisions.

- There have been no new OP developments approved by the City within since 2007. This is due partly to the downturn in the economy.
- At present, there are roughly 40-50 vacant lots available within OP developments. This number continues to drop by 20-30 lots each year, meaning the current supply of OP lots will last no more than 2 years without additional subdivisions coming forward.
- The City has seen several large lot subdivision created in the last several years (10 acre lots) that have removed land from potential development under OP regulations.
- Staff has observed a fairly healthy market for lots within RS – Rural Single Family areas, and periodically older, existing homes are razed to make way for new, larger structures within these areas. The significant number of lake-frontage lots in the Tri-Lakes area will continue to be a factor in the demand for redevelopment of existing lots.
- The City has made recent agreements to extend public sewer service into a small rural single family area on the west side of Lake Olson and has agreed to extend sewer into at least one open space development outside of the Village. Staff expects pressure to provide sewer service to the Tri-Lakes area and to open space developments that are located close to the urban service areas will be one of the more important land use decisions that should be addressed in the next major Comprehensive Plan update.
- The City has rejected proposals in the past to split land in RAD areas into parcels less than 10 acres. Staff has found that it is very difficult for potential applicants to meet all of the City's variance criterion for these types of and use applications.

Should the Planning Commission and City Council decide to pursue changes to the minimum lot sizes allowed in rural development areas or to expand the use of the Residential Estates land use to new developments, Staff would like to offer the following as general comments:

- Maintaining an adequate amount of road frontage for every platted lot will be very problematic for most parcels that are less than 40 acres in size. The City does allow one parcel to be split without road frontage in rural development areas, but this often leads to situations in which a driveway is either shared by two parties or a driveway easement crosses someone else's land. This type of situation may be acceptable when there are over 20 acres to work with, but could become problematic on smaller lots.
- The cost of servicing developments with lots that are larger than $\frac{1}{4}$ to $\frac{1}{2}$ of an acre in size is much higher than in developments with smaller and/or clustered lots. Even in situations in which sewer and water are installed on an each individual lot, the City must still provide roads, storm water improvements, fire protection, and other services that are now spread across a greater area.
- As lots become smaller, it is more difficult to find suitable area for adequate on-site septic systems. Smaller lots also provide less land that could be used to address failing systems.
- The platting of lots less than 10 acres in size would eliminate large areas of open space that are protected by the current minimum lot area requirements. One of the foremost goals in the

City Comprehensive Plan is the preservation and open space and rural character. The platting of lots of less than ten acres in size may not help the City achieve these objectives.

- Further subdivision of lots in rural areas into parcels of 2 to 5 acres in size would create an environment in these areas that is much more suburban than rural in character. With additional homes the City can expect to see additional traffic, more buildings, fewer agricultural parcels, and less vegetation than presently exists in these areas.

Because the Planning Commission has only recently completed its work on major Comprehensive Plan amendments for the City's future sewer service areas, the Commission may want to consider looking at options for updating the Comprehensive Plan and ordinances concerning rural development areas. Staff would recommend that any such work, if the Planning Commission finds that the City should study this issue further, be considered as part of the work plan for 2014.

To help the Planning Commission with its discussion on this topic, Staff has developed the following options that could be considered for further study:

- 1) Revise the Zoning Ordinance to allow OP developments on parcels of less than 40 acres in size. At one time the minimum lot size for an OP project was 20 acres; however, this provision was changed in order to encourage the preservation of larger open space areas throughout the City. The previous Staff analysis that was shared with the Planning Commission noted that this course of action would be needed in order to meet the City's 2030 growth forecasts. A revised 2040 forecast would greatly reduce the need to change the current OP ordinance minimum lot area requirement.
- 2) Change the minimum lot areas requirements in the City's A and RR zoning districts to allow smaller parcels to be created in these areas. For example, the City could reduce the minimum lot area in RR zones to 5 acres and A zones to 20 acres. A change in the minimum lot area may require the City to reconsider how it manages road frontage and lot ratio requirements in these zoning districts.
- 3) Expand the use of the Residential Estates classification to areas that are not currently guided for this type of density. Consistent with the Staff comments above, the City's RED developments have a much different look and feel than the City's OP developments, even though the OP developments allow for more homes. The Planning Commission should take this into consideration if it would like to pursue this type of land use change.
- 4) Create a new land use category that would allow for limited development of parcels less than 40 acres in size while still adhering to the basic principles for an open space development. A new land use category could potentially allow for clustering of development on smaller lots provided the undeveloped portions of a site are either protected or retained under common ownership. Staff suggests that a new category should only be created if it can meet certain expectations, for instance, allowing for efficient delivery of public services, preserving open spaces, maintaining the City's rural character, providing environmental protection, reducing storm water impacts, etc. Staff is planning on doing some additional research into how a new land use category could be created prior to the Planning Commission meeting and will share some additional information with the Commission on this concept at the meeting.
- 5) Other options or alternatives as recommended by the Planning Commission.

Because any of the options noted above will require a fair amount of time and effort to implement, Staff is recommending that the Commission conduct a general review of these options at the meeting and give Staff some general direction as to one or more specific options that are chosen for further study and analysis. At this time, Staff does not have a specific recommendation for action on any of these alternatives.

RECCOMENDATION:

Staff is recommending that the Planning Commission review the RAD-ALT options as listed in the above report, but that the Commission not take any action to amend the City's Comprehensive Plan for the rural development areas (including RAD and RAD-ALT land use classifications) until after the Met Council 2014 regional forecast is finalizes.

Staff further recommends that the Commission provide Staff with direction on which, if any, of the general rural development options should be pursued in the future.

ATTACHMENTS:

1. Staff Report – 10/28/13 Planning Commission Meeting
2. Rural Zoning District Standards
3. OP Zoning Regulations
4. OP-2 Zoning Regulations
5. 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 CommentsChair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members



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 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 sewered land use changes.

To briefly summarize 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 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 proposed 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 it 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 respectfully. 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:

- Introduction Community Development Director
- Report by Staff Community Development Director
- Questions from the Commission Chair & Commission Members
- Public Coments..... Chair

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

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-073

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADOPTING REVISED RURAL DISTRICT STANDARDS AND ADDING A NEW RT RURAL
DEVELOPMENT TRANSITIONAL DISTRICT TO THE ZONING ORDINANCE

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Sections 154.033 (A District), 154.036 (RR District) and 154.048 (RE District) in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by adding the following language:

Article 9 - RURAL DISTRICTS

§154.400	Purpose and District Descriptions
§154.401	Permitted and Conditional Uses
§155.402	Lot Dimensions and Building Bulk Requirements
§155.403	Dimensional Requirements and Preservation of Open Space
§155.404	Site Design and Development Standards
§155.405	Accessory Uses and Structures
§155.406	Residential Accessory Structures
§155.407	Accessory Uses
§155.408	Accessory Uses and Structures Not Listed

§154.400 Purpose.

The rural districts are established to provide guidance for existing rural development that is served primarily by on-site wastewater treatment facilities in Lake Elmo. The objectives of these districts are to preserve and enhance the quality of living in the existing rural areas, as well as regulate structures and uses which may affect the character or desirability of these areas. The rural districts and their purposes are as follows:

- A. *RT Rural Development Transitional District.* The RT District is an interim holding zone that will regulate land uses within those portions of the City planned and staged for development that will connect to regional sewer service in accordance with the Comprehensive Plan. The future zoning classification for areas zoned RT and the timing for any zoning map amendments to rezone property in this district will be determined by the City Council upon the extension of public sanitary sewer and water services into these areas. In the meantime, agricultural and existing residential uses will be allowed to continue in addition to other uses that are consistent with the A and RR zoning districts.
- B. *A Agricultural District.* The A District will apply to agricultural or undeveloped areas in Lake Elmo, including any newly annexed areas. The purpose of the district is to allow for agricultural and other activities typically associated with agriculture, including non-farm dwellings at a density of 1 unit per 40 acres. Future residential development may occur at the aforementioned density or through the Open-Space Preservation Development process. These

parcels are expected to be served by on-site wastewater treatment facilities. In addition, some limited agriculture-related businesses, such as wayside stands and outdoor recreation, are appropriate short-term or interim uses for this district.

- C. *RR Rural Residential District.* The RR District is established for lands that have existing small-scale agricultural activity, as well as single-family residential dwellings. Future residential development may occur at a density of 1 dwelling unit per 10 acres, or through the Open-Space Preservation Development process. These sites are expected to be served by on-site wastewater treatment facilities. Some limited agriculture-related businesses, such as wayside stands, are appropriate as interim uses for this district.
- D. *RS Rural Single Family District.* The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. This district provides an environment of predominantly single-family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services.
- E. *RE Residential Estate District.* The purpose of the RE District is to allow for single-family detached dwellings on large lots. The large lots and setbacks provide for an open-space environment that is consistent with the rural character of Lake Elmo. Planned residential subdivisions are allowed on a minimum of 20 acres (nominal) with an average subdivision density of 3.33 acres per residential unit. Lot sizes should be adequate to provide for on-site wastewater treatment.

§154.401 Permitted and Conditional Uses.

Table 9-1 lists all permitted and conditional uses allowed in the rural districts. “P” indicates a permitted use, “C” a conditional use, and “I” an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

- A. *Combinations of uses.* Principal and accessory uses may be combined on a single parcel.

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

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-family detached dwelling	P	P	P	P	P	154.454.A
Secondary Dwelling	-	P	-	-	-	154.404.D
Public and Civic Uses						
Cemetery	-	P	P	-	-	
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404.G
Commercial Kennel	C	C	C	-	-	154.404.I
Commercial Stable	-	C	-	-	-	154.404.I
Outdoor Recreation						
Golf Course	-	C	-	-	-	
Outdoor Recreation Facility	-	C	-	-	-	155.107.E

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

	RT	A	RR	RS	RE	Standard
Parks and Open Areas	P	P	P	P	P	
Restricted Recreation	-	C	-	-	-	
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.111
Agricultural Production	P	P	P	-	-	
Agricultural Sales Business	I	I	I	-	-	154.110
Agricultural Services	C	C	-	-	-	154.404.J
Forestry Operations	-	P	-	-	-	
Greenhouses, Non Retail	C	C	C	-	-	
Wayside Stand	P	P	P	-	-	154.454.D
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404.G
Accessory Uses						
Bed and Breakfast	C	C	C	-	-	155.111.C
Domestic Pets	P	P	P	P	P	
Family Day Care	P	P	P	P	P	155.111.G
Home Occupation	P	P	P	P	P	155.111.A,B
Kennel, Private	C	C	C	-	-	154.404.I
Solar Equipment	P	P	P	P	P	155.111.I
Stable, Private	C	C	C	-	-	154.404.I
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	155.111.J
Temporary Sales	P	P	P	P	P	155.107.B
Water-Oriented Accessory Structures	P	P	P	P	P	
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Open Space Preservation Development						
OP Development	-	C	C	-	-	154.650
OP-Alt Development	-	C	C	-	-	154.700

Notes to Rural Districts Table 9-1

a. Non-Agricultural Low Impact Use (see 154.404.G)

Note: Standards listed in Table 9-1 are listed by Article, Section and Subsection.

§154.402 Lot dimensions and building bulk requirements.

Lot area and setback requirements shall be as specified in Table 9-2, Lot Dimension and Setback Requirements.

Table 9-2: Lot Dimension and Setback Requirements, Residential Districts

	RT	A	RR	RS	RE
Minimum Lot Area (acres)					
Single Family Detached Dwelling	20	40 ^{a,b}	10 ^c	1.5 ^d	2.5 ^{e,i}
Minimum Lot Width (feet)					
Single Family Detached Dwelling	300	300	300	125	NA ^f
Maximum Principal Structure Height (feet)					
	35	35	35	35	35
Maximum Impervious Coverage					
	-	-	-	25%	15%
Minimum Principal Building Setbacks (feet)					
Front Yard	30	200	30	30	100
Interior Side Yard	10	200	10	10	50
Corner Side Yard ^g	25	200	25	25	80
Rear Yard	40	200	40	40	100
Minimum Accessory Building Setbacks (feet)					
Front Yard	30	200	30	30	100
Interior Side Yard	10	200	10	10	15
Corner Side Yard	25	200	25	25	30
Rear Yard	40	200	40	10	15
Minimum Agricultural Related Setbacks (Animal buildings, feedlots or manure storage sites)					
Any Property Line	200	200	200	-	-
Any Existing Well or Residential Structure	50	50	50	-	-
Any Body of Seasonal or Year-round Surface Water	200	200	200	-	-

Notes to Rural Districts Table 9-2

- a. 1 dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (1 per 40 acres), each farm is allowed one farm dwelling per farm.
- b. Nominal 40 acres: a 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations.
- c. Nominal 10 acres: a 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road rights-of-way and survey variations.
- d. The minimum lot size for lots served by public sanitary sewer service shall be 24,000 square feet per residential unit.
- e. A minimum of 1.25 acres of land above the flood plain or free of any drainage easements is required.
- f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1 - Flag lots are prohibited.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

§154.403 Dimensional Requirements and Preservation of Open Space

- A. *Lot Configuration, RR District.* All lots must be rectangular in shape and any 2 adjacent sites must have an aspect ratio not exceeding 4:1.

§154.404 Site Design and Development Standards.

Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in **Articles 5, 6 and 7**. The following standards apply to specific uses, and are organized by district.

- A. *Single-Family Detached Dwelling, All Rural Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
- B. *Septic Drainfield Regulation, A, RR and RS Districts.* All lots must have at least 20,000 square feet of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
- C. *Septic Drainfield Regulation, RE District.* All new subdivided lots shall have a minimum of 20,000 square feet of land to be dedicated for septic system use and suitable for that use. This land may comprise up to 2 separate areas, each of which is contiguous to the 1.25-acre building site or contained within it, and each of which contains at least 10,000 contiguous square feet. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
- D. *Secondary Dwelling, A District.* One non-farm dwelling per each 40 acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling, is permitted provided:

1. The dwelling unit is located on a separate parcel of record in the office of the County Recorder and/or County Auditor, which shall be at least 1-1/2 acres in size;
 2. The parcel on which the dwelling unit is located must have at least 125 feet of frontage along a public street, be rectangular in shape and no dimension to be greater than 3 times the other; and
 3. The dwelling is separated by at least 300 feet from the nearest farm building.
- E. *Parking Standards, A, RR and RS Districts.* 3 space of off-street parking required per dwelling unit.
- F. *Parking Standards, RE District.*
1. 2 enclosed spaces minimum (200 square feet minimum per space).
 2. 2 exterior spaces with minimum setback of 50 feet from any property line.
- G. *Non-Agricultural Low Impact Use, A, RT Districts.* The City recognizes that allowing non-agricultural low impact uses, strictly controlled and regulated by Interim Use Permit, might allow a farmer or large property owner an economical use of his or her property that is zoned Agricultural. The following standards may apply to these types of uses.
1. All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned Agricultural and remain so zoned while the conditional use permit is in effect.
 2. The area where the non-agricultural low impact use is located shall be legally defined and approved by the city and is hereafter known as the "Non-Ag Area." The Non-Ag Area shall not exceed 4% of the property owner's contiguous agricultural zone gross lot area. The building footprints and asphalt and concrete surfaces within the Non-Ag Area shall not exceed 1.5% of the property owner's contiguous agricultural zone gross lot area. Landscaping, berms, ponds, gravel driveways, and other improvements that would otherwise be permitted in the Agricultural zone may be located outside of the Non-Ag Area.
 3. Non-agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.
 4. Non-agricultural low impact uses shall not generate more than 3 trips per day per acre of contiguous agriculturally zoned area, with the exception of land with sole access to Hudson Boulevard that shall not generate more than 6 trips per day per acre.
 5. Any uses under this section involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the Interim Use Permit which shall clearly demonstrate by view cross-sections that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height or for any other reason shall be grounds for rescinding the outdoor storage portion of the Interim Use Permit.

6. Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.
 7. The property owner shall maintain the remaining land or farm outside of the IUP Area in accordance with the permitted uses of the Agricultural zoning district and the required practices of the Soil and Water Conservation District.
 8. Rate and volume of stormwater runoff must meet the requirements of the City's Stormwater Ordinance.
 9. In the event that the property owner, or future property owner, initiates a Comprehensive Plan amendment and rezoning of any or all of the contiguous real estate from Agriculture to a more intensive use, the Interim Use Permit shall terminate and all non-conforming structures shall be removed from the site within 1 year from the date of the City Council's adoption of the Comprehensive Plan amendment and rezoning, unless the City agrees otherwise. This section shall not apply if the City initiates rezoning or if property owner is forced to transfer title to any part of the contiguous real estate due to eminent domain.
 10. All conditional use permits granted to a non-agricultural low impact use shall be reviewed on an annual basis, and may be rescinded, after a 2-week notice and a public hearing, if the Council finds that the public health, safety, or welfare is jeopardized.
 11. The standards for buildings or structures, as listed in the minimum district requirements of the Agricultural Zone, shall not apply to structures built prior to the effective date of this chapter.
- H. *Unserviced Lots, RT, A, RR Districts.* All lots that are subdivided without city sewer and public water service shall meet the following standards:
1. Lots, houses and other structures, driveways and any new streets shall be located in compliance with the comprehensive plan and any more detailed area plans for future roads, public water services and drainage.
 2. The Planning Commission may require a sketch plan showing how the entire tract could be divided when city services become available. Lots and buildings shall be sited and streets shall be laid out to facilitate future subdivision.
- I. *Commercial Kennel, Commercial Stable, or Accessory Kennel or Stable, RT, A, RR Districts.* The facility 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.
- J. *Agricultural Services and Support, RT, A Districts.*
1. A facility established after the effective date of this ordinance shall have direct access to a collector or higher classification street.
 2. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
 3. All processing of animal or dairy products shall take place within an enclosed building.

§154.405 Accessory Uses and Structures.

Accessory uses are listed in the Rural District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the rural districts shall comply with the following standards and all other applicable regulations of this ordinance:

- A. *Phasing.* No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- B. *Incidental to Principal Use.* The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- C. *Subordinate to Principal Use.* The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.
- D. *Function.* The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.
- E. *Location.* The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

§154.406 Accessory Structures - Rural Districts.

In all rural districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the principal building. The exterior building materials, roof style, and colors shall be similar to or compatible with the principal building.

- A. *Maximum Number and Size of Accessory Structures in Rural Districts.* The maximum number and size of accessory buildings permitted in the rural districts are outlined in Table 9-3. No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

Table 9-3 Maximum Number and Size of Accessory Structures - Rural Districts

Zoning District + Parcel Size	Standard
A (Conforming)	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal 40 acres or more, and buildings are agricultural buildings as defined in § 154.092(A)(5)
A (Non-conforming)	
Up to 10 acres	Two buildings with a combined area not to exceed 2,000 square feet.
Over 10 acres but less than 40 acres	Two buildings and the area of each building not to exceed 2,000 square feet
RR	
Up to 10 acres	One 2,000-square foot detached building.
10-15 acres	One 2,500-square foot detached building.
Over 15 acres	One 3,000-square foot detached building.
RS and RE	
Over 5,000 square feet but less than one acre	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure

1-2 acres	One 1,200-square foot detached residential garage or building.
Over 2 acres	One 1,300-square foot detached residential garage or building.

- B. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 2. The structure shall not exceed the height of the principal building to which it is attached.
- C. *Detached Structures.* Detached accessory structures shall be permitted in rural districts in accordance with the following requirements:
1. Detached structures shall comply with the provisions of Section 154.092.
 2. No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR and RS Districts where detached garages may be permitted nearer the front lot line than the principal building by resolution of the City Council.
 3. Pole barns, as defined herein, exceeding one hundred twenty (120) square feet shall be prohibited in the RS and RE Districts.
 4. Garage doors or openings shall not exceed fourteen (14) feet in height.
 5. Detached structures shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher unless otherwise specified in Section 154.092

§154.407 Accessory Uses.

- A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:
1. Laundry drying,
 2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
 3. Agricultural equipment and materials, if these are used or intended for use on the premises.
 4. Off-street parking and storage of vehicles and accessory equipment, as regulated in [Article 5, Section 155.67](#).
 5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.
 6. Outdoor parking.
- B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length.

§154.408 Accessory Uses and Structures Not Listed.

Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in **Article 7, Specific Development Standards**. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.

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

SECTION 4. Adoption Date. This Ordinance 08-070 was adopted on this 19th day of March 2013, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-070 was published on the ____ day of _____, 2013.

OPEN SPACE PRESERVATION

§ 150.175 PURPOSE.

(A) The purpose of open space preservation (OP) 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.

(B) Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods.

(Ord. 97-79, passed 5-1-2001)

§ 150.176 INTENT.

(A) It is the intent of the City of Lake Elmo to accomplish the stated purpose of OP by approving a conditional use permit for portions of property currently zoned Agricultural, Rural Residential, and Rural Estate; and by adopting the comprehensive development regulations contained herein.

(B) In return for requiring preserved open space as contained herein; it is the intent of the City of Lake Elmo to allow dwelling unit density that will provide a development density equal to or greater than the prior zoning; AG, Agricultural, RR, Rural Residential, and RE Residential Estate.

(Ord. 97-79, passed 5-1-2001)

§ 150.177 DEFINITIONS.

Unless specifically defined in §§ 150.175 *et seq.*, common definitions, words, and phrases used in §§ 150.175 *et seq.* shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(Ord. 97-79, passed 5-1-2001)

§ 150.178 USE REGULATIONS.

Within OP, the following uses are allowed.

(A) *Permitted uses.*

- (1) Single-family, detached;
- (2) Preserved open space;
- (3) Conservation easements;
- (4) Agriculture;
- (5) Suburban farms;
- (6) Private stables;
- (7) Single-family, attached;
- (8) Townhouses (no more than 25% in any development);
- (9) Wayside stand.

(B) *Accessory uses.* Uses that are typically found accessory to a permitted use.

(C) *Prohibited uses.* All other uses are hereby prohibited.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 08-006, passed 6-17-2008; Am. Ord. 08-31-A, passed 10-5-2010) Penalty, see § 10.99

§ 150.179 OP CONDITIONAL USE PERMIT REQUIRED.

No property may be developed responsive to §§ 150.175 *et seq.* unless approval is obtained from the City Council following its approval of the concept plan, development stage plan, conditional use permit, and final plan described herein. Applications for Council approval shall be submitted on forms provided by the City Administrator together with all required fees, maps, surveys, and planning data. Only completed applications shall be referred to the Planning Commission for review.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.180 DEVELOPMENT STANDARDS.

(A) OP developments shall comply with the following minimum standards unless modified by 4/5 affirmative votes of the City Council.

(B) (1) *Land area.* Applications for a residential development in the OP District shall meet all the following criteria.

(a) The minimum land area for an OP conditional use permit is a nominal contiguous 40 acres. The ratio of parcel length to width shall not exceed 3 to 1. The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan. The total number of dwelling units within an OP development shall not exceed the density limitations contained in the Comprehensive Plan for OP Districts.

(b) The total preserved open space area within the OP development shall be at least 50% of the total buildable land area, as defined by § 11.01. Areas not meeting the definition of buildable land area shall not be considered to be preserved open space in determining the amount of preserved open space proposed.

(c) Dwelling units shall be grouped so that at least 50% of the buildable land area of the proposed development remains preserved open space. The preserved open space shall consist of agricultural lands, natural habitat, pedestrian corridors, or neighborhood or community recreational areas.

(2) *Open space easement required.*

(a) *Preserved open space standards.*

1. All preserved open space shall be subject to a conservation easement and used for the purposes as defined by §§ 150.175 *et seq.* The land shall be controlled in 1 or more following manners as determined in the city's sole discretion:

a. Owned by an individual or legal entity who will use the land for preserved open space purposes as provided by permanent conservation restrictions (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), to an acceptable land trust as approved by the city; and/or

b. Conveyed by conservation easement to the city.

2. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 10 acres.

3. Parks and recreational facilities shall be provided in

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addition to preserved open space as specified in the Lake Elmo Parks Plan; and, consistent with the park dedication and fees-in-lieu standards as specified by Chapter 153.

4. The preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of deed covenants to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.

5. Where applicable, a homeowner's association shall be established to permanently maintain all residual open space and recreational facilities. The homeowner's association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of §§ 150.175 *et seq.* for a final plan.

6. Preserved open space parcels uses shall be contiguous with preserved open space or public park, on adjacent parcels.

(b) *Lot design.* Lots shall be designed to achieve the following objectives (listed in order of priority):

1. On the most suitable soils for sub-surface septic disposal;
2. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for the agricultural use;
3. Within any woodland contained in the parcel, or along the far edges of the open fields, adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
4. In locations least likely to block or interrupt scenic vistas, as viewed from Highway 36 and Highway 5 corridors, and other local roads as designated in the Comprehensive Plan; and
5. Away from woodlands in open fields.

(c) *Structures.* Homes shall be oriented on the site that meets the criteria of rural hamlet. It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches.

(d) *Buffer zones.* Where a proposed OP development abuts an existing residential development or a parcel of land not eligible for future development under the OP ordinance due to insufficient parcel area, a 200 foot setback shall be provided between the

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property line of the abutting parcel and any structure or driving surface within the OP development. Driving surfaces that cross the setback area at a 90 degree angle shall be the only exception. Where a proposed OP development abuts an existing OP development, or a land parcel eligible for future development under the OP ordinance, a 100 foot setback from any structure within the proposed OP development and the property line of the abutting parcel may be substituted. The setback substitution shall only be approved when there is existing mature vegetation and/or changes in topography occurring on the site proposed for development; and/or where the OP site developer introduces the physical features that provide an effective year round buffer of the structures proposed for the OP site from existing residences or development. The determination of the buffering effectiveness of existing or introduced physical features that qualify a site for a 100 foot buffer shall be at the sole discretion of the City Council.

(e) *Boulevard landscaping.* Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in dusters at the same ratio. A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.

(f) *Pathway.* A pathway system or sidewalks shall be identified which will extend through the buildable land area or through the open space land to connect to a planned or developed pathway on adjacent parcels or to a local road. Pathways shall be linked to the "Old Village" to emphasize the connection between existing and new development. Pathways provided shall be at least equal in length to the sum of the centerline length of all public roads within the development. Pathways shall be constructed of asphalt or concrete in compliance with the standard city design plate for OP trails.

(g) *Densities.* The maximum dwelling unit density shall be 18 units per 40 gross acres of buildable land.

(h) *Minimum district requirements.*

<i>Open Space Preservation District (OP)</i>		
	<i>Single-Family</i>	<i>Townhouse</i>
Maximum Building Height:		
Primary Structure	2 and ½ stories or 35 feet	2 and ½ stories or 35 feet
Accessory Structure	25 feet	1 story or 20 feet, whichever is less
Minimum Lot Width:	NA	NA
½ acre lot; 1 acre lot		

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<i>Open Space Preservation District (OP)</i>		
	<i>Single-Family</i>	<i>Townhouse</i>
Maximum Impervious Surface Coverage: Gross Lot Area	20%. This percentage may be increased to 25% provided a pervious paver or comparable system is installed consistent with the <i>City of Lake Elmo Engineering Standards Manual</i> or storm water mitigation measures are installed to mitigate the runoff created by the additional coverage above the base district amount. All mitigation measures must be approved by the City Engineer.	NA
Minimum Setback Requirements:		
Front Yard	30 feet	20 feet

<i>Open Space Preservation District (OP)</i>		
	<i>Single-Family</i>	<i>Townhouse</i>
Side Yard	15 feet or 10% of lot width, whichever is greater	15 feet or 10% of lot width, whichever is greater
Corner Lot Front	30 feet	30 feet
Corner Lot Side Yard	30 feet	30 feet
Rear Yard	20 feet	20 feet

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<i>Open Space Preservation District (OP)</i>		
	<i>Single-Family</i>	<i>Townhouse</i>
Buffer Setback	See (d) Buffer zone above See city staff or website for individual requirements	See (d) Buffer zone above See city staff or website for individual requirements
Well From Septic Tank	50 feet	50 feet
Minimum Lot Size:		
Individual Well and Septic System	1 acre	NA
Individual Well and Communal Drainfield	½ acre	8,000 square feet per unit

(i) *Utilities.*

1. OP developments may be platted to accommodate home site lots with either individual septic tanks and drainfields; or, with individual septic tanks and communal drainfields. Single-family or multiple-family lots under 1 acre shall be constructed with an individual septic tank and a communal drainfield.

2. All septic systems shall conform to the performance standards of the Minnesota Pollution Control Agency's standards for sewage treatment systems WPC-7080 and its appendices, or the M.P.C.A. standards in effect at the time of installation and septic system regulations of the Lake Elmo Municipal Code.

3. Communal drainfields may be partially or completely located in an area designated as preserved open space provided:

a. The ground cover is restored to its natural condition after installation; and

b. Recreational uses are prohibited above or within 50 feet of communal drainfields, or as approved by the City Engineer.

4. No wetland treatment system shall be allowed within the village green.

(j) *Streets.* Streets shall be developed according to the following

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standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.

1. Streets shall be designed according to the following standards; pavement shall be 14 to 16 feet wide for 1-way streets; pavement shall be 22 to 24 feet wide for 2-way streets; and the pavement width shall be 22 to 24 feet for streets where homes are located on 1 side of the street.

2. The minimum street right-of-way for 1-way streets shall be 40 feet and the minimum right-of-way for 2-way street shall be 50 feet.

3. Streets shall not be constructed with a rural cross-section.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 97-184, passed 10-3-2006; Am. Ord. 97-199, passed 11-5-2007; Am. Ord. 08-008, passed 8-19-2008; Am. Ord. 08-035, passed 11-16-2010) Penalty, see § 10.99

§ 150.181 HISTORIC PRESERVATION.

Historic structures on the site shall be identified.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.182 OP DEVELOPMENT/CONCEPT PLAN.

(A) *Required submittals; OP development/concept plan.* The applicant shall submit 20 copies of a concept plan for a development of an OP that shall include the following information.

(1) An existing conditions plan which identifies the following (drawn to a scale of 1 inch equal to 100 feet):

- (a) Primary conservation areas;
- (b) Secondary conservation areas;
- (c) Site topography at 2 foot contour interval; and
- (d) Location and description of existing vegetative cover.

(2) A general site plan to include the general location of all platted lots, streets, and open space areas, structures, trails, common open spaces, and parks (drawn to scale

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of 1 inch equal to 100 feet).

(3) The applicant shall submit a schedule of site characteristics, calculated in acres, which shall include the following.

(a) *Environmental resources.* Include map and calculated acreage of the following:

1. Total site;
2. Protected wetlands;
3. Wetland buffer/setback area;
4. 12% - 24% sloped area;
5. 25% + sloped area; and
6. Woodlands.

(b) *Public improvements.* Include map and calculated acreage of the following:

1. Public road right-of-way;
2. Drainage way and ponding areas;
3. Trails/bikeways and sidewalks (outside of road right-of-way);
4. Utility easements; and
5. Public parks.

(c) *Proposed development.* Include map and calculated acreage of the following:

1. Total residential area;
2. Total commercial land area; and
3. Total preserved open space.

(d) *A general landscape plan.*

(e) *Statement of intent.* If applicable, provide a statement of intent establishing a homeowners association with bylaws and deed restrictions to include, but not be limited to, the following:

1. Ownership, management, and maintenance of defined American Legal Publishing Corp.

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preserved open space;

2. Maintenance of public and private utilities; and
3. General architectural guidelines for principal and accessory

structures.

(f) *Proposed staging plan.*

(g) *Historic preservation plan.* Where applicable, an historic preservation plan for any historic structures on the site.

(B) *Planning Commission review.*

(1) Upon receipt of a completed application for an OP development/concept plan as certified to by the City Planner, the Planning Commission shall review OP development concept plan application at a public hearing preceded by 10-days published notice and 2-weeks mailed notice to the recorded owners of each parcel located within 350 feet of the perimeter of the proposed development.

(2) The Planning Commission shall make its recommendations to the City Council within 30 days of receipt of a complete application, and shall include its findings on the following.

(a) The concept plan is consistent with the goals, objectives, and policies of the Comprehensive Plan.

(b) The concept plan is consistent with the purpose of §§ 150.175 *et seq.*

(c) The concept plan complies with the development standards of §§ 150.175 *et seq.*

(C) *City Council review.* The City Council shall review and approve or deny OP development concept plan within thirty days of the receipt of a completed application. The City Council may also table its review a reasonable time, if necessary to obtain information that will enable the Council to make a reasonable decision, and if the extension is consented to by the applicant on the record. OP development concept plan approval shall require 3 affirmative votes of the City Council.

(D) *Limitation of approval.* Unless an OP development preliminary plan is submitted within 12 months from the date on which the City Council approved the OP development concept plan, the concept plan approval shall expire. The City Council, in its sole discretion, may extend the filing deadline for an OP development preliminary plan and conditional use permit if an application for extension is filed and approved by the City Council before the OP development concept plan approval expires.

**§ 150.183 OP DEVELOPMENT PRELIMINARY PLAN, PRELIMINARY PLAT, AND
CONDITIONAL USE PERMIT.**

- (A) *Submittals.* The OP development preliminary plan shall include the following:
- (1) A statement of city action necessary for implementation of the proposed plan;
 - (2) Twenty sets of site plans, drawn to scale of not less than 1 inch equals 100 feet containing at least the following information:
 - (a) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in Washington County);
 - (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property that may have an impact on the open space or the development;
 - (c) Location, dimensions, and number of all driveways, entrances, curb cuts, par stalls, loading spaces, and access aisles, and all other circulation elements including bike and pedestrian trails; and the total site coverage of all circulation elements;
 - (d) Location, designation, and total area of all preserved open space;
 - (e) Location, designation, and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, and recreational facilities;
 - (f) Proposed lots and blocks, if any, and numbering system;
 - (g) The location, use, and size of structures and other land use on adjacent properties;
 - (h) Preliminary sketches of proposed landscaping;
 - (i) General grading and drainage plans for the developed OP development in conjunction with a Storm Water Management Plan as identified in § 150.277;
 - (j) The development plans shall also indicate the results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area; and
 - (k) Any other information that may have been required by the City

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Council in conjunction with the approval of the OP development concept plan.

(3) An accurate legal description of the entire area within the OP development for which development plans approval is sought;

(4) Architectural and performance standards for the development;

(5) Preliminary grading and site alteration plan illustrating changes to existing topography and natural vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan;

(6) A preliminary plat prepared in accordance with M.S. Ch. 505, as it may be amended from time to time, Chapter 153 of the Lake Elmo Municipal Code, and other applicable laws;

(7) A Soil Erosion Control Plan clearly illustrating erosion control measures to be used during construction and as permanent measures. See also § 150.277 regarding Erosion and Sediment Control Plan requirements; and

(8) Homeowner's Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.

(B) *Planning Commission review.* Upon receipt of a complete OP development preliminary plan by the city, as certified as complete by the City Planner, the City Planner shall refer the preliminary plan to the appropriate city staff, consultants, and other review agencies. The Planning Commission shall review the OP development preliminary plan and shall schedule public hearings as required for preliminary plat and conditional use permit review within 30 days of the City Planner's receipt of a completed application and shall make its recommendations to the City Council regarding the preliminary plan, conditional use permit, and preliminary plat.

(C) *City Council review.*

(1) Within 60 days of the city receipt of a complete application, the City Council shall review the OP development preliminary plan, conditional use permit, and the preliminary plat. The OP development plan, conditional use permit, and preliminary plat shall require 3 affirmative council votes for approval.

(2) Upon approval, the City Council shall instruct the City Attorney to draw up an OP development agreement that stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Administrator, and applicant within 30 days of Council approval of the OP development preliminary plan and conditional use permit.

(D) *Limitation on preliminary plan approval.* Unless a final plan covering the area designated in the preliminary development plan as the first stage of the OP development has been filed within 6 months from the date Council grants approval, or in any case where the applicant

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fails to file final plans and to proceed with the development according to the provisions of §§ 150.175 *et seq.*, the preliminary development plan and conditional use permit shall expire. The Council may, at its discretion, extend the filing deadline for any final plan when, for good cause shown, the extension is reasonable. In any case where preliminary development plan and conditional use permit approval expires, the concept plan approval and preliminary development plan approval for that portion of the OP development that has not received final plan approval is void.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 150.184 OP DEVELOPMENT FINAL PLAN.

(A) The purpose of the final plans is to provide a complete, thorough, and permanent public record of the OP development and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the OP development process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the OP development.

(B) (1) *Submittals required.* After approval of the concept plan and preliminary plan for an OP development, the applicant shall submit the following material for review by the city staff prior to the issuance of any building related permits:

- (a) A detailed landscaping plan;
- (b) All easements and restrictive covenants;
- (c) All certificates, seals, and signatures required for the dedication of land and recording of documents;
- (d) General architectural working drawings of all historic structures to be rehabilitated;
- (e) Final engineering plans and specifications for streets, utilities, and other public improvements, together with all required development agreements for the installation of the improvements;
- (f) Any other plans, agreements, or specifications reasonably necessary for the city staff to review the proposed construction; and
- (g) Final plat.

(2) *City Council review.* The final plan is intended only to add administration detail to, and to put in final form, the information contained in the concept plan and the preliminary development plan, and shall conform to the concept plan and preliminary

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development plan. The city shall review and approve the final plan and final plat within 60 days of receipt of a complete final OP development plan and final plat, as certified as complete by the City Planner.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.185 RECORDING OF FINAL PLAT.

The applicant shall submit to the city the recordable final plat drawings; all easements, deeds, plans, fees, financial security, and the other documentation as may be required by the development agreement within 30 days of final plan and final plat approval by the City Council. The recordable Final Plat, approval resolution, and the other documents that require recording shall be released by the city to the applicant for the recording only upon review and approval by appropriate city staff; and, execution by the applicant and required city officials.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.186 BUILDING AND OTHER PERMITS.

Except as otherwise expressly provided herein, upon receiving written notice from the City Planner that the approved final plan has been recorded and all conditions of approval satisfied, the City Building official may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the approved final plan; provided, however, that no permit shall be issued except upon proper application and after the requirements of all other applicable codes and ordinances have been satisfied.

(Ord. 97-79, passed 5-1-2001)

§ 150.187 LIMITATION ON FINAL PLAT APPROVAL.

Within 18 months after approval of a final plan for OP development, or the shorter time as may be established by the approved development schedule, construction shall commence according to the approved plan. Failure to commence construction within the period shall automatically render void the OP conditional use permit and all approvals for the final OP development plan. The City Council may at its discretion extend the construction time as necessary when good cause is shown.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.188 METHOD OF AMENDING AN OP CONDITIONAL USE PERMIT.

Any desired change involving structural alteration, enlargement, or intensification of the use, not specifically allowed by the specific terms of a previously passed OP conditional use permit, shall require that an application be filed for an amended permit and all procedures shall then apply as if a new permit was applied for.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.189 INFORMATION REQUIREMENTS; ADDITIONS; EXCEPTIONS.

The City Administrator shall maintain a record of all permits issued, including information on the use, locations, conditions imposed, time limits, review dates, and the other information as may be appropriate.

(Ord. 97-79, passed 5-1-2001)

§ 150.190 BUFFER SETBACKS IN OP DEVELOPMENTS.

Buffer setbacks shall be applied from the edge of the ope space preservation zoning districts as follows.

<i>Recommended Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
St. Croix's Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	

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<i>Recommended Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	
Tapestry at Charlotte's Grove	50	50	200	50	100
Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shoves	100	200	100	200	

<i>Recommended Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	
Meyers Pineridge	50	50	100	200	
5010 Keats Ave. (Meyers Pineridge)	0	0	0	0	

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(Ord. 08-021, passed 12-15-2009; Am. Ord. 08-034, passed 11-16-2010)

§ 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

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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.

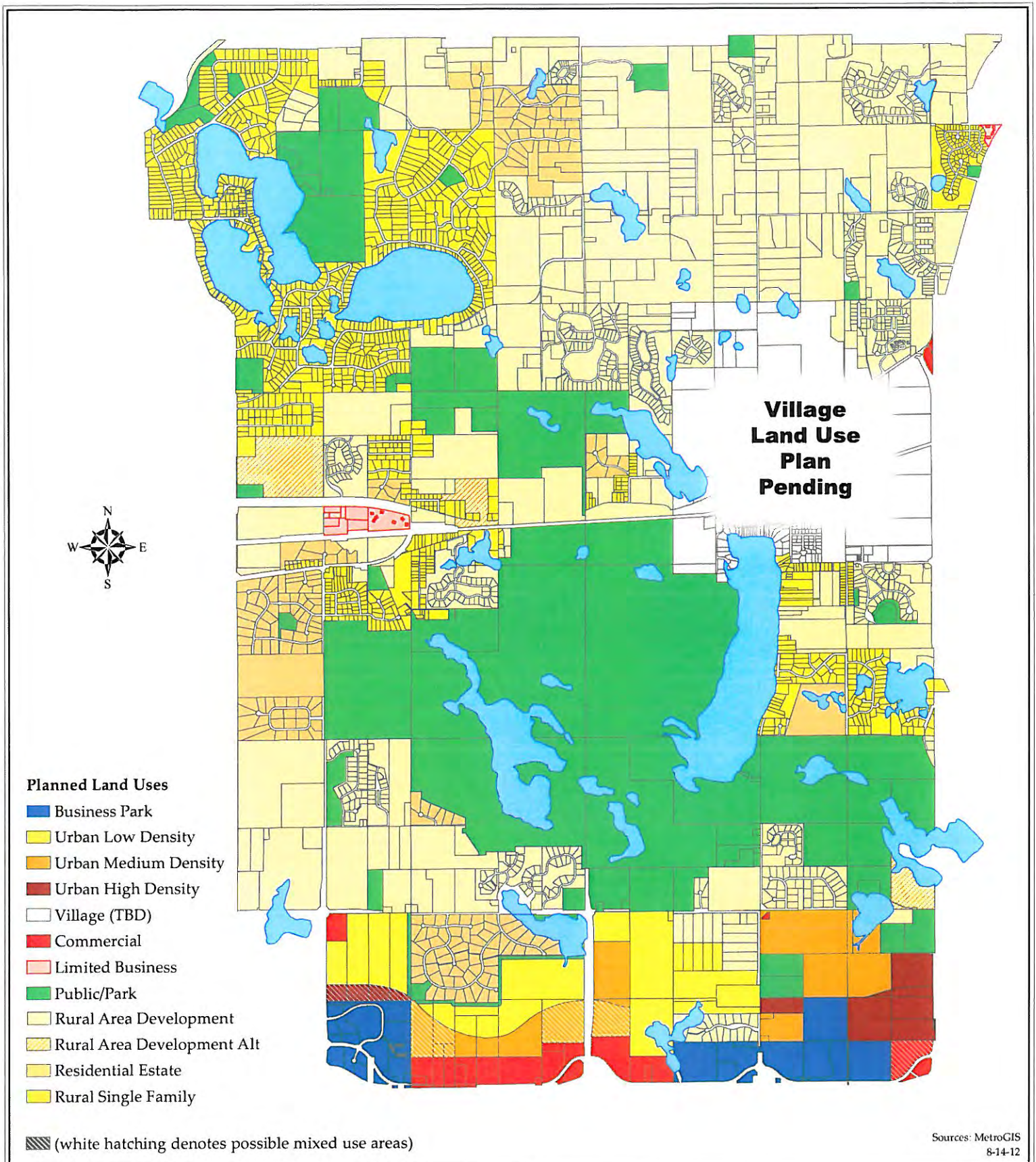
(7) *Minimum district requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP zoning district except as noted below:

<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

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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 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: 11/13/13

AGENDA ITEM: 5B – BUSINESS ITEM

CASE # 2013-039

ITEM: Driveway Ordinance Discussion

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
Rick Chase, Building Official
Jack Griffin, City Engineer
Mike Bouthilet, Public Works Superintendent
Greg Malmquist, Fire Chief

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review a proposed ordinance amendment to the section of the City Code that pertains to driveways. In collaboration with the engineering and building departments, staff is proposing to amend the driveway ordinance to incorporate best practices and improve operational efficiency in processing driveway permits. As the driveway standards are not in the City's Zoning Code, no public hearing is required. However, considering that the ordinance is related to land use, staff is asking for feedback from the Planning Commission. No formal action by the Planning Commission is required.

BACKGROUND

In advance of future residential growth and development, staff has been working to identify various ordinances that should be updated to reflect best practices. One of the ordinances identified was the City's Driveway Ordinance (§93.20). Staff is working to update the ordinance to incorporate the following improvements:

- Driveway width: The current ordinance does not specify a minimum width for driveways. Requiring a minimum driveway width is important for the purpose of emergency vehicle access.
- Clearance height: The current ordinance does not reference or require a specified clearance height. Once again, keeping the appropriate clearance is important for emergency vehicle access.
- Number of curb cuts: The current ordinance does not limit the number of driveways that residential properties are allowed to have. In order to maintain safe access management to city and county streets, it is important to specify rules regarding the allowed number of driveways.
- Driveway grade: The current ordinance does not specify a maximum grade for driveways.
- Driveway materials: The current ordinance does not specify required materials for driveways. Requiring certain materials for driveways is especially important in urban districts with roads that have curb and gutter.

Staff has redlined the City’s current ordinance related to driveways with proposed changes. The draft is currently being review by all the appropriate departments in the City. Once the feedback from other staff is received, staff will incorporate the changes. Staff will bring a draft ordinance to the meeting and present the proposed changes on Wednesday evening. In addition, staff has provided a chart (attachment #1) showing research of driveway standards from other communities. This research helped inform the proposed changes that will be presented at the meeting.

RECCOMENDATION:

No formal action is necessary. The item is an opportunity for the Planning Commission to share any feedback or questions regarding the proposed ordinance.

ATTACHMENTS:

- 1. Residential Driveway Analysis

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by StaffCommunity Development Director
- Questions from the Commission Chair & Commission Members
- Public Comments (if appropriate)Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Residential Driveway Analysis										
	Width									
City	Min	Max	R.O.W.	Curb Opening	Setback to Property Line	Setback to Intersection (local road)	Max Slope	Angle	# of Access	Materials
Eagan	-	22'	22'	-	-	-	10% or approved by Engineer	-	-	-
Woodbury	10'	30'		-	5'	-	-	-	-	concrete, pavers or blacktop
Shoreview	-	-	24'	-		20'	-	90 degrees	1 per street frontage ³	-
Inver Grove Heights	9' ¹	30'		32'	5'	-	-	-	-	bitumin, concrete or paving blocks ²
Minnetonka	-	35'	20'	30'	-	-	-	90 degrees or approved by engineer	-	-
Cottage Grove	12'	28'	-	-	-	20'	-	60-90 degrees	1 ⁵	-
Eden Prairie	-	-	-	-	3'	-	-	-	-	concrete, pavers or blacktop
Apple Valley	-	36'	-	30'	-	-	10% or approved by Engineer	-	1 per street frontage ³	concrete, pavers or blacktop

Notes:

1. Minimum driveway width for access drives longer than 150' in length is 12'.
2. Properties in rural districts are allowed crushed rock (ROW of improved street must be paved).
3. Allowed additional curb cuts if lot exceeds 120' in width or corner lot (frontage on two public streets).
4. Allowed additional curb cuts if lot exceeds 110' in width or corner lot (frontage on two public streets).
5. Only 1 access is allowed for all residential lots with curb and gutter.